

APPROVED FOR RELEASE: 2007/02/08: CIA-RDP82-00850R000200100016-1

8 JULY 1980 POLIT - (FOUO 13/80) - RF > 1 OF 1

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JPRS L/9185

8 July 1980

USSR Report

POLITICAL AND SOCIOLOGICAL AFFAIRS

(FOUO 13/80)



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USSR REPORT
POLITICAL AND SOCIOLOGICAL AFFAIRS
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CONTENTS

INTERNATIONAL

Human Rights: UN Conventions, Soviet Law
(Otto Luchterhandt; BERICHTE DES BUNDESINSTITUTS FUR
OSTWISSENSCHAFTLICHE UND INTERNATIONALE STUDIEN, No 7,
1980)..... 1

NATIONAL

General Grigorenko Comments on Soviet Intentions
(Piotr G. Grigorenko Interview; L'EUROPEO,
13 May 80)..... 44

REGIONAL

Free Estonian Radio Station in Sweden Offers Topical Issues
(A. Milits; POSEV, Apr 80)..... 52

- a -

[III - USSR - 35 FOUO]

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INTERNATIONAL

HUMAN RIGHTS: UN CONVENTIONS, SOVIET LAW

Cologne BERICHTE DES BUNDESINSTITUTS FUR OSTWISSENSCHAFTLICHE UND INTERNATIONALE STUDIEN in German No 7, 1980 pp I-III, 1-68

[Report by Otto Luchterhandt]

[Text] The opinions expressed in the publications issued by the Federal Institute for Eastern and International Studies reflect the author's interpretations exclusively.

Summary

The Conclusions of the Study

1. The Soviet Union signed and ratified all important UN conventions on human rights and--if we disregard the rejection of international institutions for legal protection--did so without reservations. It is also one of the most energetic supporters of the preparation of further conventions. Here, consonant with its self-appraisal, it emphasizes socioeconomic rights and rights involving equality, while at the same time attempting to uphold ideological reservations with regard to political rights. In this context it pursues entirely foreign policy objectives (see article 29 of the Union Constitution), that is the consolidation of its political unity of action with the Third World, the international legitimation of its claim to exercise leadership and defense against Western influences.

2. The Soviet Union does not intend to adjust its legal system to the human rights agreements. The progress nevertheless objectively discernible in this direction is the result of many years of discussions and jockeying for position within the Soviet Union itself.

3. Basic and obvious contradictions persist between the UN human rights agreements of 16 December 1966 and Soviet law:

a) Regarding the substantiation of human rights, the concept of the individual and the view of the relationship between citizen and state;

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- b) Regarding possibly admissible restrictions of human rights (duties of the individual), and
- c) Regarding the scope of the principle of equality.

4. According to the preambles to the agreements human rights are based on the dignity of the individual capable of autonomy (universality), that is they are imposed upon and a prior condition for the state. In all aspects of life (sectors of the law), therefore, we have a relationship of reciprocal superordination and subordination (coordination) between the state and the citizen.

According to the Soviet Constitution constitutional rights are the product of national, class-determined economic-political progress (particularity of rights) achieved with the guidance of the party. The nature of the individual as such is deemed imperfect; his freedom and dignity are realized only in the classless society; the "new man" will be the end product of the process of social change consciously directed by party and state. The relationship between party/state and citizen, therefore, must basically be that of subordination or tutelage which, in special instances (to be settled by special legal provisions respecting the enforcement of subjective rights of the citizen vis-a-vis the state) only, yields to a relationship of coordination.

5. With regard to the limits of human rights, the agreements allow restrictions only in the public interest; at the same time these may not extinguish the individual's freedom to exercise his rights in a different manner (negative duties). The constitutional reservations of the Soviet Constitution, on the other hand, comprehensively impose obligations on the citizen with respect to social interests which are arbitrarily defined (negative and positive duties), making it possible to abolish constitutional rights or replace them by duties.

6. While the human rights conventions prescribe full equality and proscribe discrimination for, among others, political, religious or other views, the Soviet state basically insists on the political prerogative of the party and discrimination against political dissidence and religion. In everyday life discrimination by reason of nationality is added to the former categories.

7. Consonant with their nature as actual standards of competence, socio-economic rights (the right to work, to education, and so on) authorize the Soviet state to adopt extensive structural and precautionary measures. They do not really provide a justification for well defined services outside certain contractual relations (labor code, housing legislation, and so on). In addition to the natural limitations imposed by its general capacity, the state maintains a wide scope of discretion in the distribution of the goods produced.

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8. With the exception of the right of participation in existing institutions and organizations of the Soviet state by, for example, the exercise of the right to petition or join labor unions, and so on, the Soviet citizen has no political rights whatsoever. Freedom of opinion, freedom of the press, freedom of association and demonstration are all banned. If deemed expedient this ban may be suspended in certain exceptional circumstances.

The lack of rights in the sector of politics involves all other aspects of life in that dissidents are denied the opportunity for legal defense granted here: No protection against dismissal, compulsory employment (labor code); expulsion from institutes of higher education and exclusion from scientific careers (education law); loss of housing and ban on residence (housing law); reduction or deprivation of social welfare benefits earned; diminished protection against interference in personal freedom, in particular the inviolability of the person, of residence and the loss of privacy with regard to mail and the telephone, and so on, as a consequence of the total lack of protection vis-a-vis the investigating authority in matters of state security (KGB), bias in legal proceedings, also discrimination suffered by political prisoners during and after their term of imprisonment.

9. On the other hand, the citizen who conforms benefits from cautious advances in the protection of the courts with regard to personal freedoms and improved socioeconomic services.

10. Not recognized in Soviet law are the right to strike, the right to enter and leave the country, the right to religious education and the prohibition of discrimination for political or other views.

A. General Section: Main Contradictions

In the organizations and committees of the United Nations the Soviet Union has long been one of the driving forces with regard to the preparation of human rights conventions. It proudly stresses this fact in its propaganda material. The USSR therefore signed and ratified the most important UN human rights conventions, to begin with the International Agreement on Civil and Political Rights (Civil Rights Agreement) of 16 December 1966, and the International Agreement on Economic, Social and Cultural Rights (Social Rights Agreement) of the same date, both of which took effect in 1976 and have the nature of a comprehensive human rights code. There are also many conventions, in particular those sponsored by the International Labor Organization (ILO) and UNESCO, which in many respects flesh out these agreements. The most important ones are:

- The convention against discrimination in the field of education of 14 December 1960
- The convention for the elimination of any kind of racial discrimination of 21 December 1965
- The convention on women's political rights of 21 March 1953

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- The convention on the freedom of assembly and its protection of 17 June 1948
- The convention on forced labor of 10 June 1930
- The convention on equal pay for equal work whether done by men or women of 6 June 1951
- The convention on discrimination in employment and the professions of 4 June 1958
- The convention on policies in the employment field of 17 June 1964.

This activism contrasts rather oddly with the Soviet Union's rigidly defensive attitude in international human rights debates. It formally rejects any investigation of its domestic human rights practice as an infringement of the international principle of noninterference in the domestic affairs of a state and materially defends itself by the general assertion that the realization of human rights had historically advanced farthest in the Soviet state, because that state had abolished the exploitation of man by man.

At least formally its self-appraisal accords with the fact that, when ratifying the various conventions, it raised reservations only with regard to international institutions for legal protection; it did not object to the actual content of human rights guarantees. Still, this attitude is somewhat surprising because the conventions make assertions and include provisions which more or less openly contradict the ideological self-appraisal of the USSR and its political system; in fact we might claim that the relationship between the human rights conventions and Soviet law or its application primarily features contradictions.

I. The First Main Contradiction: The Justification of Human Rights

Contradictions emerge at the early stage of the preambles to the human rights agreements of 1966, which--with regard to the justification of human rights--unanimously note that they "derive from man's innate dignity" and that the "recognition of the innate dignity, freedom and inalienable rights of all members of the human society represents the basis of freedom, justice and world peace." Accordingly the dignity of the individual is both the origin and the core of human rights--that is a quality germane to each and everyone simply because he/she is alive, and which cannot be lost, yielded or sold. This dignity is expressed in the freedom which, in principle, is enjoyed by each and everyone, regardless of its possibly different realization in the life of the individual. Human rights are therefore universal in their application; they do not owe anything to the whim of the state with the corollary of possible countermand, in fact the reverse is true: They are imposed upon and a prior condition for the state.

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By virtue of these concepts the agreements are rooted in the traditional European philosophy of the law (the law of nature). So far the Soviet Union has rejected this doctrine and, consequently, its practical consequences. On the basis of Marxism-Leninism it contemplates another image of the individual, which in fact shows up in the preamble to its new constitution. Here the individual is not considered in the abstract, universally, a free person equal and even superior to the state; actually, historically and particularly the individual is seen as the product of certain social conditions and political planning. His full freedom will only be achieved in the future, in communism--and that is why the "education of man in the classless society," "new man," is proclaimed the "main task" of the Soviet state. Consequently the Soviet state holds sovereignty over Soviet man not only formally but by virtue of its qualitative superiority. The constitution therefore does not "recognize" the universal human rights as basic rights; instead "the Soviet people, guided by the ideals of scientific communism..."--in other words by the party--"determines (ustanavlivaet) the rights, freedoms and duties of citizens...and proclaims them in this constitution" (end of the preamble).

At the same time some Soviet jurists champion interpretations which come close to the justification of human rights in the agreements. We should also note that, in a polemic against the INTERNATIONAL HERALD TRIBUNE, human rights specialist V.A. Kartashkin recently asserted that "the constitution of the Soviet state does not reject the doctrine of natural and inalienable human rights. It does assume, though, that human rights depend on the material living conditions in society, and that their real content and the guarantee of their realization are ultimately determined by the nature of the socioeconomic system in the states." However interesting such views may be, these authors have not yet penetrated to the core of the human rights problem because the justification of the rights of the individual as arising from his dignity is not just a legalistic debating point but a point of departure for the legal demand on the state under no circumstances to infringe the human rights substance of constitutional rights, in other words to guarantee their unconditional observance by the effective protection of the courts. This conclusion is reflected primarily in the agreement on civil rights because the classical liberal human rights summarized in it are at one and the same time negative standards of state authority, prescribing omissions--in other words interference in the citizen's sphere of freedom. V.A. Patyulin has been just about the only one to articulate these concepts in the Soviet discussion of basic rights. Still, these early stirrings of progressive thought cannot disguise the fact that in Soviet law the legal guarantees of political and personal rights proclaimed in the agreement on civil rights are in their infancy.

Moreover, from the aspect of human rights, the function of the state does not end with the guarantee of freedom by omission. The agreement on social rights in fact assigns the state the task by appropriate action to help its citizens enjoy the social security and the cultural and educational standards indispensable for a life lived independently and responsibly. Inversely,

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therefore, economic, social and cultural rights are largely positive standards for the competence of the state; they draw up social programs, for instance for the production and distribution of jobs, for educational facilities, housing, and so on, in order to be able to satisfy the citizen's expectations with regard to state services. Admittedly, the agreement on social rights was compelled to leave it to national legislation to settle how the citizen is to arrive at the enjoyment of the produced goods, and in how far he may make enforceable claims on them; here the state must necessarily be allowed wide discretion.

The Soviet state indeed approves the concept of the social and educational state, consonant with its self-imposed aim of creating the material and intellectual foundations of "communism." In the international debate on human rights the USSR therefore stresses the importance of social rights and its "achievements" in this field. With complete logic these rights head the section on basic rights in the Union Constitution, beginning with the right to work (article 40).

Generally we may agree that Soviet legislation has more or less exhaustively regulated and procedurally organized the choice of profession, full employment and remuneration, schooling, vocational and professional training and further education, social security for retirees, medical care, recreation, housing and cultural enterprise. On the other hand the citizen normally does not obtain actually enforceable claims on services directly from legislation, let alone the constitution. These claims arise only from additional administrative actions (for example the assignment of accommodation) or contracts (for example jobs); only in exceptional instances can the state be compelled to originate and conclude these. In fact the Soviet state does provision and offer security to its citizens--albeit, especially in view of the efforts made, at a rather low level--and to that extent observes the social rights agreement.

II. The Second Main Contradiction: The Restrictions on Human Rights

However, the social rights agreement also includes rights which Soviet law either ignores (such as the right to strike), or does not guarantee (such as the right freely to establish labor unions--article 8). This is linked to the central problem encountered with regard to political rights, in other words with the question in how far the conventions authorize the state to interfere in constitutional rights. The answer to that question runs as follows: With the exception of the properly proclaimed state of emergency the agreements permit only a limited authority for the issue of decrees while the Soviet Constitution claims unlimited authority, in other words the right to repeal rights.

The civil rights agreement empowers the state by legislation to restrict freedom of movement, freedom of entry and departure (article 12), freedom of religion (article 18), freedom of opinion (article 19), freedom of assembly (article 21) and freedom of association (article 22), and to do so

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- In the interest of national or public security,
- In the interest of public order,
- In the interest of public morality, or
- To protect the rights and freedoms of others.

These legal terms are indeterminate and may therefore be subject to very different interpretations. Still, they do not authorize arbitrary interference by the state, merely the "restriction" of rights. The agreements therefore unanimously and explicitly ban such other restrictions as have not been provided for, most certainly the "abolition of rights and freedoms" (article 5). Article 4 of the social rights agreement additionally approves of only such "restrictions as are legally provided for and reconcilable with the nature of these laws, and exclusively aimed at promoting the common weal in a democratic society."

It is thus the nature of the reservations that they restrict the citizen's constitutionally affirmed opportunity for self-determination by banning behavior injurious to the community without, however, nailing him to a textually determined usage of basic rights. The Soviet Constitution, on the other hand, restricts basic rights not only from the outside, that is negatively-prohibitively, but also, from the inside, furnishes a positive-compelling control and purpose at the discretion of party directives. It achieves this purpose by three general reservations with respect to duties, relevant to basic rights, in addition to numerous special duties. These are:

- A clause regarding the avoidance of damage or abuse (negative duty): "The exercise of rights and freedoms by the citizens may not damage the interests of society and the state nor the rights of other citizens." (Article 39 paragraph 2),
- A state promotion or state defense clause (abstract positive duty): "The citizen of the USSR is obligated to defend the interests of the Soviet state and to contribute to the consolidation of its power and authority." (Article 62 paragraph 1), and
- A compelling purpose clause (actual positive duty), which ties art and science (article 47) and the freedom of association (article 51) to "agreement with the goals of communist construction" and grants freedom of speech, freedom of the press, freedom of assembly and demonstration (article 50) only "consonant with the interests of the people and for the purpose of the consolidation and development of the socialist order."

