

Ronald Reagan Presidential Library
Digital Library Collections

This is a PDF of a folder from our textual collections.

Collection: Matlock, Jack F.: Files
Folder Title: Soviet Forced Labor
Box: 34

To see more digitized collections visit:

<https://reaganlibrary.gov/archives/digital-library>

To see all Ronald Reagan Presidential Library inventories visit:

<https://reaganlibrary.gov/document-collection>

Contact a reference archivist at: reagan.library@nara.gov

Citation Guidelines: <https://reaganlibrary.gov/citing>

National Archives Catalogue: <https://catalog.archives.gov/>

SOV. FORCED
LABOR

1

REPORT

TO

THE CONGRESS

ON

FORCED LABOR IN THE U.S.S.R.

United States Department of State

*Under Secretary of State
for Political Affairs*

Washington, D.C. 20520

February 9, 1983

Dear Senator Armstrong:

The Department of State is pleased to submit the accompanying report on forced labor in the USSR in compliance with Senate Resolution 449 and Conference Report No. 97/891 which accompanied H.R. 6956 of September 29, 1982.

Soviet forced labor practices have changed considerably since Stalin's day, but Soviet authorities still exploit forced labor on a large scale. The Soviet forced labor system gravely infringes internationally recognized fundamental human rights. Forced labor, often under harsh and degrading conditions, is used to execute various Soviet developmental projects and to produce large amounts of primary and manufactured goods for both domestic and Western export markets. As stated in our preliminary report of 5 November 1982, forced labor in the Soviet Union is a longstanding and grave human rights issue. The Soviet forced labor system, the largest in the world, comprises a network of some 1100 forced labor camps, which cover most areas of the USSR. The system includes an estimated four million forced laborers, of whom at least 10,000 are considered to be political and religious prisoners.

In maintaining its extensive forced labor system to serve both the political and the economic purposes of the State, the Government of the Soviet Union--as discussed in the paper entitled "Legal Issues Relating to Forced Labor in the Soviet Union" (Tab 2)--is contravening the United Nations Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

Since our interim report on this issue was released in November, 1982, we have continued our efforts to gather information and have prepared several studies on particular facets of the issue. We have examined, for example, current Soviet forced labor law and practices as well as international law and agreements relating to forced labor. In addition, we have reviewed the human rights aspects of the issue and prepared an update of international labor activities regarding the Soviet forced labor issue. Finally, we have examined Soviet efforts to recruit voluntary workers to Siberia and explored the status of the growing number of Vietnamese workers in the USSR. Papers on these issues are included in the present report.

The Honorable
William L. Armstrong
United States Senate.

We also have followed closely the efforts of private organizations to develop further information. The International Society for Human Rights, based in Frankfurt, Germany held hearings on this issue in Bonn on November 18-19, 1982. Our summary of those hearings is included in this submission. The Society intends to release the full testimony, transcripts, and other documents early this year. We will ensure that this documentation is made available to the Congress.

We have examined further the Soviet authorities' use of broadly worded legislation against "anti-Soviet agitation," "hooliganism" and "parasitism" intended to intimidate, punish and exploit political dissidents and religious activists. As we stated in our earlier report, for nearly 30 years the International Labor Organization (ILO) has investigated allegations concerning these Soviet practices. The Soviet authorities refuse to provide responses satisfactory to the ILO. The United States believes that these issues need to be addressed and that the burden of proof is on the USSR. We reiterate, therefore, that to resolve this issue the Soviet authorities must open to impartial international investigation their entire forced labor system.

It is well known that forced labor has been used on pipeline projects in the past and we have evidence that it is being used now, as well, in domestic pipeline construction. As noted in our November, 1982 submission, a number of reports suggest that forced labor was used in the difficult and dangerous site preparation and other preliminary work related to the export pipeline. The media directed public attention to this matter, illuminating the Soviet Union's current forced labor practices. The publicity, we believe, has made Soviet authorities sensitive to the additional problems that would attend future exploitation of forced labor on the export pipeline project.

In early December, 1982 the USSR offered, and a delegation of Western trade unionists accepted, an invitation to observe ongoing construction of the export pipeline. While praising the visit, the official Soviet news agency TASS revealed on 10 December, 1982 that the delegation inspected only a single 300 kilometer section of the 4000 kilometer line; the inspection was performed largely by helicopter. One delegate--from a union ordinarily sympathetic to Soviet interests--later characterized the visit as a typical guided show tour of the USSR, and described the pipeline inspection itself as unsatisfactory.

The ILO has accepted "in principle" an invitation from the official Soviet trade union apparatus to send an on-site mission to examine charges of forced labor on the export pipeline. The ILO has received no formal invitation from the Soviet government itself, which bears official responsibility for Soviet international obligations. Whether such an invitation comes formally from the Soviet Government or from its official trade union apparatus, there is continuing concern that without assurances from the Soviet Government that it could conduct a full inquiry into the Soviet forced labor system, such a mission would not be in a position to secure full disclosure of the facts.

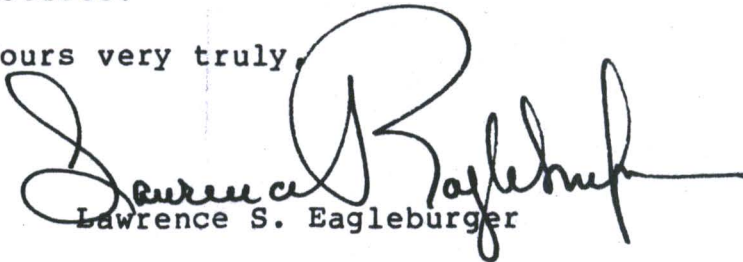
The situation of the growing number of Vietnamese workers in the USSR, under conditions which may violate agreed international labor standards, continues to be of concern. It appears that many of the workers enter the Vietnam/USSR labor program in order to escape the poverty and unemployment of present-day Vietnam. At the same time, however, there are reports that working conditions in the USSR are harsh and that net wages of the Vietnamese workers are lower than those paid Soviets doing comparable work. There is little doubt that a significant part of the Vietnamese workers' pay is sequestered to offset the Vietnamese Government's official debts to the USSR. Also the workers' communication with their families probably is monitored and constrained. Further it is unclear whether Vietnamese contract workers, who must make a commitment for up to seven years, may quit their employment and return home freely.

We have obtained no convincing evidence that Vietnamese contract workers are employed on the export gas pipeline project. The secrecy with which both the Vietnamese and Soviet governments have surrounded this labor program has made it difficult to monitor. Considering its inherent potential for abuse and the human rights issues involved, we will continue to follow this program closely and to encourage greater international scrutiny.