Consequently the controlling purpose of the exercise of basic political rights is the sole interest of state and society as arbitrarily defined by the CPSU without subjection to any legal restraints (article 6, Union Constitution). Totally compelled to follow party instructions, in other words

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deprived of political self-determination, every citizen becomes a "builder of communism." With the exception of marginal rights of participation his political rights are suspended. The penal and administrative codes show how this is technically handled case by case.

III. The Third Main Contradiction: The Right to Equality

The contradiction between the human rights conventions and Soviet law is most glaring in the case of the right to equality. By way of article 2 of both agreements the USSR obligated itself to guarantee the respective rights without any discrimination, especially to disregard "national origin, religion, political and other views." The new Union Constitution formally agrees with these precepts with the exception of political and other views (articles 34-36). The exclusion of "politics" appears logical because, given the CPSU's constitutionally fixed leadership monopoly, political inequality is well known to be an essential feature of the Soviet state. However, discrimination exists not only with regard to non-party members and with reference to politics; in the case of dissidents it involves other aspects of daily life also, because--for the purpose of disciplining them--they are largely if not completely deprived of legal protection as guaranteed by the constitution and, consequently of their rights generally. This deprivation includes, for example, inadmissible dismissal for political reasons and compulsory employment in other professions (labor code); expulsion from an educational institution or the prohibition of the pursuit of a career in science (educational right); the loss of accommodation and the ban on residence (housing law); the diminution or denial of earned claims on social security; furthermore powerlessness vis-a-vis possible infringements of the law by investigating agencies in state security matters (KGB), by which--among others--the inviolability of the person, his residence, personal property or health is interfered with; also discrimination in court proceedings, restrictions on legal defense, discrimination against political prisoners as compared to "common" criminals, and finally discrimination against former prisoners once they are released.

The ban on discrimination for religious reasons has now been incorporated in the constitution but, given its unchanged hostility to religion, the party has no intention of keeping this promise.

In politics believers suffer constitutional discrimination because the staffing of senior positions in the state and in society is reserved to party members who must be atheists (article 6 in conjunction with article 2 letter d of the party statute). In the field of economics they are disadvantaged by the refusal to grant them access to senior positions, actually to entire careers (state apparatus, science, the educational system, and so on). Their freedom of professional choice (article 40) is therefore extremely limited; they are confronted with a long list of "career bans." Other aspects of this universal discrimination are the special handicaps imposed on religious information, the special restrictions on the right of parents to insist on religious instruction (by the ban on compulsion and the

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delegation of the exercise of this parental right), the special restrictions on the movement of clergymen.

In practice the actual discrimination reflected in legal regulations is joined by discrimination against citizens of certain nationalities. For example the Volga Germans, Crimean Tatars and Turkish speaking Mes'chetes, compulsorily resettled by Stalin, were refused permission to return to their homelands, in other words are disadvantaged from the national aspect with respect to their choice of domicile.

As to the detailed relation of human rights to Soviet law, this study is necessarily restricted to a selection, because it is impossible in this particular framework systematically to deal with all human rights. I have been trying to resolve this difficulty by choosing from the group of socioeconomic, political and personal rights several of special importance and dealing with them in greater detail.

B. Specific Section

I. The Right to Work

According to article 6 of the social rights agreement the right to work is equated with "the opportunity to earn one's living by freely chosen or accepted work." The state is obligated "to take all steps suitable to protect this right," (see article 6 paragraph 2) by, for example,

- Setting up technical and vocational counseling and training programs,
- Establishing procedures to achieve steady economic and social development, and
- Strive for "productive full employment in conditions which protect the basic political and economic freedoms of the individual."

The state thus must enable its citizens to work, not at any price, but taking into account the principle of productivity as well as the freedom of the individual. The term "basic freedoms" proclaims that indicated here are not only the human rights mentioned in the agreements but also constitutional rights in their national versions. That is the reason why the right to property ownership may also be an (independent) general condition of the right to work. On the other hand this is not a definite requirement, and, despite the nationalization of the means of production (articles 10-12 of the constitution), the USSR is therefore not in direct contravention of article 6 of the social rights agreement. Incidentally, the freedom of profession and the right to work are also regulated by the ILO conventions mentioned earlier; they will be dealt with in greater detail in the appropriate context.

Article 40 of the Soviet Constitution also proclaims the "right to choose a profession, type of employment and job" consonant with inclinations, skills,

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training, educational status and "taking into account social needs." It is more emphatic than the agreement in stressing the "right to obtain guaranteed employment."

a) Freedom of Choice of Profession

The freedom of choosing a career, that is the right of the citizen to be trained for and exercise the profession of his choice, is also an aspect of the right to education. This freedom is greater the more varied the choice of jobs offered in society and, consequently, the more sophisticated and accessible (professional) education. In the USSR the variety of jobs grew from 10,370 (1926) to about 30,000 (1959). The following survey of professional training may help demonstrate how the citizen is prepared for "his" career.

Professional training is in the hands of the state exclusively. It is divided (according to the sequence of quantitative significance) into "occupational-technical education," that is narrowly specialized skilled workers training for the mass industrial occupations. This training is acquired either by 6 months apprentice training in enterprises (and that applies in about 50 percent) or by 1-2 years of training in vocational-technical schools" (vocational schools). The second division is represented by "intermediate specialized training" at advanced technical schools for higher ranked careers in the economy, the cultural and educational system and administration, the third by "college education" at universities, academies, and so on. The efforts of the party and state leadership are bent on offering the school leaver at least vocational training, qualitatively to approach this to intermediate special training and facilitate worker access to university education.

It is at this third division that the problem of access is particularly acute, because the state centrally decides how many educational places are to be made available (basing this decision on the estimated demand), while the rush for higher education--due to its great social prestige--far exceeds availability (numerus clausus). The most important prerequisites for the applicant are a graduation certificate showing appropriate averages, a character reference issued by his school or enterprise and involving party, Komsomol and labor union organs, and a pass in the admission test. In addition to performance criteria there are some other, legally standardized preferences of a social nature, for instance for citizens who have worked in manufacturing industry, are veterans of the armed forces or the state security service, or have excelled in sociopolitical field such as the Komsomol. Admittedly the aim, proclaimed especially by Krushchev, to open the universities to workers children to the extent of the share of their class in the total population came to grief as the result of the insuperable starting advantages of children of better educated white collar workers, especially the political bureaucracy and the intelligentsia. Still, the workers share ranges from 30-40 percent.

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For practical purposes the strong competitive pressure and frequent lack of clarity of the heterogeneous admission criteria favor the manipulation of admission procedures: Extra tuition, private cramming courses, personal connections and bribery are widespread.

The legislative slant of the curriculum and the students to Marxist-Leninist criteria results in disadvantages for Soviet citizens who are dissidents on either religious or political grounds; they are barred from access to universities and advanced technical schools--and consequently any careers depending on advanced educational levels. Anyone who, in the course of his studies, attracts attention by dissident opinions, must be prepared to be expelled from the institution. Expulsions for this reason are a daily occurrence.

This practice violates article 142 of the RSFSR's penal code (and the same regulations in the other republics), which prohibits this type of discrimination. At the same time it represents a violation of article 5 of the (UNESCO) convention against discrimination in the educational system, article 18 paragraph 4 of the civil rights agreement and article 13 paragraph 1 of the social rights agreement.

b) The Limits of the Choice of Profession and Job

Article 40 of the constitution lists the conditions for the exercise of the freedom of profession, which are system-neutral and matter of fact. They are complemented in article 60 by the reservation: "Conscientious labor in the chosen field of socially useful work and the observance of labor discipline are the duty and an affair of honor for every USSR citizen capable of working. The refusal of socially useful labor is incompatible with the principles of the socialist society." This gives rise to two limitations:

1. It is not up to the free decision of the Soviet citizen whether or not to work; this is decided for him by the legal prescription of the duty to work;
2. His choice of profession and employment is limited to "socially useful work."

The latter term is derived from the so-called parasite legislation which, until 1975, permitted the authorities to compel to take jobs in factories, on construction sites, and so on, "adult citizens capable of working who refuse to discharge the most important constitutional duty--honestly to work in accordance with their capacities--, withdraw from socially useful work and indulge in an antisocial parasitical lifestyle," that is obtain income from proscribed or morally reprehensible sources. Wilful refusal to obey was punished (article 209 RSFSR penal code).

The ILO censured this legally enforceable decree concerning the general duty to work as being a violation of articles 1 and 2 of the convention on forced

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labor of 10 June 1930. Inside the Soviet Union also, not least in dissident circles, there has been an extremely critical discussion of the juridical quality and international compatibility of the parasite legislation. Doubtlessly, therefore, it was a considerable advance when this legislation was annulled in 1975 and the competence of the administrative authorities lifted. However, still liable to prosecution are those who (such as beggars and tramps) "pursue an otherwise parasitical lifestyle for some considerable time." This provision also has met reservations at the ILO.

When we scrutinize the practice of "combating parasitism," we notice that this vague term includes, in addition to the lack of the will to work or an idle life at the expense of others,

- The misuse of personal property (apartment, automobile, and so on) to make money;
- Unduly high wages demands at times of manpower shortage;
- Minor business speculations,
- Prostitution and pimping,
- Fortune telling, and
- Services to unauthorized religious associations.

In conjunction with the provisions of the penal code regarding employment in a banned trade (articles 162-164 RSFSR penal code) the blanket provision 209 of the penal code is concerned mainly to restrict independent private business. The latter, albeit in narrow limits, is in fact permitted to Soviet citizens by article 17 of the constitution, either individually or as a family association--for example craft occupations, farming and services. The poor performance of, especially, collective farming and state repair enterprises here continues to promote the toleration of private initiative.

The centrally planned employment from the aspect of "social needs" of university and technical college graduates entering the professions involves a restriction of the free choice of jobs. Young graduates are obligated to work on the jobs assigned them in production for at least 3 years. This concept derives from the principle of coherent practical professional experience and also from the reasoning that, having financed their expensive education, the state is entitled to exercise at least limited control of the young people.

In actual fact not all school leavers really take up their assignments. Many successfully avoid going to regions where living and supply conditions are known to be poor. This is made all the easier because, upon refusing to take up the assigned job, they only have to repay the fare.

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The majority of entrants, including graduates of vocational schools, are in any case not subject to central distribution.

Yet another aspect of the free choice of jobs is protection from being shifted from one job to another. In principle shifts require the consent of the employee affected, which may be disregarded only in specific instances, due to the pressure of circumstances.

The tremendous dimension of annual job changes among Soviet employees demonstrates that, in contrast to the Stalin era, the broad masses are quite free to choose their jobs.

c) The Right to a Job

By contrast to a mixed private-public economic system such as prevails in the Federal Republic of Germany, the Soviet state is authorized to dispose of all jobs, so that the conditions for the actual realization of the right to work appear considerably more favorable. However, Soviet law does not guarantee its citizens this right. Apparently contrary statements in Soviet technical literature try to but cannot disguise this fact because--upon closer scrutiny--they also merely assign the state the "moral" and "political" obligation to provide some job for each citizen. That alone is signified by the "right to obtain guaranteed employment" (article 40 of the constitution). From the purely legalistic aspect this means no more than the citizen's right to call on the state employment office to notify him of job openings. Logically, therefore, the "systems of occupational guidance and employment development" are mentioned among the guarantees of the right to work (article 40 paragraph 2). Set up in the late 1960's in the shape of "offices for employment development and public information about the need of enterprises, construction sites and organizations for blue and white collar workers," the system is still in the test stage, though (Kaluga experiment, and so on), and in 1974/1975 accounted for only about 10 percent of the jobs to be filled in industry. The overwhelming majority of hirings is due to the personal initiative of employees, excepting the state job assignments for specialists mentioned earlier.

This explanation from the legal and actual aspects does not change the fact that full employment is largely realized. Nothing else would really make sense, because the state would contradict itself by proclaiming the duty to work for all while on the other hand preventing the fulfillment of this duty by the refusal to provide jobs. However, the fate of the dissidents shows that in fact there are many such cases which, cynically, end with the prosecution as "parasites" of those affected.

d) 'Productive' Full Employment

Closer scrutiny of Soviet life soon reveals that it has not solved the problem of productive full employment in the meaning of article 6 of the social rights agreement. Depending on the region and sector there are indeed imbalances in the employment of the population capable and willing to work.

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Involved here is the problem of a dynamic industrial society where certain industries cut their labor force due to technical advances, while in other sectors of the economy the demand for trained workers cannot be met. "Productive" full employment stands and falls with the system's ability to cope with the changes in demand by further education, retraining, and so on. An additional problem is that of balancing the economic structure so as to offer sufficient employment in the region and make it largely unnecessary for the residents to migrate.

These have been familiar difficulties in most industrial countries certainly since the early 1970's. They also confront the USSR and are even more serious there, due to the size of the country, the unwieldiness of the planning system, the slow rate of innovation and job security. I will deal with this in greater detail when talking of protection from dismissal.

In the 1960's the lack of information and the structural weaknesses in professional training tended to produce creeping youth unemployment; noted at the same time was underemployment among women. In the meantime these weaknesses have been greatly reduced. Especially female involvement in the economy has been emphasized so much that lately unfortunate consequences for family life have become a threat, and another policy change is under way now. There is still a certain reservoir of female employees in the Central Asian republics with strong Islamic features; however, traditional attitudes, very high birth rates and the poor mobility of the population there impose firm limits on the greater involvement of these women in professional life.

Disregarding so-called frictional unemployment (see further on), included in which must be unemployment among school leavers, we may assert that no more manpower reserves are to be discovered in certain population groups. Nowadays, therefore, it is possible to meet the demand only by shifting or freeing manpower. Such means, though, seem to encounter strong resistance. The so-called Shchekino method, for example, introduced for that purpose in 1967, is still confined to the chemical industry. On the other hand, if this situation were to change, we would get the well-known problems of open unemployment.