We have included in this report two detailed graphic representations of forced labor installations in the Soviet Union. One depicts the site of a gas pipeline compressor station under construction, the other a manufacturing site which incorporates the grounds and building of a former church. These materials derive from intelligence sources. We will continue to make available to the Congress further intelligence regarding the use of forced labor in the USSR. This will be done through the Senate and House Select Committees on Intelligence.

The last major United Nations global survey on forced labor appeared in 1953. That report of the UN Ad Hoc Committee on Forced Labor, which focused on the exploitation of forced labor for political or economic purposes, is discussed in the Legal Issues paper at Tab 2. Since the exploitation of forced labor remains an important international issue and infringes fundamental human rights, the U.S. Government considers it appropriate that in 1983--the 30th Anniversary of the Ad Hoc Committee Report--the international community again review this issue and rededicate itself to eliminating such practices.

Yours very truly,



Lawrence S. Eagleburger

REPORT TO CONGRESS ON
FORCED LABOR IN THE USSR

"A system of forced labour as a means of political coercion...is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights."

-- From The Report of the Ad Hoc Committee on Forced Labor, UN Document E/2431, Economic and Social Council, Sixteenth Session, Supplement No. 13 (May 1953).

CONTENTS

Transmittal Letter

- 1. Graphics
- 2. Legal Issues and Human Rights
- 3. Update on ILO Actions
- 4. Soviet Recruitment Efforts
- 5. Summary of Hearings
- 6. Vietnamese Contract Workers

FORCED LABOR ON SOVIET CONSTRUCTION PROJECTS

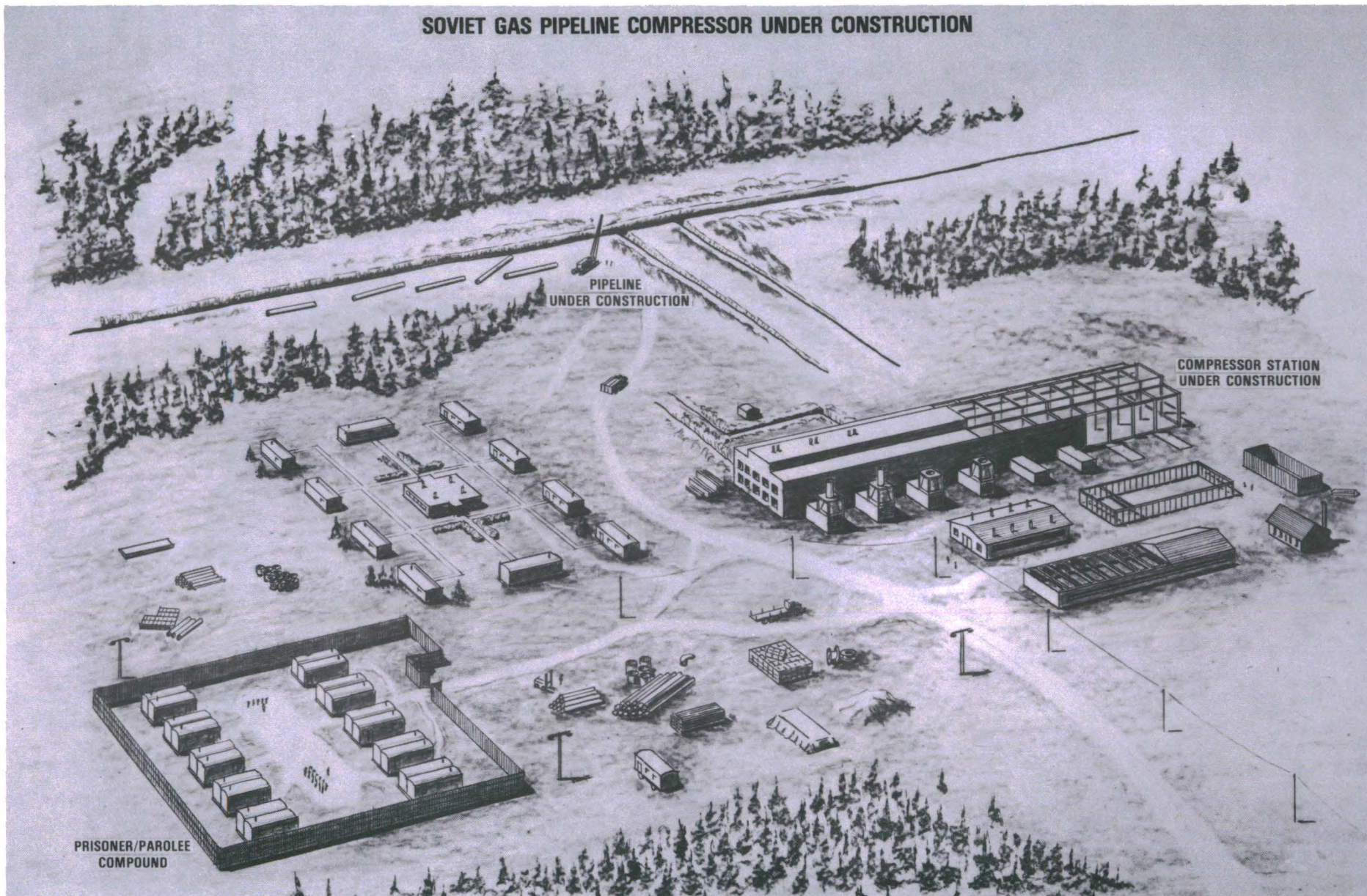
The Soviet Union has used persons under sentence of forced labor to construct crude oil and natural gas pipelines and pumping and compressor stations (such as the one shown in the accompanying graphic). It has been reported that political prisoners are sometimes used to perform heavy labor, normally in isolated areas where heavy equipment cannot be used.

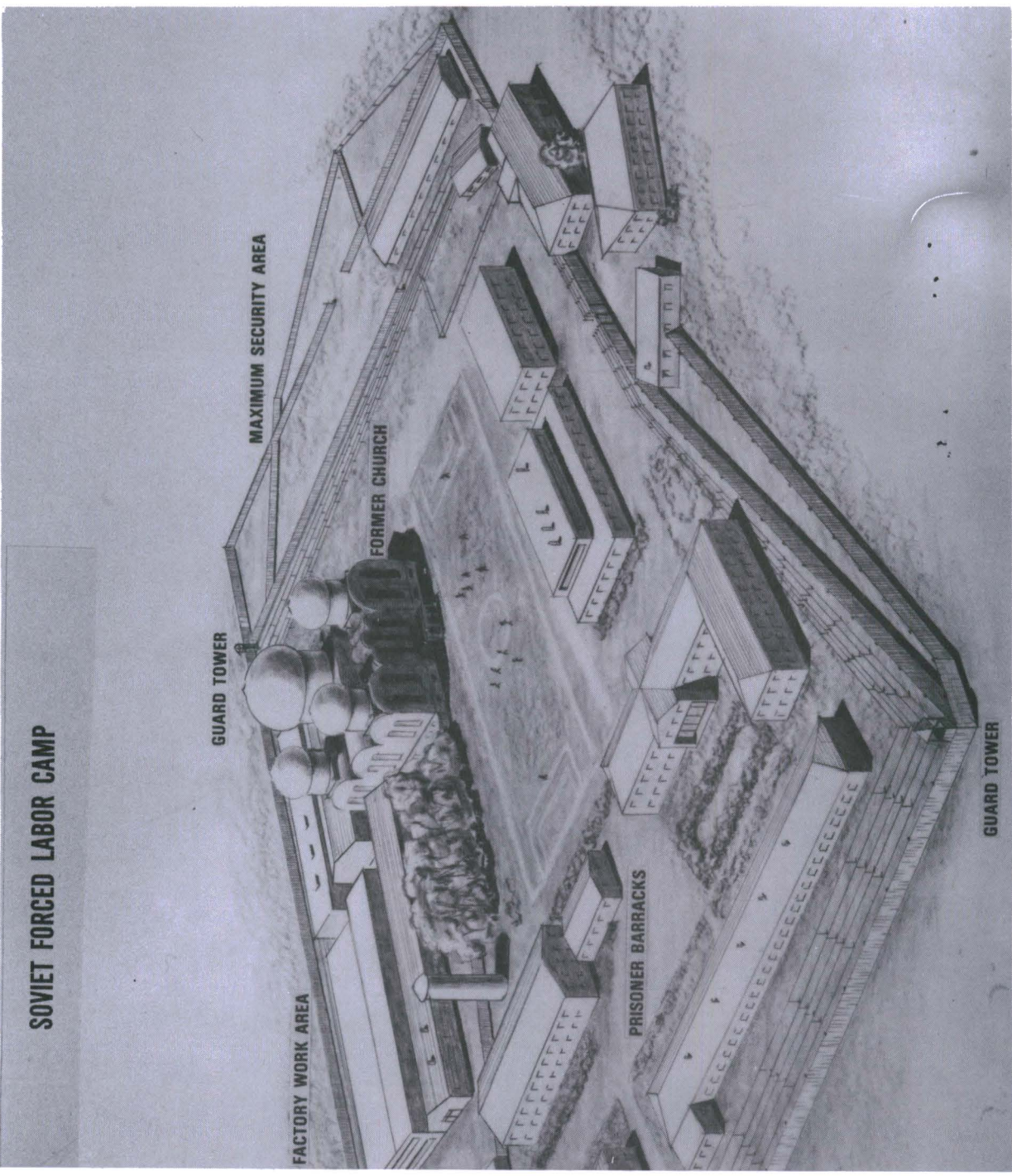
Parolees (forced laborers released from camps to serve the remainder of their sentences at construction sites) and probationers (forced laborers sentenced directly to construction sites instead of incarceration) are often housed at construction sites in mobile trailers, sometimes in fenced areas. Mobile trailers are not known to be used to transport and house prisoners, because standard prison security practices are difficult to duplicate at construction sites. Trailers used to house parolees measure 12 meters long by 2 meters wide by 3.5 meters high. Parolees and their trailer lodgings move as the actual pipeline or pumping station construction is completed. Trailer compounds associated with pumping and compressor stations normally stay semi-permanent during the construction period.

Prisoners used on pipeline installation projects would ordinarily be transported back and forth from nearby prison camps in trucks. Prisoners are guarded during transport and at the work sites by armed Ministry of Interior (MVD) militia.

The accompanying graphics, which derive from intelligence sources, detail the physical layouts of two Soviet forced labor installations; one built around a pipeline compressor under construction, the other incorporating the grounds and building of a former church.

SOVIET GAS PIPELINE COMPRESSOR UNDER CONSTRUCTION





SOVIET FORCED LABOR CAMP

GUARD TOWER

MAXIMUM SECURITY AREA

FORMER CHURCH

FACTORY WORK AREA

PRISONER BARRACKS

GUARD TOWER



REPORT ON LEGAL ISSUES RELATING TO FORCED LABOR IN THE SOVIET UNION

I. CURRENT SOVIET FORCED LABOR LAW AND PRACTICES

A. INTRODUCTION

The Soviet Union's forced labor system, involving more than four million laborers under various conditions of detention, functions primarily as an apparatus for punishment of crimes, both common and political, but also as an important means of economic production.

All societies have some form of incarceration and, indeed, most attempt to employ prisoners in some form of gainful activity. The vast Soviet forced labor system, however, is distinguished by its large scale and the harshness by which it operates to threaten and punish those who are convicted of violating Soviet law, including those who attempt to assert freedom of speech, assembly or religion.

The Soviet system of charges and sentencing in effect classifies as crimes many political, religious, and cultural activities cited for protection by the United Nations Charter and the Universal Declaration of Human Rights. The Soviet system of courts operates as an instrument of official policy at the direction of the Soviet Communist Party. Through these systems, the Government of the Soviet Union brings large numbers of individuals into its forced labor camp network in violation of their internationally recognized rights.

B. THE ROLE OF CORRECTIVE LABOR IN SOVIET LAW

Soviet policy on the use of corrective labor as punishment imposed by court sentence is set forth in the Soviet law entitled "Principles for Corrective Labor Legislation of the USSR and Union Republics," which was approved by the USSR Supreme Soviet on July 11, 1969.¹ This basic statute, as amended,² serves as a model for implementing legislation by Union Republics.

Soviet penal authorities regard corrective labor as an essential element of punishment in all sentences involving deprivation of freedom. The premise is that corrective labor rehabilitates the criminal and has a deterrent effect on others. The only exceptions to the general practice include minor misdemeanors involving very

short terms in jail and a relatively small number of especially dangerous crimes the sentence for which specifies incarceration in a maximum security prison. Prison regimes are harsher than corrective labor camps and are reserved for recidivist hardened criminals and for some of the more important political prisoners.