In 1973 Manevich wrote: "To ensure the freeing of manpower and achieve its rational employment, it will be necessary to carry out some other economic and legal measures. Of the utmost importance, for example, is the settlement of the old issue of the material security of freed employees. In the conditions of socialism the regular process of freeing and shifting blue and white collar workers may not adversely affect the standard of living of employees and their families."

The author here alludes to the "frictional" unemployment occurring in the course of transition from one to the other job. In that period of time the employee receives a once-only "bridging payment" equivalent to average earnings in a 2-week period, and this only if the loss of the job is due entirely to enterprise policy.

14

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If taken ill at this time, the employee does not receive any money from social insurance funds to compensate for his temporary inability to work. There is no state or private unemployment insurance for such cases. He is therefore compelled alone to shoulder any risk. The worker is thus deliberately exposed to strong economic pressure in order to compel him as quickly as possible to take a new job. This method is likely in fact to be more effective than the provision on parasitism.

In practice, therefore, unemployment is usually of relatively short duration, about 1 month. However, depending on the age, sex or residence of the worker, it may exceed this period by a good deal. A change of job almost always results in financial loss.

Incidentally, this pressure produces highly unfavorable social and economic side effects, because many people decide far too quickly to take on a job which soon turns out to be unsatisfactory. This is one of the causes of the high rate of job turnover, which speaks volumes about the poor quality of working conditions.

e) Access to Public Office

As per article 25 of the civil rights agreement the Soviet Union is obligated to guarantee its citizens access to public office free of any discrimination and "from the aspect of general equality." Compared to "public service" the term "public office" has a narrower meaning. It involves, for example, jobs signifying that their "official" holders hold sovereign powers.

Though the labor code applies generally to all gainfully employed persons in the Soviet state, special provisions are in force for so-called office holders (dolzhnostnoe lico) as leading functionaries, especially in government service (gosudarstvennaya sluzhba). These special provisions clearly demonstrate to outsiders their quasi-civil service status. As a rule such positions are filled by "appointment." Candidates or applicants must be appropriately educated and politically reliable. Subject to investigation is the extent of their "ideological and political strength," that is their devotion to the party and the cause of communism. Excluded, as a consequence, are religious citizens: Set aside thereby for office holders is article 9 paragraph 2 of the basic labor code, which forbids such discrimination.

It is virtually a matter of course that public service jobs are similarly closed to political dissidents. When I discuss protection against dismissal, I will deal with their situation in greater detail.

Concerning the details of state personnel policies ("cadres"), especially the notorious nomenclature system, I refer to the pertinent literature.

f) Job Security

Hardly less important than getting a job is protection against its loss. The Soviet labor code provides for the following reasons for dismissal (in conjunction with their respective frequency before the courts in 1975):

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1. Dissolution of the employing facility or a cut in the jobs available without the possibility of providing another job for the respective employee in the same facility (16.9 percent),
2. Lack of skills or poor health of the employee (5.6 percent),
3. Systematic dereliction of duty not amenable to disciplinary measures (13.5 percent),
4. Unjustified absenteeism or reporting for work drunk (32.3 percent),
5. Four months of absence due to temporary incapacity (except for pregnancy leave), unless caused by an accident at work,
6. Reinstatement of the person who previously held the job,
7. Loss of trust (in the case of cashiers, and so on) (9.5 percent).

Also cited in the 1976 survey by the Supreme Court of the USSR on court practice in dismissal disputes are

- The amoral behavior of teaching personnel (1.2 percent),
- Transfers (7.2 percent), and
- "Others" (13.8 percent).

Incidentally, from the formal aspect a dismissal is effective only if approved by the respective labor union committee. However, such approval is required only for lower ranked blue and white collar workers. Senior employees do not enjoy this protection. Nor do they have the right to appeal to the courts; they may only submit a complaint to the superior agency. The legal remedy is so weak that they are actually at the mercy of their superiors. Their consequent insecurity and anxiety about their career represents an effective instrument of discipline, not least to compel unconditional political and personal loyalty.

Court practice and reports show that enterprise managements frequently violate the protective provisions regarding dismissal: In 1975 an average of 54.9 percent of complaints all over the country were successful, in Uzbekistan as many as 70 percent. Sixty-eight percent of dismissals ascribed to manpower cuts were reversed. Though these and other figures are evidence of the efficacy of court protection, they also demonstrate the weakness of the labor union committees which often neglect to exercise their supervisory function with regard to the director. In many cases (and this has been the subject of obviously disregarded criticism for many years), the labor union committee is not consulted about the dismissal. Evidently management--in consideration of the subservience of the average Soviet citizen--accepts the risk of certain defeat if the matter should go to court.

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Dismissals for political or antireligious-ideological reasons represent a particular problem. Thousands of such dismissals have occurred since the emergence of the civil rights movement in the 1960's. The loss of job is one of the first government measures against citizens who reveal themselves to be dissidents or apply for an exit visa. By rigorously exerting this pressure and not even refraining from imposing manifest economic disabilities, the state has--no doubt successfully--limited any readiness to show outright solidarity with the victims of political persecution.

As those affected are frequently members of the intelligentsia and occupy senior positions, their dismissal rarely offers any legal difficulties.

Workers and low ranking employees dismissed for political reasons are usually unsuccessful when appealing to the courts. By practicing job deprivation for political reasons the Soviet Union contravenes ILO Convention No 111 on discrimination in employment and profession. In signing this convention the USSR had obligated itself by the appropriate measures to preclude "any discrimination, exclusion or preferential treatment for...religious reasons, political opinions, national descent..., resulting in the revocation or obstruction of the equality of opportunity or treatment in employment or profession."

Despite the system-related practice of professional bans we must acknowledge that the adjusted and obedient Soviet citizen does get a job and is adequately protected against the loss of that job.

g) The Right to Remuneration

The Soviet Constitution (article 40 paragraph 2; article 35 paragraph 2, articles 53 and 23) and the basic labor code guarantee the right to appropriate pay, equal pay for equal work and the appropriate livelihood of the family as proclaimed in article 7 of the social rights agreement. It would need a monograph to establish the extent and standard of actual compliance with this guarantee. Here I must confine myself to the description of some basic features and an outline of some particularly important problems.

The Soviet wages system basically distinguishes between "blue" and "white" collar workers. Blue collar workers get standard wages based on the following computation procedure: The operations (jobs) are divided into "skill groups" on the basis of a description of the knowledge or skills needed to carry them out and graded according to difficulty. Specific "standard wage groups" correspond to these "skill groups." Consonant with the performance principle remuneration rises from group to group on the basis of a specific standard rate for the first group, multiplied by the tariff multiplier of the respective higher group up to about $2\frac{1}{2}$ times in the ultimate standard wage group. Standard rates vary in accordance with time or piece rates, working conditions, and so on.

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White collar workers have "service jobs" which are listed in a standardized "nomenclature." These jobs are generally subdivided into "heads," "specialists" and "technical personnel" and, within these classifications, by qualifications or type of work. Remuneration consists of monthly salaries, and the amount involved is determined by salary groups or the tables of organization of the enterprises, agencies, and so on.

Particularly important or highly qualified employees may get salary bonuses (of up to 30 percent) or be awarded special salaries from special funds. Premiums are added to wages or salaries when set production targets or plans are fulfilled. Special tariffs apply to overtime, holiday or night work.

In the case of illness the employee receives social insurance payments for the duration of the incapacity attested by a physician. Insurance payments equal the full amount of wages in case of an accident at work, job-related sickness and after at least 8 years of employment in the enterprise; 50 percent of wages after no more than 3 years, 60 percent after 4 years and 80 percent by up to 8 years of employment in the enterprise. Taken into account here is only the "bare" standard wage without the usual additional payments.

The monthly pay of blue and white collar workers may not fall below the minimum set by the state (article 40 of the constitution, article 36 of the general labor code). In the course of the Ninth Five-Year Plan (1971-1975) the minimum wage was raised to R70, a rate which is below subsistence level. The corresponding adjustment of the lower wages groups was not concluded until 1977.

In 1975 the monthly average income of employees amounted to R146, substantially above the minimum. By 1980 it is supposed to rise to R170, although it is not at all certain whether this will happen. The average conceals the fact that wage and salary levels differ widely among the various sectors of the economy. Construction, at R170 (1974), leads the ranking, while wages in the services sector, at about R105, are well below the average.

The difference between incomes in industry and farming is significant. In 1975 a worker household had an average disposable income of R263, the family of a kolkhoz farmer only R186 (equaling 71 percent), including earnings from its private holding. If we add services from the so-called consumption funds, in other words such things as "free" social, health, culture and education services, the average income of the employee is increased by about one third.

Particular attention is due the child allowance, introduced in 1974. This is granted in the amount of up to R12 per child until its 8th year, provided that the family's per capita income is below R50. The circle of recipients of this aid is considerable. The state appropriates R1.8 billion per annum. At the top rate this means that at least 15 million children or about the same number of families receive the allowance. We thus see how many Soviet

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families of 3-4 members must make do with no more than R150-200 monthly (that is live in poverty), unless they obtain additional revenues by any means available (and in fact this is mostly the case).

h) Equality of Wages With Respect to Sex

As far as we know the Soviet labor code does not allow unequal payment for male and female employees in the same standard wage or salary group.

Overall, however, and as a matter of fact women do have lower incomes because they are working largely in those sectors of the economy, which are at the lower end of the wages scale and decidedly underrepresented in the better paid sectors, and/or because they hold less skilled jobs. In 1974 average wages in the health care system amounted to about R99, in retailing and the hotel and restaurant trade to R104.5 (76 percent women), in housing and municipal administration as well as services to R105 (53 percent women), in posts and telecommunications to R117.5 (68 percent women), in the culture and education sector to R122 (72 percent women) and in farming to about R94 (with the addition of extra income to R124); here also women are largely employed in semiskilled jobs.

In industry the situation is rather different (R155); the women's share here is nearly 49 percent. They are far closer to equality in this sector, providing 40 percent of engineers and 32 percent of management staffs in production.

The value placed on professions and entire sectors of the economy in the matter of wage computation depends on many aspects--economic, social, psychological and historical. The equality of women is evidently a universal and system-neutral problem which the USSR appears no better able to settle than the Western industrial countries.

The structural disadvantages suffered by women certainly do not represent a violation of the social rights agreement. Still, it does not appear compatible with the image projected by Soviet propaganda regarding the situation of female workers. The same applies to income differences between the various groups and strata of the country, which are quite substantial.

Ranking first on the salary scale are the marshals of the Soviet Union who receive R2,000 monthly. On the basis of various sociological computations Mervyn Matthews estimates at about 227,000 persons the stratum of senior (nomenclature) functionaries in the party, ministries, the economy, the military, the state security service and social organizations, who earn more than R450 per month and have access to substantial additional benefits. These additional benefits are the undiluted reflection of their privileged position, because they affect material goods and services which are either exceedingly short or available to the average citizen in very poor quality only.

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The aforementioned group of people, or at least some of them, enjoy the following perks (which are sometimes described as "Kremlin rations"):

- Monthly bonuses of up to 100 percent of salary;
- Special stores stocking quality goods and luxury goods produced at home and abroad (deficitnye tovary) at prices which are more or less (this depends on the rank of the purchaser) below official sales prices-- assuming that they are available in normal state stores;
- Service enterprises (repair workshops, tailoring establishments, and so on) not open to the general public;
- Preferentially supplied dining rooms and stores in the central party and government institutions in Moscow, the major provincial cities and the capitals of the Union republics;
- Payment of part of their salaries in "certificate rubles" which--ranking equal with foreign exchange--entitle them to buy in the Soviet intershop stores (beretska);
- Entitlement to hold several public jobs (sovmetit'e'stvo);
- The allocation of spacious, solidly constructed and furnished apartments and dachas;
- The allocation of official vehicles and permission to use them for private purposes as well as priority supplies of private automobiles without waiting lists;
- Access to the special hospitals and rehabilitation centers of their agency or institution ("Kremlin hospital," and so on);
- Priority allocation of vacation places, sanatorium sojourns, and so on;
- Foreign travel;
- Access to special cultural events.

Adding all these privileges, the ruling stratum enjoys a lifestyle which differs fundamentally from the more or less poor living conditions of the broad masses.

II. Freedom of Opinion

Article 18 and 19 of the civil rights agreement provide a comprehensive guarantee for the freedom of the human spirit. The freedom of thought guaranteed in article 18, among others, is underlined by article 19 paragraph 1, citing the "right to unimpeded freedom of opinion" which is extended in paragraph 2 to include the "free expression of opinions."

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Article 19 paragraph 3 emphasizes the special responsibility and obligation in the use of the freedom of opinion and therefore permits its restriction by law

-- To respect the rights and reputation of other citizens,

-- To protect national security, public order, public morality or public health.

These are reservations already dealt with from the aspect of their general significance (see p 7).

Altogether banned by article 20 are "warmongering" and "advocacy of national, racial or religious hatred serving to incite discrimination, hostility or violence."

The Soviet Constitution (article 28 paragraph 3; article 36 paragraph 3; article 52 paragraph 1) includes similar prohibitions, reinforced by the appropriate penal provisions (see article 73 of the RSFSR penal code).

In article 50 the constitution moreover guarantees the freedom of speech and of the press (as mentioned earlier on p 8) with the special reservation of "coincidence with the interests of the people and for the consolidation and development of the socialist order." For art and the sciences as aspects of the freedom of opinion article 47 guarantees "freedom of scientific, technical and artistic creation" with the similar reservation "consonant with the goals of communist construction."