Corrective labor may also be imposed as punishment without confinement to a camp; such sentences usually are imposed for lesser crimes or administrative offenses and involve terms ranging from one month to two years. The offender continues to work under close supervision at his usual job with a deduction of up to 20 per cent from his wages for the period of the sentence. He may be required to work elsewhere within his district of domicile. Of the unconfined individuals engaged in corrective labor, however, most by far are parolees, probationers, and individuals sentenced to penal "colony-settlements" who are usually sent to work in remote areas. They remain subject to incarceration if they violate the terms of their sentences.

Economic considerations play an important role in the Soviet corrective labor system. According to the official Soviet account, prisoners are expected to work so they will not be a burden on society while serving their sentences. Their pay is in theory commensurate with rates paid to free workers, but a substantial portion is deducted for food, clothing, and other expenses. Most corrective labor is performed in small manufacturing facilities within the confines of a camp, but it is also used routinely on major construction projects of all kinds, including dams, buildings, roads, railroads, pipelines, and timber cutting and hauling. Among the major projects on which forced labor has been used are military installations and to this extent forced labor plays a role in the Soviet defense effort.

We estimate the total Soviet penal population to be around 4 million -- around 2 million incarcerated in labor camps, and another 2 million in the status of unconfined forced laborers (probationers, parolees released from labor camp, or individuals sentenced directly to a term of forced labor).

Most inmates in the Soviet penal system would in most any society be considered ordinary criminals convicted for common crimes. Some of the most comprehensive data on Soviet crime were provided by a former official in the Moscow Procurator's office. He has published in the West what appear to be official records on criminal convictions in the USSR: In 1976, Soviet courts sentenced 976,000 persons for serious crimes, and another 1,684,355 persons for lesser crimes and misdemeanors handled administratively or by "comrades' courts." The breakdown of serious crimes by category, however, does not provide a basis for estimating the number of crimes that could be categorized as political or religious.

The total number of persons convicted for political or religious offenses is not known with any degree of assurance. A report by Amnesty International and two other studies agree on an estimate

3.

of at least 10,000, but other estimates range much higher. One specialist in the field has compiled a list of 848 political prisoners (as of May 1982) known by him to be in various categories of confinement. This, however, is only the visible tip of the iceberg.

Thus, the Soviet economy has at its disposal a huge labor force that is cheap, flexible, and subject to discipline. It is especially suitable for deployment as needed for projects in remote areas with difficult climatic conditions, where authorities find it difficult to attract and hold free workers. When authorities need convict labor, they expect the judicial system to supply it.

The reliance of the Soviet economy on the availability of convict labor has had an insidious effect on the Soviet judicial system, which has always in any event functioned as an instrument of official Soviet policy. Soviet criminal courts operate under pressure to produce findings of guilt. As a result, authorities tend to adopt the attitude that the law enforcement organs, including the militia (police), the KGB, the Prosecutor, and the judge can do no wrong when implementing official policy; any questioning of the correctness of criminal charges or of the case presented by the prosecutor in court, even by defense counsel during the trial, tends to be regarded as a challenge to state authority. Given the fact that criminal cases in Soviet "peoples' courts" are tried without jury by a judge and two lay assistants, defense attorneys find it extremely difficult to obtain an acquittal in cases of ordinary crime, and even more difficult to do so when the case involves a political element. (In the view of Western specialists in Soviet law, Soviet courts have greater freedom to base decisions on applicable law and evidence only in cases involving civil law.)

Statistics on the number of convictions by Soviet courts on criminal charges involving a miscarriage of justice are of course not available. The evidence suggests that this number is high, even though some convictions in ordinary criminal cases are reversed on appeal. Individuals denied an opportunity to prove their innocence in court -- regardless of whether they face charges for common crimes or prosecution essentially for political beliefs and activities -- must be regarded as having been deprived of a basic human right.

Despite certain advantages of convict labor over free labor for work on large-scale construction projects in remote areas, its utilization presents some problems for the authorities. Soviet law and policy requires convicts who work outside the camp compound to be under constant guard and to be returned to the compound for the night. The authorities are also reluctant to permit persons convicted for serious crimes and "especially serious state crimes," including

political prisoners, to work outside the camp compound. Such convicts are usually sentenced to "strict regime" or "special regime" camps and are not normally used for work outside the camp compound. The Law on Corrective Labor Legislation authorizes four categories of "correctional labor colonies" (i.e., forced labor camps); in order of increasing severity, these are: General regime (generally for first offenders), intensified regime (for first offenders serving terms of more than three years for premeditated felonies); strict regime (for individuals convicted of especially dangerous crimes against the State and for recidivists), and special regime (for especially dangerous male recidivists and men whose death sentences have been commuted).

In recent years, Soviet judicial authorities increased the practice of placing persons convicted for criminal offenses on probation instead of sentencing them to labor camp and assigning them to corrective labor in areas where their skills could be used. Procedures were also relaxed for paroling inmates of labor camps and converting their status to that of unconfined forced laborers. What the authorities needed was a more flexible category of forced laborers who could be used wherever needed without the restrictions applicable to convicts serving sentences in confinement. Therefore, this segment of forced labor began to expand.

In February 1977 the Soviet Government amended Par. 44 of the Statute for Corrective Labor Legislation to permit parole from a sentence of confinement, on condition that the parolee perform corrective labor "in locations designated by the appropriate organs empowered to execute the sentence."³ This measure specifically did not apply to persons convicted for serious crimes, including "especially serious state crimes." The list of exclusions was further expanded by amendment of the Statute in July 1982.⁴ Their effect was to disqualify from parole not only hardened criminals but persons convicted for political or religious offenses.

In effect, the penal system as presently constituted allows authorities to ship convicts to labor camps, where they are separated into categories. Ordinary criminals are usually kept in camp long enough to impress them with the rigorous conditions prevailing there; they are then offered the slightly more desirable option -- on condition of their good behavior -- to perform corrective labor without confinement in locations designated by the authorities. Their status becomes similar to that of indentured labor. Convicts deemed unsuitable for conditional release -- a category including those sentenced for serious crimes, repeat offenders, and political prisoners -- remain in labor camp for the duration of their sentence.

C. POLITICAL CRIMES, POLITICAL PRISONERS

The Soviet regime denies that Soviet citizens are imprisoned for their political or religious beliefs or for exercising rights guaranteed under the Soviet Constitution. Nevertheless, citizens who express views contrary to official Soviet policies and views, or who act individually or as members of unofficial groups on behalf of their views, are subject to harassment, intimidation, and arrest. They frequently are charged with violating a number of vaguely-worded articles in the criminal codes of Soviet republics which severely restrict the exercise of basic political, religious, and civil rights, including those guaranteed by the Soviet Constitution. Of course, all such constitutional guarantees are in any event expressly subject to the caveat that they may not be exercised "to the detriment of the interests of society or the state." (USSR Constitution, Article 39)

1. Political Crimes

Article 24 of the Criminal Code of the Russian Soviet Federated Socialist Republic ("RSFSR")⁵ defines the offenses covered in Articles 64-73 as "especially dangerous crimes against the State." These include Treason (Art. 64), Espionage (Art. 65), Terrorist Acts (Art. 66), Sabotage (Art. 68), Wrecking (Art. 69), Anti-Soviet Agitation and Propaganda (Art. 70), and "Organizational Activity Directed to Commission of Especially Dangerous Crimes against the State and Participation in Anti-Soviet Organizations." (Art. 72).

Of these articles, only Article 70 is used frequently in prosecuting political dissidents, although others may be used in exceptional cases. For example, Anatoly Shcharansky, the Jewish activist and member of the Moscow Helsinki Watch Group, which was organized to monitor Soviet implementation of the Helsinki Final Act, was convicted on charges of treason (Art. 64) in July 1978 and sentenced to a term of 3 years in prison and 10 years of corrective labor. (Soviet authorities recently forced all Soviet Helsinki Watch Groups to disband.)

Article 70 defines "Anti-Soviet Agitation and Propaganda" as "agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the State, or circulating for the same purpose slanderous fabrications which defame the Soviet State and social system, or circulating or preparing or keeping, for the same purpose, literature of such content." It prescribes punishment of "deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." A record of previous convictions for "especially dangerous crimes against the state" increases the maximum sentence to ten years of imprisonment, plus exile for two-to-five years.

Prosecution of Soviet intellectuals in the 1960's under Article 70 proved awkward occasionally because it required the state to prove the defendant's intent "to subvert or weaken state authority." Consequently, Article 190 ("Failure to Report Crimes") was expanded in 1967 to include (190.1) "Spreading orally or in writing intentionally false fabrications harmful to the Soviet state and social system" and (190.3) "The organization or participation in group actions attended by obvious disobedience to legal demands by representatives of authority or which involve violation of the operation of transport, state or social institutions, or enterprises."

Article 190.1 did not require the state to prove intent to harm the system and was so loosely worded that it could be used to prosecute anyone making a statement deemed libelous by the state prosecutor. Conviction on such charges follows as a matter of course because, in practice in Soviet courts, the defense lacks the opportunity to rebut charges of libel through proof that the allegedly libelous statement was in fact accurate and truthful. For example, during the trial of Seventh Day Adventist Ilya Zvyagin in Leningrad in November 1980, the accused was charged under Article 190.1 with disseminating two Adventist documents, but these documents were not permitted to be read in court, nor was any description of their contents provided during the trial. The court simply accepted the prosecutor's charge that the documents libeled the Soviet system. The defendant was sentenced to two years in a general regime labor camp.

Similarly, charges under Article 190.3 could cover a wide range of challenges to the established order, including political demonstrations and strikes. Although the maximum sentence of three years' deprivation of freedom under 190.1 and 190.3 is lighter than the maximum punishment under Article 70, the authorities now have more leeway than previously in arresting and prosecuting political activists.

2. Parasitism and Hooliganism

"Parasitism" (i.e., the failure to engage in socially useful work) was not initially incorporated into the Criminal Code and was treated as a misdemeanor punishable as an administrative offense. In 1975, however, parasitism was added to Article 209 (prohibiting vagrancy or begging) and became punishable by a maximum of 2 years of deprivation of freedom. In October 1982 the maximum punishment was increased to 3 years for repeat offenders.

Paragraph 206 of the Criminal Code defines "hooliganism" as an intentional violation of public order and disrespect for society, punishable by up to one year deprivation of freedom or a fine not exceeding 50 rubles. In practice, hooliganism is a catch-all category including such offenses as disorderly conduct, brawling, and vandalism. "Malicious hooliganism," defined as a charge against a person previously convicted for hooliganism, or involving resisting an officer of the law, or as "distinguished in content by exceptional cynicism or impudence," is punishable by a maximum of 5 years' deprivation of freedom.

Charges of parasitism or hooliganism are frequently leveled against political activists. For example, an applicant for emigration who is discharged from his job as a form of harassment and then fails to find new employment within the prescribed period may be so charged. The fact that he is unable to find new employment because he has been effectively blacklisted by the authorities does not constitute a valid defense in court. For example, Estonian Methodist activist Herbert Murd was arrested in March 1980 on charges of parasitism after being expelled from a music conservatory. The basis for the charge appeared to be the fact that he had engaged in Christian work among young people. Shortly after completing his one-year labor camp sentence, he was again arrested, this time for alleged non-payment of alimony even though he had had no income after his release because he was systematically dismissed from every job he managed to find. Individuals engaged in unofficial or unacceptable occupations (such as teaching Hebrew or engaging in unofficial literary or artistic endeavors) may also face charges of parasitism.

Similarly, activists may be charged with hooliganism for publicly demanding the right to emigrate, or for meeting in an apartment and then arguing with a militiaman or other representative of authority who knocks on the door and demands that they disperse. In June 1978, for example, Jewish activist Vladimir Slepak, who has repeatedly been denied permission to emigrate from the Soviet Union, was convicted on charges of malicious hooliganism for hanging a placard outside his apartment balcony demanding permission to emigrate.

D. ECONOMIC CRIMES

Article 162 imposes a maximum sentence of 4 years' deprivation of freedom with confiscation of property for "engaging in a trade concerning which there is a special prohibition." Even conceding a socialist state's interest in regulating economic activities by prohibiting specific forms of private enterprise, the enforcement of this article with respect to individuals who attract the attention of the authorities for their nonconformity often involves prosecution on technicalities carried to unreasonable limits.

For example, in September 1979 a Leningrad court sentenced physicist and art collector Georgiy Mikhaylov to 4 years of corrective labor on charges of engaging in a prohibited occupation and ordered the destruction of his art collection. Mikhaylov was accused of preparing and selling to friends several slides of unofficial art from his private collection. He was found guilty even though an expert witness for the prosecution refused to testify that Mikhaylov's act constituted a violation of Article 162. In another example, Orthodox nun Valeriya Makeyeva was convicted in April 1970 on charges under Article 162 because she made and sold belts embroidered with words from Psalm 90 ("He that dwelleth in the care of the Most High ...").⁶ Political or religious activists who engage in illegal printing and publishing may be prosecuted under Article 162, although they can also be charged under Article 70 (anti-Soviet agitation and propaganda) or 190.1 (slandering the Soviet system).