The interpretation of the freedom of opinion may be decided in Soviet law either negatively (that is by penal provisions) or positively (in the spirit of the reservations cited).

a) Limits of the Freedom of Opinion

The pertinent penal provisions are represented by articles 70 and 190¹ of the RSFSR penal code and the corresponding provisions in the other Union republics, and in the field of religion by article 142 RSFSR penal code in the version of 18 March 1965 which penalizes "the production for the purpose of mass distribution or the actual mass distribution of petitions, letters, leaflets and other documents which call for the nonfulfillment of the legislation affecting religious cults,"

1. Agitation or Propaganda Conducted to Undermine or Weaken the Soviet Power

"Agitation" is defined as the oral distribution of certain views among a large circle of people. "Propaganda," on the other hand, is deemed to be any passing on of views, even if only to one other person. How broadly this may be interpreted is shown by the case of S.I. Karavanskiy who produced manuscripts writtin in invisible ink. These were intercepted by the KGB and

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read by means of a special process which did not involve making the writing visible. Without actually having read the text the court found Karavanskiy guilty according to article 70 as per the indictment produced by the KGB. The terms "undermining" or "weakening of the Soviet power" demonstrate the vagueness quite typical of state security regulations. Soviet penal literature offers few explanations, and what there is tends to be tautological. Attacked somehow must be the "political foundations of the Soviet state and social order." These include especially "the social structure of the socialist society (!) and its political (state) organization," the status and role of the CPSU and, therefore, the ideology it happens to promote at the time, "the basic lines of domestic and foreign policy as well as the achievements of the socialist revolution."

2. Agitation or Propaganda for the Commission of "Particularly Dangerous Crimes Against the State," that is crimes dealt with by the RSFSR penal code: High treason (article 64, espionage (article 65), acts of terrorism (articles 66 and 67), diversion (article 68), infliction of (economic) damage (article 69) and warmongering (article 71).

3. In practice the third variant of article 70 is the most important, that is "agitation or propaganda committed by way of the dissemination of slanderous myths which defame the Soviet state and social order." Here also must be added--from the subjective aspect--the intention of undermining or weakening the Soviet power.

In 1966, during and after the trial of writers Sinyavskiy and Daniel', many citizens--especially intellectuals--appealed to the party, the government and the public by way of petitions, open letters, and so on, to warn of re-Stalinization. To counter this budding civil rights movement, the party and government leadership introduced article 190¹ as a somewhat milder version of article 70 in order to be able more flexibly to react to the wave of protest.

Disregarding the severity of penalties, article 190¹ differs from the third variant of article 70 by not assuming the direct intention of subverting or weakening the Soviet power. Still, this limitation does not amount to much even from the theoretical standpoint, because the deliberate "belittlement of the Soviet state and social order" mentioned in article 190¹ may always be interpreted as deliberate "weakening of the Soviet power." Ultimately, therefore, it is up to the discretion of the prosecuting authorities whether to issue the indictment as per article 70 (maximum penalty 7 years rigorous imprisonment and 5 years of exile) or as per article 190¹ (maximum penalty 3 years or 1 year of forced labor).

As all this involves political attitudes and the (ideological) offender in his capacity as recidivist is constantly threatened with another conviction, the danger of a sentence for recidivism is particularly acute (maximum penalty 10 years and 5 years of exile).

22

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The terrorizing nature of these penal provisions is all too plainly reflected in the arbitrary range of the penalties--from fines of less than R200 (article 190 to 12 years jail (article 70).

At first glance it seems surprising that "slander" is of such importance in the prosecution of dissidents, because the court must--after all--prove to the defendant that his assertions are wrong and he, the defendant is aware of that fact ("deliberately"). Involved here, therefore, are not just opinions, personal views and the appraisal of facts but the truth of the facts per se.

The use of articles 190¹ and 70 by the state security organs, prosecutors and courts, though, totally contradicts the entirely unequivocal letter of the law. The authorities consistently refuse to review the truth or falsehood of the factual allegations described in the indictment as "anti-Soviet slander."

From the ample documentation to hand let me cite the following case to illustrate the above:

In 1970 Vladimir Bukovskiy granted an interview to the WASHINGTON POST, in the course of which he talked about his life, particularly his experiences in the Leningrad special psychiatric clinic and in the camps. After publication he was called in by the Moscow's prosecutor's office, and the following dialog took place between him and prosecutor Vankovich (among others):

[Vankovich] ... Point out to you that your interview is rife with slander of the Soviet state, and that--unless you cease and desist--have the right to call you to account as per article 190¹ of the penal code.

[Bukovskiy] You mean you believe that the facts reported in my interview are not true?

[Vankovich] I do!

[Bukovskiy] In that case I intend to call upon all these people and all those who can confirm the truth of my assertions, so that they may strengthen my statement. I am in touch with them. Do you wish them to produce evidence?

[Vankovich] Certainly not. That is quite unnecessary.

[Bukovskiy] What actually are my slanderous remarks?

[Vankovich] I do not intend to give you any detailed explanations.

[Bukovskiy] In that case your assertion is unfounded.

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[Vankovich] You know, we will always be able to prove your guilt. And besides: Do you really acknowledge the Soviet power?

By this question the prosecutor comes to the real nub, that is the suspicion of Bukovskiy as a person, the suspicion of his attitude. That is all which matters in political trials.

Practice shows that "slander" is equated with "insult" or "defamation." The Soviet state considers insulting any remarks which do "not suit it" for some reason, generally because they do not conform to the official linguistic formulas on specific political and ideological issues, interpret facts "on their own" or break one of the innumerable taboos. They are "anti-Soviet" because they contradict the image which the official propaganda apparatus has proclaimed as the obligatory "Soviet reality." Consequently the accusation of "slander of Soviet reality" regularly recurs in these trials.

For the system their suitability for discretionary use in accordance with political expediency represents the meaning and value of these empty formulas. They make it possible to punish for anti-Soviet propaganda, for example, anyone asserting that it is in practice impossible for the Union republics to secede from the state federation of the USSR (after all, the right to secession is spelled out in the constitution: Article 72), as well as anyone who cites this right to advocate the secession of, say, the Ukraine ("bourgeois nationalism") as in the case of L.G. Luk'yanenko who, in 1961, was sentenced to death as a "traitor to his country" for this reason, though this sentence was later commuted to 15 years imprisonment.

The extent of arbitrariness liable to be achieved here is demonstrated by the example of the Crimean Tatars: When Tatar spokesmen, armed with mass petitions and so on, appealed to the Twenty-Third Party Congress (April 1966) and the Soviet leadership, asking for the complete rehabilitation of their people and permission for them to return to the Crimea, they were received on 21 July 1967 by, among others, KGB chief Andropov, Interior Minister Shchelokov and Prosecutor General Rudenko, who promised to study the petitions. Their justification was conclusively acknowledged by the decree of the Presidium of the USSR Supreme Soviet of 5 September 1967, which rehabilitated the Crimean Tatars. This, however, did not stop the Uzbek courts' from convicting activists among the Crimean Tatars--at the same time and later--as per articles 70 and 190¹ and the corresponding provisions of the Uzbek penal code for just these petitions.

The definition of "anti-Soviet slander" is subject to fluctuations in time and space. In 1974 Kronid Lyubarskiy wrote: "Seized during searches of my apartment, for example, were books such as the 'Requiem' by Akhmatova, 'Stalin's Heirs,' a Freudian analysis of novels by Kochetov and Shev'kov. I was not prosecuted for having them. In Odessa, on the other hand, R. Palatnik was tried for having the 'Requiem,' and so was Mel'nik in Leningrad for possessing 'Stalin's Heirs.' In the latter case it was not only the same book, it was actually the same copy!"

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4. The last variant of alleged offenses prosecuted as per article 70 concerns the "distribution, production and storage" of anti-Soviet "literature" which is interpreted as "all written and graphic materials (books, newspapers, periodicals and other printed matter, letters, manuscripts, leaflets, drawings, songs, graffiti, mounted photographs and other works)." The scope of this term sharply underscores the targets of article 70: The state intends baldly to include any type, any means of expression of the intellect.

"Storage" is to be considered a crime only if the respective literature is intended to be passed on. In practice, however, and contrary to the letter of the law, it is not a matter of intent but whether the prosecuting authorities consider the material objectively suitable for passing on. It is therefore in the free discretion of the state security service (KGB), which is the investigating agency in matters of state security, whether storage is to be considered a matter for indictment. The treatment of diary entries by the prosecuting agencies exemplifies this claim. The practice of seizure in the course of searches of residences discloses that the investigating agents may consider any piece of writing whatever to be infected and therefore "anti-Soviet literature," simply by relation to its owner who is suspect of anti-Soviet opinions. Seized in the apartment of Oksana Meshko, a member of the Ukrainian Helsinki group on 5 February 1977, for example, was the General Declaration of Human Rights, complaints and petitions addressed to Soviet authorities about her son, her exchange of letters with deputies to the Supreme Soviet, books issued by Soviet publishing houses, personal letters from relatives, letters to the group from other citizens concerning infringements of their personal rights, and personal jottings.

Against the reproach that it does not guarantee its citizens any political freedom of opinion the USSR usually defends itself by asserting that dissidents are prosecuted not for their deviant opinions but exclusively for criminal actions. Criminological literature informs us what the difference consists in: "However liable to condemnation the thoughts and opinions of an individual, intrinsically they cannot be included in the sphere of actions in the meaning of the penal code. According to the pertinent reflections by Karl Marx legal codes or courts cannot affect the world of ideas. Consequently the thoughts of an individual, provided they are not objectively reflected in specific actions or omissions, cannot meet the facts of the matter of anti-Soviet agitation and propaganda or any other crime. The investigating organs and Soviet courts are guided in their work by these important theoretical statements."

Recited here with a rhetoric bordering upon the ridiculous and with pseudo-liberal bathos is no more than the popular saying "thoughts are free" or "nobody can look into another's brain." They are the natural limits of state prosecution and surely represent no merit acquired by a legal state. Soviet criminologists are obviously uncomfortable at having to admit that the liability to punishment for opinions may arise only if they are expressed or if it is possible to note them, and that dissidents are therefore tried only for holding opinions and for their attitude.

25

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That the issue of liability to punishment as per articles 70 or 190¹ is concerned precisely with attitudes clearly emerges from Soviet criminological literature: "The correct political approach (!) in the investigation and assessment of the personality of the offender is one of the conditions which help distinguish the facts of the matter under investigation (article 190¹) on the one hand from anti-Soviet agitation and propaganda, on the other from remarks by politically immature petty bourgeois (!), which are not subject to penalties. In the latter case we are dealing with persons who do not reflect on the implications of something they may have overheard and who, for the sake of idle gossip, may tend to boast about their inside knowledge. With reference to such petty bourgeois it is necessary only to use preventive measures. Derogatory, unhealthy or politically defective remarks due to general political backwardness and lack of education cannot be considered anti-Soviet agitation and propaganda." Ignorance, therefore, protects the individuals concerned from punishment, while a member of the intelligentsia may expect to suffer several years of imprisonment.

b) The (Positive) Meaning of Freedom of Opinion

According to article 50 of the constitution the citizen must use his freedom of opinion "in agreement with the interests of the people and for the consolidation and development of the socialist order." As explained before this conjunction of interests signifies the citizen's political subordination to the CPSU. He must form his opinion on the basis and in the spirit of party resolutions or directives which, for their part, are above criticism. Depending whether the party decrees a rigid line of opinion or leaves room for discussion, the citizen may have some scope for his own opinions. However, such expressions of opinion must serve the consolidation of the system, in other words they must be basically affirmative and optimistic.

That applies to an even greater extent whenever the Soviet citizen feels impelled to criticize. Following the example of party resolutions he must first stress the praiseworthy aspects and intimate his profound conviction that party and state are already using the correct approach to the resolution of the respective problem. The subsequent critique may involve only some "defects" and "errors," in other words criticize details only. Any general critique is the prerogative of the party leadership at the respective level or other organizations and institutions controlled by the party. The citizen, for his part, must be careful not to evaluate the defects of society and the "system" according to plan or independently draw coherent conclusions.

This interpretation is repeated in article 49 of the constitution, according to which the citizen has the right to "criticize defects" in the work of state organs and social organizations (paragraph 1), while paragraph 3 explicitly prohibits persecution for criticism expressed, that is for criticism of details, not for general critiques.

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III. Freedom of Information and Publication

Article 19 paragraph 2 of the civil rights agreement takes into account the inherent connection between freedom of information and freedom of opinion. It states that the right to the expression of opinion includes the freedom "disregarding national borders, to acquire, receive and pass on information and ideas of any kind orally, in manuscript or in print, by works of art or any other means of one's own choice."

Though article 50 of the Soviet Constitution does not explicitly cite freedom of information, it does guarantee "freedom of the press" and, in paragraph 2, safeguards "political liberties" by "the comprehensive dissemination of information and making possible the use of the press, television and radio." Article 46 is aimed in the same direction; it guarantees the "right to cultural achievements" by the "development of television, radio, publishing and the periodical press as well as a network of free libraries."

The difference between the civil rights agreement and Soviet law is evident: While article 19 is conceived as the right of the individual and its subject matter very precisely defined, articles 50 and 46 indicate the operation and accessibility of institutionalized mass media. Of course we do not necessarily have a contradiction here, because individual and institutional aspects together provide comprehensive freedom of publication and information. Nevertheless the Soviet Constitution's emphasis is highly suggestive. A closer study shows that this is not accidental, either.

a) The Aspect of Individual Rights

In the USSR only the party, the state and social organizations, that is public institutions, are permitted to issue printed matter, films and any other sources of information. Though the law does not explicitly say so, the fact is evident as demonstrated in a series of decrees.

From the economic angle the Soviet state as the sole owner of the means of production (article 10 of the constitution) is alone authorized to dispose of all printing presses and copying machines. The personal property right of the citizen does not apply to them (article 13 of the constitution, article 25 general civil code).

The citizen is further prohibited from the gainful use of printing and similar devices, because the private operation of a "polygraphic business" is banned by law.

Admittedly, the publication and distribution of writings in Samizdat is not mentioned in so many words, because the material in question issues from typewriters, tape recorders and cameras, that is personal property rather than means of production, nor is it produced for commercial purposes.

The inadmissibility of Samizdat derives from the provisions on copyright and in conjunction with administrative law, and--complementary thereto--the penal code.