In addition, there are economic "crimes" whose commission is an inevitable consequence of fundamental defects in the Soviet economic system, which often leaves citizens with no legal alternative if they wish to lead anything like a normal life. If, as frequently happens, there is no feed available for farm animals, "the purchase in state or cooperative stores of bread, flour, groats, and other grain products to feed livestock and poultry" renders a Soviet peasant liable to "deprivation of freedom for a period of between one and three years, with or without confiscation of his livestock," under Article 154.1 of the Criminal Code. Other such "crimes" include "private entrepreneurial activity and acting as a commercial middle-man;" for example, in the manufacture of spare parts which cannot be procured through legal channels.

E. RELIGIOUS CRIMES

Soviet leaders cite the guarantees found in the Soviet Constitution as evidence that religious believers in the USSR enjoy full religious freedom. Article 52 of the Constitution adopted in October 1977 guarantees freedom of conscience and the right "to conduct religious worship or atheist propaganda," separates church and state and prohibits "incitement of hostility or hatred on religious grounds." Article 34 guarantees citizens equality before the law "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

At the same time, the 1929 RSFSR Law on Religious Association (comparable laws also exist in other Soviet republics), as well as a series of other statutes and administrative practices effectively circumscribe these constitutional guarantees and impose Draconian restrictions on religious believers in the USSR. The effect of these restrictions and controls has been to place individual believers and religious associations under full state control by making them dependent upon state authorities for the exercise of their activities (indeed, for their very legal existence) and to undermine the organizational integrity of each religious denomination.

Any attempt by religious believers to assert freedom of conscience outside the scope of these controls thus automatically brings them in conflict with the authorities. Thus, the question of whether Soviet religious believers can be arrested, prosecuted and sentenced to long terms of corrective labor for actions they regard to be essential for the practice of their religious beliefs hinges on how religious freedom is defined by the laws and administrative regulations of a regime committed to the implementation of atheism as state policy.

The Law of Religious Associations does not confer on religious denominations the status of public organizations as defined by the Soviet Constitution or the juridical status of a person-at-law.

Instead, the law reduces church-state relations to a local-level relationship between the state and each primary unit of believers (at least 20 persons acquiring official recognition through registration). This initial legal premise thus undermines the concept of an institutional church transcending a local area. Leaders of a religious denomination properly designated through the denomination's own internal procedures have no recognized status under the law, nor does the law require state authorities to deal with them, although in practice they may do so to the extent it serves regime interests. The law, moreover, is structured to inhibit church leaders from exercising effective control over affairs of the church, its hierarchy, or members. Church organizations cannot own property or inherit funds or property as other Soviet public bodies may. Religious "cults" ⁷ have no specific legal right to maintain seminaries, publishing facilities, or other institutions, such as monasteries -- they exist only by special permission.

Notable provisions of the law include the following:

-- No individual may belong to more than one "religious cult group" (Article 2).

-- Religious associations may not function unless they register with local authorities (Article 4). The procedure for registering and satisfying all other official requirements is complex and allows authorities -- by refusing to register a group -- to deny legal status not only to individual groups but collectively to an entire religious denomination. This has been the fate of the Eastern Rite (Uniate) Catholic Church and the Jehovah's Witnesses. Congregations of some religious denominations, such as the Pentacostals and Seventh Day Adventists, are denied registration on the grounds that they do not accept the limitations imposed on believers by the Law on Religious Associations. A legally functioning religious group ceases to exist if authorities withdraw registration. In effect, Article 4 can prevent a Soviet citizen from practicing the faith of his or her choice.

-- Individual religious groups may organize general meetings or participate with other groups in conferences or councils only with official permission (Articles 12 and 20). By withholding such permission, state authorities have prevented denominations from holding a general conference (e.g., the Jews) or establishing central administrative bodies (e.g., Jews, Moslems). In other instances, authorities have required such meetings to be held for specific regime purposes (e.g., the irregularly convened Council -- Synod -- of the Russian Orthodox Church in 1961, and the irregularly convened Congress -- Sobor -- of the Eastern Rite Catholic Church in 1946 which approved the union of the Church with the Russian Orthodox Church under regime pressure).

-- Registered religious groups must elect their executive body by open ballot (Article 13). Individual members of a group may be removed "by the registering agencies" (Article 14). These two articles provide authorities with the necessary leverage to control the composition and membership of each religious group and to manipulate its choice of leaders -- hence, its activities and policies as well.

-- The law regards members of the clergy as persons hired by individual religious groups only for the performance of religious rites, a status which prevents the clergy from exercising a leadership role in a religious community. They also are wholly dependent on authorities for permission to practice their calling. Soviet law and administrative practices place at a special disadvantage those denominations (such as the Roman Catholic and Russian Orthodox Churches) where the priesthood is regarded as a sacrament, since official interference in ordination and appointment of clergy and in the discharge of their duties infringes on canon law.

-- Article 17 imposes a lengthy list of restrictions on the activity and rights of religious groups and members of the clergy: They may not engage in charitable, social, or "political" activities; organize prayer or study groups for adults or proselytize. Nor can they establish children's playgrounds, kindergartens, libraries, reading rooms, mutual aid societies, cooperatives, or sanatoriums. Neither the religious association nor its clergy can organize religious instruction for children; such instruction may be given only by parents to their children at home (Article 17).

-- The activity of clergy of a "cult" is restricted to the residential area of the religious association's members and the location of the "prayer premises" (Article 19).

-- Property necessary for the functioning of the "cult" is nationalized and under state control (Article 25).

-- Religious associations are denied property rights and may use "cult buildings" only by contractual agreement with Soviet authorities (Article 28).

-- "Prayer buildings" not under state protection as historical monuments may be used and reequipped for other purposes or demolished by Soviet authorities (Article 41).

-- All "cult property" is subjected to compulsory inventory by Soviet authorities (Article 55).

-- The performance of religious rites and ceremonies is not permitted in state, social, or cooperative institutions, although these rites and ceremonies may be held in "especially isolated premises" as well as at cemeteries and crematoria (Article 58).

-- Permission must be obtained from Soviet authorities before religious festivals can be held under an "open sky" or in the apartments or houses of believers (Article 59).

-- "Supervision" of religious associations is entrusted to the registering agencies (Article 64). Before the Law was amended in 1975, "surveillance" of religious associations, not "supervision," was entrusted to the "appropriate" Soviet authorities rather than "registering agencies."

The Law on Religious Associations prescribes relatively light penalties for violations: "Religious cult associations which have not fulfilled the requirements ... shall be considered closed with the consequences provided for by the present Decree." A decree on "Administrative Liability for Violation of Legislation on Religious Cults" of March 1966 also imposes a fine not exceeding 50 rubles for violating enumerated prohibited activities. Persistent attempts by believers to organize religious groups and activities outside the provisions of the Law, however, may be prosecuted -- and are in fact regularly prosecuted -- under general articles of the Criminal Code dealing with deviant behavior. These include Article 70 (Anti-Soviet agitation and propaganda), Article 190.1 (Circulation of knowingly false fabrications), Article 190.2 (Organization of or active participation in group actions which violate public order), Article 162 (Engaging in a prohibited trade), Article 206 (Hooliganism), Article 209 (Vagrancy, Begging and Parasitism), and Article 151 (Crimes against property of associations not constituting Socialist organizations).

In addition, Articles 142 and 227 of the Criminal Code are aimed specifically against religious activists. Violation of laws on separation of church and state and of church and school (Article 142) is punishable by three years deprivation of freedom for repeat offenders. A clarification by the Presidium of the RSFSR Supreme Soviet regarding the practical application of Article 142 explained that violations involving criminal responsibility shall include:

-- compulsory collection of funds for the benefit of religious organizations or cult ministers;

-- the preparation for mass dissemination, or the mass dissemination of written appeals, letters, leaflets, and other documents calling for the nonobservance of the legislation on religious cults;

-- the commission of fraudulent actions for the purpose of inciting religious superstition among the masses of the population;

-- the organization and conduct of religious meetings, processions, and other cultic ceremonies which violate the social order; and

-- the organization and systematic conduct of religious instruction to minors in violation of established legislation.

The infringement of rights of citizens under appearance of performing religious ceremonies (Article 227) carries a maximum punishment of 5 years deprivation of freedom. Religious actions infringing on the rights of citizens are defined to include:

-- Activities "carried on under the appearance of preaching religious beliefs and performing religious ceremonies" which can harm health or induce citizens "to refuse social activity or performance of civic duty, or draw minors into such a group ..."

-- Active participation in such activities or "systematic propaganda directed at the commission of such acts."

Members of fundamentalist evangelical sects where religious practices may include faith healing, refusal of conventional medical treatments, trances, glossolalia, or other forms of religious exaltation are subject to charges under Article 142. Similarly, Article 227 allows the prosecution of believers who refuse to perform military service on religious grounds, or who induce others to do so, or who forbid their children to attend state schools.

The statutory limitations on freedom of conscience and religious activity impose on religious believers difficult moral choices. Many believers who attempt to stay within the letter of the law find the conflict between faith and law irreconcilable and choose to ignore the law. Such activists can be found in every denomination and some, such as the Roman Catholics in Lithuania and the Baptists exhibit a high degree of organization and achieve impressive results. In 1980, for example, Lithuanian Catholics sent Brezhnev a petition signed by 143,869 believers asking for the return of a church which had been constructed with official permission at the expense of Catholics in the town of Klaipeda and then confiscated by the authorities. (The petition evoked no response from the authorities.) In the early sixties, a sizeable group of Baptists broke with the officially-endorsed "All-Union Council of Churches of Evangelical Christians and Baptists" and established a rival -- and illegal -- "Council of Churches of Evangelical Christians and Baptists." The dissident Baptists could not accept State restrictions including the ban on religious instruction to children, State control over clergy and the content of sermons, and the prohibition against religious "propaganda." Despite arrests and harrassments, they continue to defy the authorities and have even established a clandestine publishing house producing printed unofficial editions of religious literature as well as two monthly journals and a bulletin issued by a "Council of Prisoners' Relatives."

While all religious denominations without exception are bound by the restrictions enumerated above, enforcement of the law is carried out with especial severity against the Soviet Jewish community. Alone among the recognized religious groups in the USSR, Soviet Jews have no functioning seminary for the training of clergy, no authorized religious publications, no national organization, and no approved ties with co-religionists abroad.

F. OTHER GROUNDS FOR PROSECUTION

Because of the extensive restrictions Soviet laws place on the exercise of individual rights, a Soviet citizen can hardly achieve the status of a political or religious activist without running afoul of one of the political or religious articles of the Criminal Code, and for this reason Soviet citizens who incur official displeasure often face charges under such articles. However, their individual circumstances may also make them vulnerable to a variety of other charges. The authorities readily use a legal pretext, however flimsy the evidence, or fabricate a case if they decide to act against an activist.

For this reason, the political essence of some trials is not apparent from the formal criminal charges, which may involve common crimes such as assault, embezzlement, or theft of state property. Such cases, especially if they take place in provincial areas, may not come to the attention of Western observers or be reflected in statistical data. At the same time, the Soviet penal system often treats activists convicted for ordinary crimes as common criminals rather than political offenders. They may be directed to serve their sentence in "general regime" corrective labor camps and may in time even qualify for leniency, parole, or amnesty which is usually denied to political prisoners.

It is possible, of course, that criminal prosecution of an individual who happens to be an activist may be justified on the basis of evidence in matters unrelated to his nonconformist views or behavior. Dissidents are not necessarily above reproach. At the same time, a large body of evidence accumulated over the years regarding the disposition of individual cases indicates that trials of political and religious activists are preprogrammed to achieve conviction of the defendant regardless of the evidence at hand. Such trials involve flagrant violations of declared Soviet judicial procedure. Defendants are prevented from preparing or presenting an effective defense. Even the decision about the length of the sentence may have been made before the start of the trial. In short, if the regime chooses to take punitive action against an individual, the question of his formal guilt or innocence is irrelevant.

G. POLITICAL PRISONERS, PRISONERS OF CONSCIENCE, AND REFORM OF "CRIMINALS"

Soviet authorities contend that Soviet citizens are never prosecuted for political views or religious beliefs, but only for criminal acts specified by the Criminal Code, and that therefore political prisoners do not exist in the Soviet Union in law or as a special category of the penal population. That contention is contradicted by evidence that activists convicted under the political or religious articles of the Criminal Code are treated differently during pretrial investigation and during the judicial process, and are subsequently singled out for especially harsh treatment during confinement:

-- The investigation of such cases is conducted by the KGB, which retains control over them and determines their disposition.

-- Persons convicted for "especially dangerous crimes against the State"--including those convicted for anti-Soviet agitation and propaganda (Art. 70) -- are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

-- They are systematically denied packages, mail, and meetings with relatives to which they are entitled under prison regulations.