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According to article 479 of the RSFSR civil code the author of a work has the right to publication, reproduction and distribution by any procedure permitted by law. This equates the principle of everything being prohibited, which is not explicitly permitted. Soviet law does not acknowledge the right of an author to publish anything on his own. Nor may the author call on the services of public publishing houses for private noncommercial purposes (as he may in Hungary, for example). He is therefore compelled to turn to the publishing houses run by the party, the state or social organizations. His right to publication, though, does not amount to a claim on these enterprises; it merely entitles him to decide whether he does or does not wish to publish his work. "Whether it should be published is a question decided by the socialist organizations who are charged with the choice and distribution of useful (!) works in this or that sector. Publishing, theatrical and similar operations are outside the scope of the citizen's legal competence." In the publishing houses the author--to cite Kamyshev--is confronted by an "editor who analyzes the work from ideological, political, scientific and artistic aspects and is empowered to remove anything contradicting the principle of party commitment in literature, the ideological tasks of our party and the interests of the Soviet state. However, by virtue of the author's right to the inviolability of his work, the editor may make insertions only with the approval of the author."

To escape this control the Soviet citizen may try to publish his manuscript abroad, on his own responsibility, and ever since Sinyavskiy and Daniel' many have adopted this approach. It is not legal, though. When Zhores Medvedev, for example, wished to send some lecture notes to the United States, the postal clerk told him: "We accept manuscripts of essays only from (public) institutions and as per form 13a." That form is issued to scientists, for instance, only after a threefold review by the Academy and when passed by the Glavlit censorship authority--provided the manuscript does not reveal any state or defense secrets nor cause any political or economic damage to the country.

Actually nonobservance of the prescribed publication procedure does not automatically signify culpability. Nor are there any known penalties for such formal offenses. However, this is no more than a theoretical gap. In practice it is almost always closed by the sweeping application of the state security provisions mentioned earlier (articles 70 and 190¹ penal code), more rarely used is article 162 penal code ("operating a banned trade") or article 206 penal code ("hooliganism"). In the final analysis, therefore, and despite their material features, the penal provisions regarding opinions have the sole task of guaranteeing the observance of the formal publication procedures, in other words prevent the evasion of censorship in any circumstances whatsoever. For a Samizdat product to be classified "anti-Soviet" the content does not matter; at issue is only the procedural offense of its distribution. As the preceding section showed, it does not take a particular effort thus to prove "anti-Sovietism."

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In fact, therefore, the Soviet citizen's freedom of publication is tantamount to a ban on publication, which may be lifted at the discretion of party or state. This unilateral authority of the state is quite incompatible with the provisions on the balance of interests between citizen and state as established in this respect by the civil rights agreement.

b) The Institutional Aspect

The individual entitlement of the Soviet citizen is thus legally confined to the submission of writings or sources of information to public institutions and to the use of public information systems. Of course as a rule the scope of the citizen of liberal-democratic constitutional countries does not go any further either. In modern conditions of public media operations (revolutionary technologies, concentration, and so on) the internal order of the media is crucial. Admittedly this is not directly mentioned in the agreements. Still, from the connection with the comprehensive proscription of discrimination by article 2 civil rights agreement we may generally conclude that, within the limits of the liberal and social value system established by the agreement (article 5), the media must allow access to information and its dissemination to all citizens, independent of their political, ideological or religious tendencies and social status, and so on. Of course this is an ideal unlikely to be completely met by any country. That is not the point anyway. Decisive for our inquiry is the question whether the legal and actual system of the press and information services in the USSR reflects a serious attempt at realizing such principles.

In the Soviet Union it does not. Its press and information system is characterized by features which make it impossible in many areas for citizens to inform themselves extensively and factually, or to form their own judgment without prior indoctrination. These features are

- Control of information and
- Suppression of information which operates on the principles of
- Party-mindedness and ideological one-sidedness
- Education by agitation and propaganda
- Central direction from above
- Deliberate inequality of access to information, in the final analysis for the purpose of securing the powers of the politburo's apparatus; the extent and emphasis of conscious manipulation may vary
- With regard to political information (newspapers, radio, television, and so on)
- Literature and art

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-- Humanities, and

-- Technical and natural sciences.

The control and suppression of information are indissolubly linked, because any controlling issue of information is necessarily coupled with the omission of information. The standardized politico-ideological orientation of the press and information organization means that censorship is its basic feature, adopting various guises. (Factual) censorship set up to prevent the publication of certain facts, personified by a dour bureaucrat wielding a red pencil to delete anything deemed undesirable, here represents a secondary though not unimportant instrument of control.

1. Party-mindedness and Educational Function

Modern Soviet information doctrine is still rooted in Lenin's concept of the press. He represented the newspaper as the party's tool for agitation, propaganda and organization. For the Marxist-Leninist any possibility of "objective" information is excluded initially from the theoretical standpoint, because the spreading of information is claimed to be entirely dependent on the class interests of the intermediary. Information has neither an intrinsic value nor an intrinsic meaning, it demonstrates or obtains both from the standpoint of Soviet ideology. Propaganda consequently is nothing disreputable. At the Twenty-Fourth Party Congress (1971) Brezhnev commented: "In the great and difficult cause of shaping the new man, in the ideological struggle with the world of capitalism, the means of mass information and propaganda...are an important tool of the party. In the period under review the Central Committee repeatedly discussed operational problems of information and propaganda media in the endeavor to ensure the improvement of these media's quality of work and their influence on ever broader masses of the public." Soviet media expert Sirotin has summarized that which is ultimately at issue: "Political information is one of the means for the ideological-political education of the working people, oriented to shaping their Marxist-Leninist ideals and the communist attitude to work. It allows for the farthest reaching consolidation of the socialist society (!) by educating the Soviet people to be convinced of and devoted to the cause of communism, and helping them to be active fighters against foreign ideologies."

This statement could not put it more baldly: Political information (informatsiya) becomes the raw material of political knowledge (informirovaniye) which results in the political formation (formirovaniye) of the citizen of a formed society.

The practical result of this media doctrine is the well known lack of information and topicality of, especially, the Soviet press. The few newspaper pages are filled with stereotyped reports about output and harvests, speeches by politicians, Kremlin bulletins and immensely dull editorials which reflect quite accurately the party leadership's demands on the people but

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hardly the topical political developments in the country. Reports are slightly more frank and problem-oriented with respect to some social issues such as environmental control, supplies, careers, the situation of women, old people or juvenile crime, especially in LITERATURNAYA GAZETA and the local press. At the same time the numerous taboos prevailing in these fields also are rarely touched upon.

2. Central Information Control and Unequal Access to Information

Central information control and unequal access to information are indivisibly linked with party-mindedness and the educational function; in fact they postulate one another. Access to information is carefully graded in accordance with the citizen's political and bureaucratic-institutional rank. Heading the rankings are the Politburo and the Central Committee Secretariat, the propaganda department of which is competent for the daily control of the news media and closely cooperates with the TASS news agency and the editorial offices of the union newspapers, in particular PRAVDA, the official organ of the Central Committee.

TASS, holding the rank of a state committee at the USSR Council of Ministers, is the only source of foreign news for nearly all media. It also dominates the collection and distribution of domestic news.

TASS issues special bulletins, and the information included in these decreases with its respective coloration (red, white, green, blue) and the number of copies; they are distributed in accordance with specific lists of recipients. TASS provides the best and most comprehensive information for the party leadership, followed by the senior cadres of the Union and the republics. The internal weekly ATLAS provides foreign news for the army of party propagandists and political informants.

These special information services related primarily to foreign events are complemented by a system of domestic party information, that is an apparatus of information collection and reporting from below to above, which has expanded greatly in recent years. It is complemented by computerized procession and evaluation, which is carried out by sociologically trained staffs. The interest focuses on the attitudes and opinions of the public, insofar as general political aspects are involved on "the reactions of working people to the most important events at home and abroad, and to the resolutions of the Communist Party and the Soviet Government"; also "information of a negative nature, that is data on the attendance in religious institutions and the dynamic of their revenues, the performance of religious rites, the status of crime especially among juveniles, violations of labor discipline (such information is regularly received by the party organs...)."

Among the main sources of information are letters of complaint and inquiries from citizens, questions from the audience at political meetings, intimate conversations, materials published in the local press, ongoing data

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from the economic and statistical organs and social organizations. Complemented by regular reports from the ministries and subordinate authorities, the prosecutors offices and courts as well as, last not least, the state security service (KGB), a veritable mountain of information rises up in the apparatus of the Central Committee. Except for possible defects in evaluation, this should provide the leadership with a largely unvarnished image of "Soviet reality."

In the Soviet state planning is not confined to the socioeconomic sector. It includes--or at least claims to include--all areas of life including political propaganda, literature, art and science. Planning and control at state level are carried out by the Council of Ministers, especially the State Committee for Publishing Houses, Printing Plants and the Book Trade, the State Committee for Television and Radio Broadcasting, (with respect to art) the USSR Ministry of Culture and the State Committee for Cinematography, and (with respect to the sciences) by the Academy of Sciences, the State Committee for Science and Technology and some major universities (Moscow, Leningrad, Novosibirsk).

Let me now turn to the State Committee for Publishing Houses which plans almost the entire print output of the country (newspapers, magazines, books, and so on). On the basis of the program drafts submitted to it by all publishing houses and editorial offices, incorporated in the standard values of the economic plan, the committee drafts annual and long-term plans which not only decide the presumed demand for paper, machines, established posts, and so on, but are linked at the same time with the politico-ideological control of publishing and editorial programs. Among the committee's main functions therefore are "the guarantee of a literary output at a high ideological, theoretical and professional standard, the improvement of its efficacy in the accomplishment of the tasks of communist construction, the implementation of the centralization and specialization of publishing" as well as "supervision of the realization of party and government resolutions." The key program points ("profiles") issued by the committee represent "orders" (prikatsy) mandatory on the publishing houses. Exempt from textual supervision are "the newspaper and magazine publishers of the party organs," (such as the central publishing house PRAVDA). This follows upon the superiority and absence of accountability enjoyed by the party vis-a-vis the state apparatus. Also exempt are the publication plans of the Academy of Sciences, which the committee may only review formally "for the purpose of (plan) coordination," and the plans of scientific-technical information. This reflects a certain independence of science.

The committee receives copies of the country's entire print output, analyzes the non-periodical literature and compiles surveys regarding the topics dealt with.

In addition to the technical-economic direction and administration of the publishing trade, the function of the state committee thus consists mainly in reviewing the plans--by the light of Central Committee guidelines--and

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ensuring that the profile of the publishing programs reflects the key subjects listed by the party.

The other state committees mentioned have basically the same functions.

With respect to political propaganda, literature and art, the professional associations of journalists, writers, artists, musicians, architects, film makers and actors represent additional management and control instruments of the party, and so does the popular science propaganda society "Knowledge." In their charters all of them acknowledge the supremacy and the ideological claims of the party.

3. Suppression of Information (Factual Censorship)

The system of guidance and the concomitant control of information is completed by the prior and final censorship of all and any publications. Responsible for this is the main administration for the defense of state secrets in the press at the USSR Council of Ministers, a special agency which has its own administrative infrastructure down to city and kray level. Established in its present form in August 1966, it can look back to nearly 60 years of operation and is still known by the traditional designation "Glavlit." Its current statute is unknown. The decree issued by the Council of Peoples Commissars on 6 June 1931 "On the main administration for the affairs of literature and publishing houses in the RSFSR (Glavlit) and its local organs" was certainly superseded in the course of the reorganization of the media in the mid-1960's. This does not mean that the decree is completely obsolete as to subject matter. Our knowledge of the current modus operandi of Glavlit indeed entitles us to assume that the actual core of the 1931 statute persists. It may therefore provide the basis of the following description. Admittedly, the State Committee for Publishing took over some of Glavlit's responsibilities since 1966, the time the two agencies were separated.

Glavlit's powers of supervision extend to all materials intended for publication by publishing houses, radio and television stations, exhibitions, and so on. The censor may ban their distribution and seize them if they

- "a) Represent agitation and propaganda against the Soviet power and the dictatorship of the proletariat (nowadays known as the 'state of the entire people');
- b) Betray state secrets;
- c) Incite to nationalist or religious fanaticism;
- d) Are of a pornographic nature."

I was unable to find out for certain in how far publications by party publishing houses are subject to Glavlit supervision. I assume that its

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competence in this instance is restricted to the protection of secrets. Information to be kept secret, banned topics, institutions and so on, are listed in a "register" which has the dimensions of a heavy book, is annually compiled by Glavlit and the respective offices so directed by the Central Committee, and supplemented regularly in the course of the year.

Glavlit exercises only general factual censorship. Technical publications are subject also to special censorship (armed forces, KGB, nuclear agency, space agency, and so on).

Access to legal regulations is an extremely important aspect of the suppression of information in the Soviet state. Published without any cuts are only the (formal) legislation and resolutions adopted by the Supreme Soviet of the USSR and the Union republics. As a rule, however, these merely include general provisions so that the subsequent implementing regulations are of the utmost importance and knowledge of these at least as vital. Moreover, there are actually rather few legislative acts because, by decrees and resolutions, the Presidium of the Supreme Soviet has largely preempted legislation (excepting by the Council of Ministers). Decrees by the Presidium, however, need not be published "unless they have general application or are of a normative nature." This way of putting it ensures virtually discretionary powers to the Presidium.

The same applies to the no less important decrees issued by the Council of Ministers of the USSR and the various Union republics. These decrees also are never published. Publication of directives, orders, circulars and other standard instructions (often decisive for day-to-day administration) is not subject to any general rule; it is entirely at the discretion of the more than 50 ministries and state committees which constitute the USSR Council of Ministers. Only two of them (!) have their own gazette. The slight monthly GAZETTE OF STANDARD INSTRUCTIONS OF MINISTRIES AND CENTRAL AGENCIES OF THE USSR is used almost exclusively by the economic supervisory organs (State Planning Committee, State Committee for Construction Affairs, State Bank, State Committee for Supply) to promulgate their most important decisions.

Otherwise it is the exception and more or less by accident if ministerial and other decrees are published although (or possibly just because) they often exert a profound effect not only on the internal operations of the respective agency but the lives of many citizens. That holds good especially for the authority to interfere with the classic civil liberties, that is the inviolability of the person, of residence, of the mail and telecommunication secret, with freedom of religion, assembly and association and--not least--freedom of information.

Knowledge of published legal documents is made difficult if not impossible by the rather small editions of the official gazettes and the lack of clarity of the information provided. There are no loose-leaf supplements regularly advising of the version of decrees currently in effect. The irregularly published texts and commentaries referring to specific areas of

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legislation (in any case rare in the USSR) are issued in such small numbers that they do not even suffice to supply all official agencies (party, administration, justice, labor unions, and so on); they are also quickly obsolete and often full of gaps. If they ever go on sale, they are immediately sold out.

The state of affairs is most satisfactory with regard to the labor, social, civil and economic codes. Here information has much improved since the Stalin era, and the party leadership has actually promised further improvement. This includes the "Collection of Laws" now in preparation. Nevertheless, even when that is published, the USSR will still lag far behind the standard of legal information normal for a constitutional state, especially in the specifically political matters of state and administrative law. V.M. Chchikvadze, former president of the Soviet Academy Institute for Political Science and Jurisprudence, wrote in 1971 that the subjective rights of citizens could be realized only insofar as the members of society were fully informed about that area and that sphere in which they intended to exercise their rights. Information and publicity were an indispensable aspect of socialist democracy. Taking this as a criterion, the current status of publication of Soviet legislation in effect largely amounts to a denial of rights.

This comprehensive politico-ideological control, factual censorship and educational function do not merely exceed the restrictions permitted by the civil rights agreement in the public interest. Actually they confer on the Soviet information a qualitatively different nature which has nothing at all in common with freedom of information. Instead we see a perfectly organized system of disinformation though, in the actual conditions of the age of technology and worldwide communications, this has turned out to be a giant and ultimately ineffective anachronism. It has certainly been unable to prevent the growing influence of foreign radio transmissions or the counterinformation and communication system which has emerged in conjunction with the civil rights movement. On the contrary, the competitive strength of these other systems has been reinforced. Despite the many attempts at suppression, Samizdat--sworn to stick to the facts--has become a solid force in Soviet society, and its disappearance can hardly be contemplated.

IV. Freedom of Assembly

Article 21 of the civil rights agreement acknowledges the "right to peaceful assembly" and permits restrictions only by law and from the aspect of the public interest as earlier described.

Article 50 of the Soviet Constitution guarantees "the freedom of assembly, the freedom of demonstration, the freedom to march through the streets" with the reservation only of the need for "its coincidence with the interests of the people and for the consolidation and development of the socialist order (paragraph 1). For the purpose of exercising these rights "public buildings, streets and squares are at the disposal of the working people and their organizations" (paragraph 2).

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Unless the Soviet citizen is willing to consult the penal code, the laws do not provide any details on the freedom of assembly. There are no laws of either the Union or the republics dealing with assembly, and therefore no general rules of procedure for the notification and approval of indoor or outdoor meetings, disregarding altogether the special problem of religious celebrations.

The only exception is the Ukraine where--at least on paper--the administrative code of 12 October 1927 is still in force and regulates the conduct of meetings, marches and demonstrations. It distinguishes between events requiring simple notification and those needing permission. Notification is required for meetings organized by state organs, party organizations and other social organizations (articles 325, 336). Other associations and individual citizens, on the other hand, must obtain permission from the administrative agencies, giving the date, the program and the names of the organizers (articles 325 ff; 338 ff). Permission may be refused if the purpose, the topic of discussion and the composition of the organizers and participants at the meetings run counter to the constitution or the laws (article 328). The refusal must be issued no later than 24 hours before the proposed meeting. Similar regulations apply to outdoor meetings and demonstrations which, incidentally, may be prohibited if they "are likely to obstruct the safety of road traffic" (article 341).

The constitutional and political change from the NEP [new economic policy] to Stalinism left only one principle in place among these regulations: Only party organs, state institutions and social organization have the right to convoke meetings and organize demonstrations. And that is how it has remained to this day. The Soviet citizen's freedom of assembly is thus reduced to attendance at the above mentioned events. He may, for example, attend meetings of his basic organization in his capacity as member of a labor union or the Komsomol, go to election meetings or put in an appearance at the staff meetings called by the labor union committees. On ceremonial occasions and state holidays the party regularly fulfills his possible wish to participate in demonstrations.

It is not up to the Soviet citizen to decide whether or not to attend such meetings or demonstrations. As, due to the status of the organizers, public events are absolutely in the public interest which the citizen is duty bound by the constitution to attend (article 62), nonattendance would amount to dereliction of duty and a "misinterpretation of freedom" (article 59 of the constitution: Unity of right and duty!). Though neglect of this duty is not subject to official penalties, it is punished--hardly less effectively in my opinion--by "social action" (obshchestvennoye votsdeystviye) such as "admonitions," the loss of trade union or enterprise benefits, and so on. The freedom of assembly described in article 50 of the Soviet Constitution, and so on, amounts in law and in fact to the citizen's duty to participate. Incidentally, interpretation of this duty is almost completely arbitrary. Article 21 of the civil rights agreement is certainly not implemented.

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In literal terms the fact that the constitution does not guarantee freedom of assembly for the Soviet citizen leaves open the question whether he is definitely prohibited from assembling peacefully with others on his own initiative. A conclusive prohibition could be deduced from the constitutional provision only if the principle were in force that everything is prohibited unless explicitly permitted. Soviet law does not acknowledge such a principle but the broad interpretation and generous application of political penal law suffices to let this concept become reality as an unwritten law.

Parallel to the prohibitions imposed on freedom of opinion (articles 190¹ and 70 RSFSR penal code), articles 190³ and 72 of the penal code stop freedom of assembly by penalizing

1. "Active involvement in group actions which grossly violate the social order or are linked to evident noncompliance with the legal requirements of the representatives of the state power" (article 190³), and
2. "Organizational activity directed to the preparation or commission of particularly dangerous crimes against the state or the establishment of an organization which aims to commit such crimes, as well as participation in an anti-Soviet organization" (article 72).

In Soviet interpretation the essence of an offense as per article 190³, its "social nature," is the allegation that group actions amount to the attempt "to oppose a nonofficial order to the organized official system or order." This also represents an attack on the "authority of the (state) power" (avtoritet vlasti). The placement of the citizen under the tutelage of the ruling apparatus could hardly be more plainly expressed. As a result any meeting not formally approved by the authorities may be prosecuted in the courts. The same applies here as for the restraint of the freedom of opinion: The real criterion of criminal intent in that sphere is absence of permission, involving especially offenses against the state prerogative of censorship, in other words rebellion against the one party state's claim to total power as such. In this instance also the only point at issue is the formal fact of lacking state permission, not the possibly anti-Soviet nature of the meeting, and that formal fact suffices to cause the militia or the state security service to intervene.

V. Freedom of Association

As per article 22 of the civil rights agreement "everyone is entitled freely to associate with others and to establish labor unions to protect his interests." Applicable here also are the usual reservations about the public interest.

Article 51 of the Soviet Constitution defines freedom of association as follows: "In agreement with the aims of communist construction USSR citizens have the right to associate in social organizations which contribute to the

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development of political activism and initiative as well as the satisfaction of their various interests."

The Soviet citizen's freedom of association is subject to two reservations which, in fact, amount to a ban on association with some exceptions. One is a material reservation referring to the purpose of association, which has been analyzed already, the other a formal reservation. The latter is concerned with the fact that, in accordance with its constitutionally acknowledged leadership monopoly in all "state and social organizations" (article 6 paragraph 1), the CPSU also holds the organizational monopoly in the Soviet state. As the party provides the "leadership nucleus" of every new or existing social organization, no social organization can be constitutionally established without its involvement. Both reservations thus have the same result: The nullification of the freedom of association.

Moreover, the orientation to "communism" of any founder of an association is incompatible with article 2 of the civil rights agreement and the social rights agreement, because the USSR therein obligated itself "to guarantee" freedom of association "without distinction...of political or other views."

This constitutional situation is underscored by general legislative provisions. Social organizations are established either with or without state involvement (article 22 RSFSR civil code). The provisions are moot in the case of mass organizations (labor unions, Komsomol, and so on) which--subordinated to the party rather than the state--are authorized by their statutes to establish suborganizations.

If the state is involved in the establishment the concessionary system applies, that is the social organization is established and acknowledged a legal entity once the competent authority has confirmed its statutes (article 26 paragraph 2 RSFSR civil code).

The legislative regulations governing the establishment, operation and dissolution of social organizations are vague, incomplete and, to some extent, obsolete. Only a few of the Union republics have administrative regulations from the early years of the Stalin era; among them is the order on voluntary societies in the RSFSR of 10 July 1932, and it is the most significant.

According to this order the establishment of an association requires an application from at least 10 adult citizens, accompanied by a draft statute. All organizations are obligated to contribute to the building of socialism on the basis of Marxism-Leninism and the economic plan (articles 1 and 3 of the order). The state supervisory authority reviews the legality as well as the appropriateness of the establishment (article 12), so that a claim to admission, that is any subjective right of association, is definitely excluded.

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The principle of united organization applies, so that the simultaneous existence of the same type of association is not permissible (article 2). According to Bryanskiy double establishments result only in the "useless waste of human energy and make the administration of social life more difficult." The founders are explicitly prohibited from calling their organization "labor unions" (article 8). The monopoly of the existing labor unions is thereby legally safeguarded.

The monopoly of the labor unions ruled by the party contradicts article 8 of the social rights agreement, which acknowledges the right of every individual (not only labor union organs) to set up a trade union. The refusal of the authorities to register the "free workers association" organized on 1 February 1978 therefore amounted to a violation of the agreements. The same applies mutatis mutandi to the many other associations which have arisen since the early 1970's within the civil rights movement and like, for example, the Soviet section of Amnesty International, are vainly endeavoring to obtain formal recognition.

The ban on associations with the above mentioned exceptions is buttressed in the RSFSR penal code by articles 190³ and 72 which have already been dealt with in the section on freedom of assembly.

VI. Protection of Privacy

Article 17 of the civil rights agreement comprehensive acknowledges the inviolability of privacy: "Nobody may be exposed to arbitrary or illegal interference in his private life, family life, residence and mail, or to illegal injury to his honor and reputation. Everybody is entitled to legal protection against such interference or injury."

The article also provides for state protection against external interference with privately held property, whether objects or premises or of an immaterial nature; emphasized here are the inviolability of the residence and of the mails, the latter a term which stands for all modern methods of communication.

a) The Inviolability of the Residence

Article 55 of the Soviet Constitution guarantees the citizen the "inviolability of his residence. Nobody has the right without legal warrant to enter a residence against the wish of the occupiers." The state organs are entitled at their discretion to enter the residence of a citizen only if the following conditions are met:

1. Police Powers

Within the scope of its general assignment "to ensure the defense of public order in the country," the militia (ordinary police)--even without the involvement of the public prosecutor's office--may "enter residential premises

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...when pursuing persons suspected of having committed offenses, or to prevent crimes or offenses threatening the social order or the personal safety of citizens; ...they may also as a rule enter premises in the daytime to check the observance of passport regulations, if there is credible indication that these regulations have been violated."

The limits of these powers are very widely drawn because intervention is permitted not only to prevent crimes but any administrative offenses, so that it is virtually impossible for the citizen to ascertain whether the militia entered his residence rightfully or not.

In fact, though, the militia is largely restricted to the arrest or pursuit of people, in other words not empowered to search residential premises. Specific procedural prerequisites apply to searches, and this limitation is usually observed.

2. Criminal Procedures

The codes of criminal procedure in the Union republics stress the inviolability of the residence. They permit searches within the scope of criminal pursuit only if

- The senior investigating officer has good reason to believe that wanted persons or objects and tools of criminal provenance or "other objects and documents are harbored, which may be germane to the case,"
- A well substantiated decision by the senior investigating officer (in state security matters this is the KGB) and
- Its confirmation by the public prosecutor are to hand.

In emergencies the confirmation may be omitted. In that case, though, the public prosecutor must be notified of the search within 24 hours.

The search must at all times be carried out in the presence of the householder or one of his dependents; should they be absent, in the presence of the janitor or (in rural areas) a village official. The affected person must be informed about his right to be present to witness all actions of the senior searcher and to be allowed to make a written statement. Searches at night, that is from 22.00-06.00 hours, are permitted only in emergencies. The senior searcher may, if necessary, use force to obtain the objects of the search; he may also remove "objects and documents banned to free traffic," even if unrelated to the crime.

These provisions stick largely to the framework of customary practice in constitutional states. Normally they are observed, even in the course of political investigations, but often just formally and without taking into account their "intent" which is to offer protection.

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In political investigations the KGB is nearly always concerned to comb the premises of suspect dissidents for "proscribed documents" of whatever kind, and this often happens at night--using some pretext or other--, without the matter being really urgent. On 22 October 1973, for example, the Moscow residence of M.M. Pankratov was searched after 23.00 hours because he was suspected of having forged a stamp in his work book. In fact the search involved mainly the property of guests who happened to be present; many manuscripts belonging to them were seized. Even more flagrant was the case of the priest P.A. Adel'gym, Tashkent Oblast. Here a search warrant was issued on 12 December 1969 because he was suspected of having systematically inflicted bodily harm on someone (!). The search immediately involved his library, and the investigators seized some 30 books and manuscripts as well as the clergyman's savings (!).

Even Sakharov learned on more than one occasion that the KGB searches residential premises in the absence of their owners. One of these occasions was 29 November 1978.

Still, it is to be accounted a success of the civil rights activists experienced in criminal proceedings that the prosecuting organs at least formally tend to observe the legal regulations. This represents a significant change by comparison to the Stalin era. Of course the protective effect is very limited because--due to its de facto superiority to the public prosecutors offices--, the KGB has no trouble at all in obtaining any document required in matters which affect state security.

It is therefore a hopeless undertaking for any Soviet citizen to try and compel vis-a-vis the state organs the legal protection with regard to the inviolability of his residence (article 136 RSFSR penal code). In fact this provision is merely directed against a breach of the domestic peace by private persons. It is therefore a testimonial to exemplary legal unambiguity for the Uzbek penal code (the only one) to state in article 139:

"The unlawful search, the unlawful eviction (from the residence) or other actions violating the inviolability of the residence of the citizen and not (!) conducted or committed by officials, will be ...punished if, due to such actions, earlier measures of administrative or social compulsion have been used."

b) The Protection of the Postal Secret

Article 56 of the Soviet Constitution provides for the protection of the "law" for the "private life of the citizen as well as for the postal, telephone and telegraph secret."

This provision sounds particularly liberal because it omits the legal reservations usual in liberal-constitutional documents which allow for certain restrictions. The legislative elaboration also provided in article 56 is

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supposed only to serve the protection of this right. Nevertheless the Soviet citizen would deceive himself if he were to conclude that protection is absolute. Restrictions certainly do exist, albeit outside the scope of the constitution. By remaining silent about this circumstance article 56 deceives the citizen with regard to the compelling force of his right.

By law the postal secret--analogous to the inviolability of the person--is restricted by preventive police powers and criminal procedural powers.

1. Police Powers

In accordance with its comprehensive authority in state security matters the state security service is empowered to institute surveillance of the private life of any citizen who somehow arouses suspicion, open his letters, tap his telephone, and so on. The legal basis, presumably the KGB statute, is of course a secret.

We do, though, have some indication of KGB powers by means of article 74 of the USSR communication decree of 27 May 1971. On 31 August 1972 (within the framework of an entire bundle of legislative measures for strengthening the more severe dissident persecution decided in late 1971 by the party leadership) a second paragraph was added, reading as follows: "The use of telephone lines (between or within cities and villages) for purposes running counter to state interests and the social order is prohibited." If a subscriber contravenes this provision, "the administration of the communication system may temporarily block his telephone or disconnect it altogether."

This provision necessarily presumes the authority of the security agencies for preventively checking the content of telephone conversations. The criteria for tapping or cutting off perfectly demonstrate the general preventive and security police-related clauses with respect to intervention--they are so ambiguous as to leave the KGB a completely free hand. If that agency notes "misuse," the telecommunication agencies must, in obedience, take steps against the subscriber. Daily practice offers ample illustrations.

Complaints are answered--at most--by an oral reference to article 74, obviously in order not to let examples of this practice by official agencies become public knowledge.

Doubtlessly the same applies to the surveillance of letters and telegrams, especially to and from foreign countries.

2. Criminal Procedure

As per article 174 RSFSR penal code the senior investigating officer may order the seizure of the correspondence of a suspect or its special sorting and censoring, if he considers such a step "necessary." Quite formally he

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is bound in writing to justify his decision and ask for the approval of the public prosecutor. The letters are to be looked over in the presence of postal and telegraph officials. The senior investigating officer lifts the seizure order when he deems it proper to do so.

The criterion of "necessity" subjects the seizure order to the arbitrary decision of the KGB. The need for the public prosecutor's approval offers no security to the citizen, because the public prosecutor is not authorized to review the reasons for KGB decisions with a view to checking on their justification.

The provision is tailored entirely to letters and telegrams. It seems not to apply to the tapping of telephone conversations. Soviet commentaries are silent on that point.

3. Police and criminal procedural powers of intervention are so far reaching that it is impossible to speak of protection of the postal and telecommunication secret, that is the citizen's right to privacy vis-a-vis the state. This appreciation is essential for the interpretation of article 135 RSFSR penal code and articles 12 and 55 of the statute of the telecommunication system, which subject the violation of the correspondence secret to penalties. The only possible offenders considered here by Soviet commentators are letter carriers or private persons acting on their own initiative.

The protection of the Soviet citizen's privacy is thus so substantially breached that the provisions are quite incompatible with article 17 of the civil rights agreement.

VII. Conclusion

In view of the partly obvious contradictions between the human rights conventions and Soviet law one might expect the Soviet Union to have acceded to them only with the corresponding reservations. After all, any adaptation of its constitution to the agreements is altogether impossible, because this would amount to a change in its political system. Unreserved ratification therefore allows only the conclusion that the USSR uses these conventions to pursue merely foreign policy goals, designed to improve the conditions for ideological-political unity of action with the Third World, legitimize its claim for leadership at the international level and counteract the political influence of the Western democracies. This interpretation is reinforced by article 29 of the Union Constitution which declares "respect for human rights and basic freedoms" a principle of Soviet foreign policy.

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NATIONAL

GENERAL GRIGORENKO COMMENTS ON SOVIET INTENTIONS

Milan L'EUROPEO in Italian 13 May 80 pp 120-132

[Interview with former Soviet General Piotr G. Grigorenko by Jacques Lebeau: "There Will Be War Before the End of 1980"]

[Text] In this exclusive interview, Piotr G. Grigorenko, former general of the Red Army, warns Europe. The USSR is ready to attack: Afghanistan was also a full-scale exercise for the use of bacteriological weapons.

Piotr G. Grigorenko was a member of the Soviet Communist Party for 32 years, a general of the Red Army, assistant chief of staff during World War II, 73 years old, Ukrainian. His criticism of the Soviet regime began in 1964. He was often arrested and interned in mental hospitals. It was 1977 before he succeeded in being exiled. He was stripped of his Soviet citizenship by order of Brezhnev who said of him: "They released him from the mental hospital too soon." From New York where he lives with his wife and one of his five children, he loses no opportunity to grant interviews supporting dissidence.

[Question] Did your position in favor of the rights of man and your protests against the genocide of the Tartar people begin when you were still a general in the Red Army?

[Answer] Yes, I still held a position as a superior officer when I began to be aware of the reality of the regime and decided to protest. At that time, I talked in the Frunze Military Academy where despite considerable opposition I succeeded in creating a chair of military cybernetics. One day I said what I thought about the cult of personality. Immediately, I was cashiered from the army and sent to the eastern region where I struggled along as a truck driver under the permanent surveillance of two men and one woman of the KGB. However, I was able to continue my activities against the regime by drafting and distributing leaflets whenever I had the chance. I created an organization that I called "Union of the Struggle for the Rebirth of Leninism," and I was arrested. Yet, at that time, my activity was more anti-Stalinist than anticommunist.

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[Question] And today do you still have procommunist convictions?

[Answer] No, because the phenomena in Russia have not happened at all by chance. In reality, communism has no shadings whatever. In the future there will be only one type of communism whose model of reference will be that which reigns today as the enlightened despot at Moscow. My wife and I have belonged to the communist party for more than 30 years yet gradually the idea grew that unknowingly we were under the spell of a certain number of slogans. The greatest danger for the West does not come from the threat of nuclear war but from the real domination of the ideological weapon, a real cancer for the free world, which spreads its diseases throughout culture, the political class, the media, educational institutions, at times even through the police and the army. The greatest fraud of communism is to promote everything without having anything to pay off.

[Question] Do you know other cases of Red Army superior officers who might have tried challenges like yours?

[Answer] I can cite the case of Colonel Davidovic who taught at the Kharkov Military Academy and who was sentenced to 3 years at hard labor because he publicly criticized the regime. There is also the case of Lieutenant Colonel Yliev who, in 1967 tried to assassinate Leonid Brezhnev and who was imprisoned in Kazan Psychiatric Hospital where he was driven insane by repeated interrogations. More recently, in 1976, there was a mutiny aboard a missile-launching destroyer on patrol in the Baltic Sea. The mutineers tried to reach a port in Western Europe, but things ended badly: The officers and seamen were captured and executed by firing squad.

[Question] Do you consider the Afghanistan invasion a pure and simple military incident for the West or the beginning of a new serious crisis?

[Answer] It can be the detonator of a war with incalculable consequences for the free world. My theory is that the Soviets intervened directly in Afghanistan to test the capacity for reaction of the various Western nations in response to a military intervention conducted solely by Red Army troops. It was a successful operation: Disunity and weakness in the Western camp, ineffective "loud cries" from the more courageous. We know the results: The Soviet troops are 500 kilometers from the Persian Gulf.

[Question] What kind of war do you foresee?

[Answer] Obviously, it seems to me, the third world war. It is not always a good idea to make historical comparisons, but I find that the invasion of Afghanistan recalls the invasion of Czechoslovakia by Hitler. The West waited to react only after the invasion of Poland, but it was too late.

[Question] What do you think is the most credible hypothesis in case Soviet troops decide to intervene militarily against Western Europe?

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[Answer] It is very difficult to foresee the attacks and how they will take place. They will attack where they feel there is divisiveness and weakness. In Africa they have already occupied a certain number of key countries with the immediate effect of practically separating Europe from the United States. In order to gain total control of the sea routes, there are only three or four nations left to subdue: Zaire, Rhodesia, South Africa. The first objective will be Rhodesia. Parallel to this African action, they will try by every means to strengthen their positions in the Persian Gulf. I think that if the Soviets have been able to take so many risks with Afghanistan, this is due to the scorn with which they view Western public opinion and that of Europe particularly. This aggressive attitude cannot be changed by boycotting the Olympic Games in Moscow. I believe, however, that there will be a Soviet intervention in Europe in a very short time, before the end of 1980. Then there could be a verification of the theory that Soviet troops can cross Germany in 3 hours; Berlin could tempt the Soviets. Supporting my hypothesis, it seems that for several weeks very heavy troop movements have been observed in Czechoslovakia, the equivalent of six divisions, in addition to two divisions of artillery. All this was done by order of Army General Mikhailovich Malorov. But the most significant fact in recent weeks was the visit of Admiral Gorchkov to the German Democratic Republic. He is the head of the Soviet Fleet and he went to oversee the joint maneuvers of the two military allies. The most important part of the exercise was the amphibious operation which could be the full-scale rehearsal for an attempt to reach the North Sea by forcing the Western belt defenses. For some weeks there also have been increasingly more specific threats by Soviet media directed toward Norway. Everywhere, in Poland, in Hungary, "something" is being prepared. I am crushed by Western public opinion which is indifferent, anesthetized.

[Question] Could you tell us what the army of a superpower like the USSR consists of and how it compares specifically with other armies of the world?

[Answer] I define the Soviet State as a "mystical, bureaucratic-military feudalism." It is not a question of dualism between the party which is its incarnation and the army which is its instrument. The Soviet Army is the work, the living strength of the party which is also that which differentiates it from the Nazi army which existed before the party. Created to defend socialist "conquests," that is to say the party's conquests, it then assumed the defense of the "socialist bastion" annexing to it, among other things, a certain number of populations whose armies were united under the Warsaw Pact.

The real commander in chief of the army is not just any marshal, the minister of defense, but the party leader, whether he be a dictator like Stalin or the spokesman for a group leadership like Brezhnev. The three supports of feudalism, the party apparatus, the army and the police complement one another.

[Question] Could you describe the organization of the Soviet Army from the highest position down to simple soldier?

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[Answer] Obviously, as in the past, it is the party's Central Committee Presidium which in effect is the head of the entire defense organization. Regarding this there is a real deception since if this task officially is entrusted to the Presidium of the Council of Ministers chaired by Brezhnev, the fictitious authority is conferred on the Presidium of the Supreme Soviet which is purely decorative. The present defense minister is not a member of the Presidium of the Council of Ministers and he is consulted only rarely and always for technical reasons. The same can be said for the ministries of industry and interior. Having said this, the true head of the Soviet Armed Forces is the defense minister. The minister is surrounded by an executive group consisting of the military council, whose subordinates are the general staff of the Soviet Army and Navy, the commanders in chief of the various forces; the general command staffs and individual commanders. In addition, the council controls the technical command of the Warsaw Pact forces, the political executive and counterespionage. The general staff of the Soviet Army and Navy is articulated in eight commands: The first two are named the principal commands. In order, their titles are as follows:

1. Glavnoye operativnoye upravlenie (GOU), which is an interarmy command responsible for handling all operational matters of the armed forces and to verify the work of the general staffs of the various forces. All this is in close liaison with the rear guard general staff and the civil air fleet.
2. Glavnoye razvedyvatelnoye upravlenie (GRU), which is the main command for information and which is also an interarmy command which is concerned with directly controlling all matters of research and administration of information.
3. The transmission command, which is at the head of monitoring services.
4. Mobilization and organization command and a general research office, which involves all the armed forces.
5. Communications command.
6. The code command, which is concerned with security for military secrets, encoding and decoding.
7. Topographical command.
8. Historical command, which has the task of synthesizing and organizing research and utilization of military history and which thus constitutes a center for interarmy documentation of prime importance. It also publishes a magazine: VIONNAIA MYSL [Military Thought].

The supreme commands of the land, air, naval and antiaircraft forces each has a chief of staff and eight divisions as well as a weapons and services command. The main ones are:

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1. The rear guard command, which is concerned with logistics and security of rear areas as well as a part of the national security on the domestic level, in liaison with counterespionage.
2. The general affairs command of the ministry which is concerned with administrative questions to which recently was added the central office for scientific research for military applications.
3. Personnel command, which technically comes under the party personnel office.
4. Military construction command, which uses special troops.
5. Military education command, which at the Voroshilov Academy oversees interarmy higher education.
6. Military justice command, which technically comes under the USSR Supreme Court and which has all the armed forces under its jurisdiction.
7. The special devices command executive.

[Question] What power does the Red Army Military Police have?

[Answer] The police and counterespionage are other aspects of party influence over the army. In the battalion, for example, there is a lieutenant who is not on the roster because he is assigned to the commander by his superiors. This lieutenant wears the same uniform as other officers even though he is not a military man. He is a member both of the KGB [State Security Committee] cadres as well as of the GUKR [Counterespionage General Command]. By habit they continue to call him Double O (abbreviation of Ossobyi Otdiel, Special Section) or also Ossobniak which in jargon means...private building. Double O is the most feared person in the battalion because he is the most powerful. His relations, which are secret, can bring about the worst punishment for soldiers and officers. The division's counterespionage section, of which Double O is an antenna, can at any moment carry out an incursion, facing the command with an accomplished fact. Actions of this kind, carried out with total impunity, often have caused death or deportation for many youths who opposed the regime. A network of secret informers, of Seksots, constantly reports even the smallest events in the battalion. The fate of every Soviet soldier is to ask himself constantly if his words will be reported to the Special Section by his best friend, to fear a report by a malevolent subordinate, to no longer trust anyone. Yet this system is losing effectiveness because by living for years in a permanent nightmare, the average Soviet soldier has become used to it.

[Question] Don't you have the impression that the problem facing the Soviets today is no longer to decide whether to make war, but rather where to make it?

[Answer] Believe me, the Soviets know where to make war. The entire universe is their battlefield. You Westerners are ingenuous if you believe that.

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Soviet expansionism will stop. Take for example what is happening right now in Zaire. Do you believe that it is by chance that the Soviets have sent an "armada" to the ex-Portuguese [sic] colony composed of 25,800 Cubans, 9,000 East Germans, Hungarians and Czechs, and more than 6,000 Soviet soldiers? To this impressive figure must be added 475 KGB agents and 720 officers, of whom 11 are Soviet generals. If Europe depends to a large degree on Africa for its raw materials, the USSR takes from the African continent almost all of its uranium, its cobalt and manganese, its oleaginous products, and coffee. Zaire, is therefore, the basic African outpost for the USSR. Perhaps the entire future of the West is being gambled down there. And you do not seem to be aware of it.

[Question] Can you cite other cases of attempts at destabilization tried by the USSR?

[Answer] For example, the USSR recently began negotiations to install a fleet of fishing boats on the Cook Islands. I have learned that about 50 Cubans recruited by the Soviets are training a popular revolutionary army on the island of Grenada; deliveries are being made of weapons to be installed near Saint Georges, the capital. It is not by chance that the Soviets have just completed a 440-kilometer-long railway between southern Yacoutia and the embarkation ports of the Pacific Coast. And again what is to be said of the Soviet nuclear submarines that patrol the waters around the Azores in large numbers? This is precisely where the Americans possess a military airbase for the defense of Europe. Furthermore, it is known that the Russians have every interest in Finlandizing Western Europe in order to gain the necessary time to reinforce their southern flank. The present 43 divisions that control the Amur, Mongolia and the Ussuri are insufficient in case of a classical war considering the 200 Chinese divisions concentrated along Siberia and in the Far East. Everything serves to check this temporary lack of military power. An example: Along the entire frontier with China, the USSR is erecting a true wall of iron and cement. The Red Army, not knowing what to do with the immense stock of old T34 and T10 tanks, has poured them into reinforced cement with only the turret emerging and they have tied this into a radar system to control the trajectory of weapons. This line of tanks, which is 3 kilometers inside Soviet territory, makes it possible to establish an actual barrier of fire in case of a Chinese attack.

In order to be ready in 1982, or 1983, the Soviets must be able to partially dismantle the western front, to build communication roads and to create new bases. However, the conventional Soviet Army is always three times more powerful than that of the West with its 40,000 assault tanks against the 10,000 of the United States. The deployment of new SS-24 missiles in the German Democratic Republic, which are added to the SS-21s and to the backfire bombers which have a flight range of 9,000 kilometers and the 2,500 inter-continental strategic weapons, permit the USSR to have 12,000 nuclear warheads. To this must be added the 60 atomic submarines, potential launchers of 740 MSBS atomic ballistic missiles. I will not even speak of the innumerable squadrons equipped with very recent MIG 25s or of the T-72 heavy armored

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units. From this can be deduced the incontestable numerical and qualitative superiority of the Soviet Army in case of a conflict.

[Question] The USSR also is faced by an atomic threat. In case of a nuclear war do they fear the consequences of what this would involve?

[Answer] I believe the Soviets fear these possible consequences increasingly less, both because of their power and because of the internal contradictions of the West. Their aim is only that of making the atomic advent a psychopolitical weapon. In order for this weapon to be useful, they need not only to have available an impressive stock of devices, but also armed forces who believe and are morally ready. From this point of view the Soviet Army is perfect.

[Question] What kind of research is now being done in the USSR that could constitute military variations on a classic or atomic war?

[Answer] They are numerous, amazing and impressive. The Soviet Army is perfectly trained for this kind of conflict and the Western armies are beginning only now to become aware of it. In case of chemical warfare there is Sarin. The lethal dose is 0.01 milligrams per kilo of body weight. The adult dose can be absorbed in a few minutes if the concentration of Sarin is from 0.1 to 0.3 milligrams per liter of air. On this basis it is easy to realize that in order to achieve a lethal concentration in the atmosphere of a city like Rome, it would be necessary to disperse 200 tons of Sarin, which is possible if it is considered that this weight can be easily transported by about 20 bombers or by the equivalent in missiles. According to latest information available to me, it seems that the Soviet troops have available strategic weapons that can carry chemical or bacteriological warheads. The USSR is not concerned about international agreements banning this kind of weapon. Today, in Afghanistan, the Soviet troops do not hesitate to bombard the rebels and civilians with a vaporized chemical gas, Soman, which causes paralysis of the nervous system, insanity or death. Actually the USSR has available 350,000 tons of various chemical weapons compared with 40,000 tons possessed by the Americans...! Another field of research for Soviet laboratories involves psychomimetic drugs, for example derivatives of atropine or of tropine, as well as ethers composed of piperidyl such as Ditrane. In short, these substances act like LSD25, that is, they cause a momentary state of schizophrenia. It is, therefore, possible to poison an entire country and to create a psychotic state, vaporizing psychomimetic compounds, and to put an army or a crowd into a momentary state of immobility or temporary or permanent mental incapacity. The money spent by the Soviets for this demerol research is on the order of 30 billion [currency not given] per year.

In regard to biological research, the Soviets accentuate studies for the destruction of crops shortly before the harvest by explosion of hydrogen bombs at high altitude. But another "clean" possibility is gaining ground. The scientists are trying to create a "hole" in the ozone stratum of the atmosphere above enemy territory because this ozone stratum is necessary for the existence of life on earth.

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[Question] Does the appearance of China on the world military scene and preferential agreements that Chinese leaders seem to extend to Western nations depend on an opportunist strategy or are they a part of a long-term plan that could rebound against the West?

[Answer] Personally, I have become totally anticommunist and I have no faith of any kind in one communism rather than another. I find Chinese communism particularly dangerous. I consider that China, like the USSR, will in the future not respect the agreements that it signs today with the West. I am much more categorical in my judgments since I have the deep conviction that if the USSR fears the Chinese like a plague, there is the fact, however, that Chinese expansionism is directed to the south or to the west, but certainly not to the north.

[Question] If as a man and a military person, you had to give the West, or more specifically Europe, advice concerning Soviet expansionism, what would it be?

[Answer] Some years ago, thousands of persons screamed in the camps and mental institutions of the East. They asked for help and you remained silent. Even children were arrested. You knew it. We ran all kinds of risks to inform you of it. And you shamefully continued to remain silent. Today you continue not to react. As a military man, I consider it fundamental to prevent this war which is coming closer with great strides and which will be terrible for everyone. You must not content yourself with emitting simple criticism, or making threats that you will never carry out. Look at how the people are treated who live under communism. It is necessary that the nations of the free world demand of the USSR a general amnesty, the application of the Helsinki accords, the withdrawal of Soviet troops from Afghanistan, the revision of the agreements between Hitler and Stalin which, after 30 years from the end of World War II are still in effect and which make Moldavia, the Ukraine, and Ryeolorussia the slaves of the Soviet Union. If a united front is presented to the USSR and if, on the level of the highest international representation, the USSR is presented with a demand to respect the agreements that the USSR signs, then war can still be avoided. In the opposite case, the least retreat, the least concession will become the detonator of a third world war that the USSR hopes for, since it will be the only means to mask the failure of communism in the nations that it grips in its talons.

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REGIONAL

FREE ESTONIAN RADIO STATION IN SWEDEN OFFERS TOPICAL ISSUES

Frankfurt POSEV in Russian No 4, Apr 80 pp 13-15

[Article by A. Militis, POSEV correspondent: "Three Hundred Kilometers from Stockholm to Tallinn..."]

[Text] Stockholm, March.

It is just 300 km from Stockholm to Tallinn. This is the closest foreign capital. Nevertheless, the Swedes, like other Europeans, know little about the situation in Estonia. The Estonians living in Sweden know much more, but of course, not everything. There are around 25,000 of them in the country, and approximately 10,000 live in Stockholm (for a state with a population of a little more than 8 million persons, this is not so few). The Estonians are members of various societies and organizations including cultural, religious, political and sports.... One of the smallest organizations (just 144 members) is the Estonian Union in Stockholm. But precisely it has been able to set up the first free Estonian radio station.

Radio Free Estonia

It is a fact that civil defense transmitters are located over all of Sweden, and until recently these could not broadcast anything except their call numbers. Their operations were planned for the event of wartime. Last year, the Swedish authorities decided that before the verdict is in, these transmitters could be used by local organizations. Now, having received the appropriate permission, and in paying 2,000 kroner per year and equipped a studio at one's own expense, it is possible to hook up to the nearest transmitter. And thus in Sweden broadcasts by the most diverse religious, political, sports, and cultural (and even noncultural) organizations have been put on the airways. Certain emigre associations also have programs in their own languages.

Having seen this, our small union which receives aid from no one outside decided to act, and while others were talking, as is often the case, we at a very low price rented offices from one of the members of the organization,

52

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the owner of a radio store, and during off hours, sometimes at night, we built a studio. We also rented the equipment from him. We called the radio station "Estonian Radio--Stockholm." The editor-in-chief of the Estonian broadcasts is the chairman of the Estonian Union, he is also the POSEV correspondent, and the author of these lines. Naturally the studio is shorthanded. In addition to the editor, it employs a young technician who a year ago illegally left Estonia, a young man who for several years was an announcer on Voice of America, and a woman who worked as an announcer on Tallinn television. Everyone works without pay and is pleased with the first successes of their radio which went on the airways for the first time on 4 February and provides four half-hour broadcasts a week.*

"We Are Living As If Each Day Were Our Last!"

And there already are successes. The problem is that the guaranteed range of the station is a circle with a diameter of 50 km which would include Stockholm and its suburbs. But recently we received news from Estonia that we had been received by receivers the antennas of which had been adapted for listening to Finnish broadcasts, and our Monday evening programs (and they are politically the most important) had even been taped. Of course, it is still too early to judge whether this will always be the range, but this has already produced results. The editors have established contact with the homeland, and recently the first report from Tallin was received.

As might be expected, the talk there is presently primarily about Afghanistan. This occupation reminds the Estonians of 1940 when the Soviet troops occupied their country along with Latvia and Lithuania.

There has been no mobilization, but many men, even 40 years of age, have received news that they must soon report for training. Many are afraid of a war, particularly seeing how a portion of the older generation of the Russian party members has gradually been seized by something similar to a war psychosis. Many of these "elders" are giving aggressive speeches saying that Brezhnev should now make a decisive strike against Carter. Since the report emphasizes the age of these "warriors," obviously the younger Russian party members are not saying such things. The Estonian party members are more concerned with a national question. In seeing anti-Russian moods growing among the Estonians, many Estonian party members, either opportunistically or possibly sincerely, are proudly proclaiming themselves nationalists.

*On Mondays from 0930 to 1000 and from 2300 to 2330 hours, on Tuesdays from 1245 to 1315 hours and on Thursdays from 1515 to 1545 hours at Stockholm time on the USW of 88 megahertz. On Mondays there is a review of news and a "panorama," political commentaries, interviews and reports; on Tuesdays there is a program for children, and on Thursdays, for young people.

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There have been constant rumors that around 40 zinc-lined coffins with the bodies of dead sergeants and officers have arrived in Estonia from Afghanistan. The rank-and-file, it is said, are buried on the spot, in Afghanistan. Persons arriving from Tashkent have said that at present this city is off-limits, and that in the local hospitals there are about 1,300 servicemen who were wounded in Afghanistan.

Prior to the invasion of Afghanistan, overseas mail took an average of 10 days to reach Tallinn. Now letters take much longer, and arrive in a form making it clear that the censors are overworked and in a hurry, and possibly are leaving traces to intimidate so that they do not write "too much." There has also been closer inspection (at the port of Tallinn, baggage is X-rayed) and arriving passengers are isolated (for example, local residents are not permitted at all in the Intourist Vira).

At present a great deal of meat has appeared in the stores: beef is 1 ruble 50 kopecks, pork is 2 rubles and chicken 3 rubles 50 kopecks. But this is actually a menacing sign. The livestock is being slaughtered and dressed due to a shortage of feed; they say that things will soon grow worse than before. There is only enough vodka, both in the stores and from the illegal distillers. Everyone drinks, both at home and on the job. A young engineer said: "We live as if each day were our last. War will soon break out."

We were told of a demonstration on Independence Day. 24 December, beside the grave of a hero in the war for Estonian liberation in 1918, Lt Kuper'yanov, but POSEV (No 2) has already reported on this. It can merely be added that after the demonstration, many students and school children were summoned for interrogation to the KGB [State Security Committee]. Two students who had arrived from Tallinn were particularly questioned, as they were suspected of distributing leaflets.

Although in the stores of Estonia much is lacking (in particular, there is neither cloth, thread nor other dressmaking supplies), in Tallinn they live better than in the other Soviet cities. The people of Tallinn even send clothing to their friends in Leningrad, and various managers arrive in Tallinn from other republics in order to order suits. It is a fact that many Estonian tailors before the war were trained in England. Now they of course are already growing old, but they are handing on their skills to the new generation.

Interview with Yuriy Kukk

At present Estonians admire the chemist Yuriy Kukk from Tartu as one of their heroes. Obviously, the authorities felt that he would "give hope," and he was sent to study for a year in France on a scholarship. But upon returning to Estonia, he left the Communist Party as a sign of protest against the suppression of freedom in his country. He was dismissed from work and threatened with imprisonment.

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On Sunday, the 2d of March, from our studio we placed a telephone call to Kukk. We had to wait a long time, but when the call went through, Kukk immediately expressed certainty that the delay had not been accidental. It turned out that in waiting for our call, at his apartment many prominent Estonian dissidents, including Mart Niklus, Enn Tarto, Erik Udam, and others, had assembled. Unable to wait any longer, they left and then the call went through.

Kukk said that on 24 December, on the occasion of Independence Day, there had been demonstrations not only in Tartu but throughout Estonia. In many places the blue-black-white national Estonian flags had been hung up. In some places they were hung up so cleverly that it took several hours for the police to take them down. During this time many people assembled in front of the flags.

In Tartu, the students organized a firework display, but they were able to set off only a score of rockets as the police and volunteer militia intervened. Kukk also described the demonstration by Kuper'yanov's grave, and said that in Tartu on the wall of the central prison there was written "Gestapo," and near the university "Long Live Independence Day!" and "All Troops Out of Afghanistan!"

Kukk said that the KGB had begun to persecute his wife and himself. They would arrive home and be summoned for "talks." They wanted his wife to state that he needed compulsory treatment. All of this did not bother Kukk: "But really, what difference is it if I am in prison or a mental hospital?" he said, and sent cordial greetings to our radio listeners from himself and from all friends and supporters.

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