-- They run the risk of facing new criminal charges just before they complete serving a term of imprisonment if authorities do not wish to release them.

-- Upon completion of a term of corrective labor or internal exile, political and religious activists are often deprived of the right to return to their former city of residence. In effect, this perpetuates their exile status and they are forced to move from place to place in search of permission to establish legal residence. This has been the fate of Ida Nudel, the Jewish activist, who recently completed a four-year term of internal exile for "malicious hooliganism." She has been prevented from returning to Moscow.

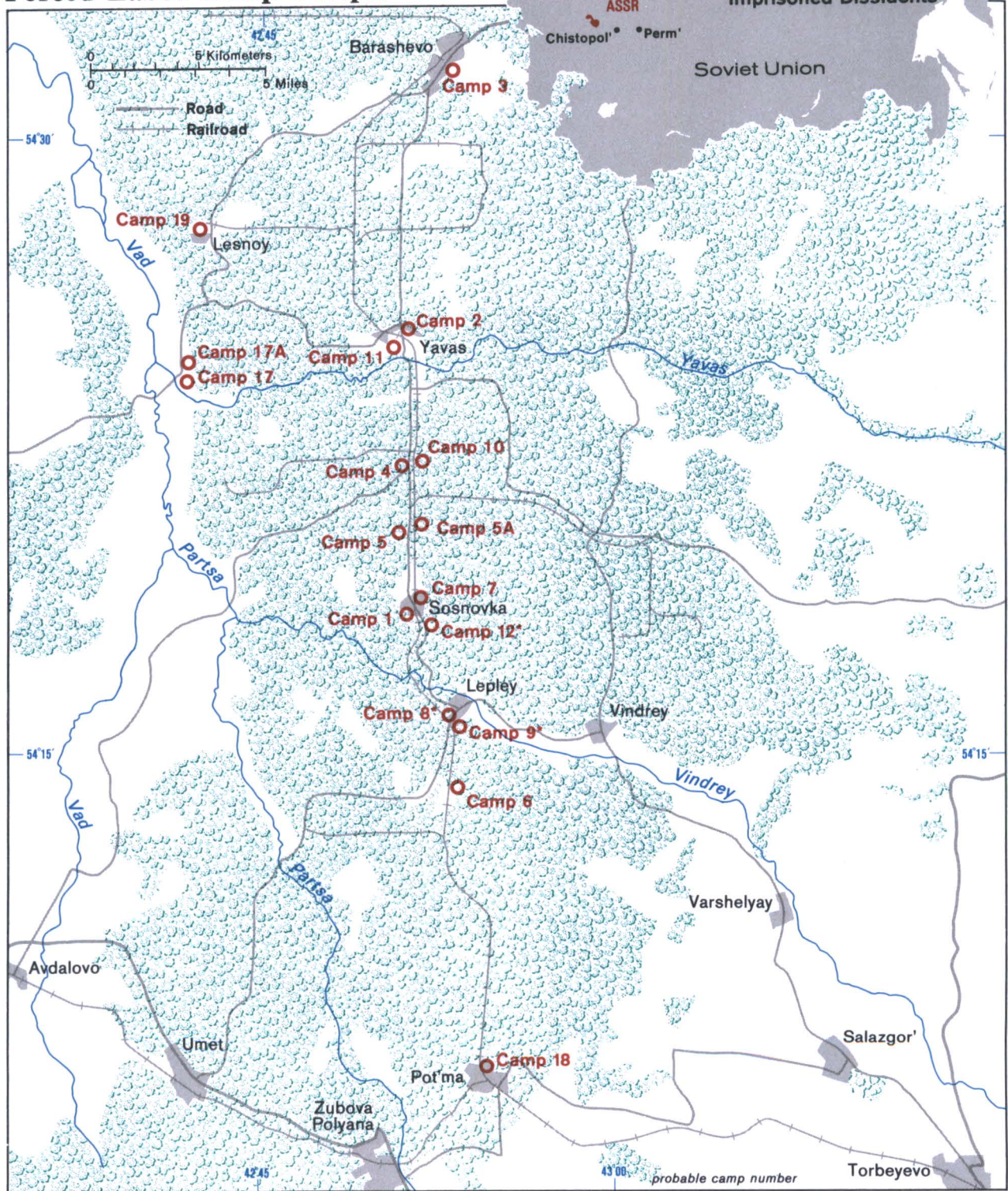
-- Religious believers sentenced to a term of imprisonment are not permitted access to religious literature, not even the religious literature that is occasionally published in the Soviet Union with official permission. In 1982, Russian Orthodox activist Gleb Yakunin staged an unsuccessful hunger strike when he was denied permission to have a Soviet edition of the Bible in labor camp.

-- Life in corrective labor camps is made even more difficult for individuals who regard themselves as political prisoners or "prisoners of conscience" because they fail to meet the two basic criteria the penal system requires from inmates to qualify for privileges and leniency -- admission of guilt and evidence of "reform." In the case of persons convicted essentially for political, religious, or nationalistic beliefs or other forms of intellectual nonconformity, "reform" in the eyes of the authorities would require renunciation of personal beliefs and public espousal of official ideology. Therefore, authorities regard those who refuse to do this as uncooperative and incorrigible, and not qualified to receive privileges, lenient treatment, early release, or consideration for pardon or amnesty.

An amnesty announced for the sixtieth anniversary of the USSR in December 1982 carefully excluded not only serious common criminals, but also political and religious offenders. The amnesty did not cover:

-- Individuals convicted for especially dangerous state crimes (including Article 70) and recidivists (many political and religious activists, it should be noted, are repeat offenders);

Mordovskaya ASSR Forced Labor Camp Complex



-- Individuals convicted under Article 142 (separation of Church and State), Article 162 (engaging in a prohibited profession), Article 190.1-190.3 (slandering the Soviet system; organizing or participating in group activities violating social order), Article 206 (hooliganism), Article 209 (parasitism), and Article 227 (infringing on citizens' rights under guise of performing religious ceremonies).

The language of the amnesty demonstrates that an individual who organizes religious instruction for children or who circulates a petition protesting an official action is deemed more dangerous by Soviet authorities than one who commits assault, robbery, or rape.

The Soviet Government's official position regarding political prisoners was stated by First Deputy Chief Zagladin of the Central Committee's International Department at a press conference before the December 1982 amnesty was announced. He explained that the amnesty would not include political prisoners because there are none in the Soviet Union.

II. CONDITIONS UNDER WHICH SOVIET FORCED LABORERS WORK AND LIVE

Physical conditions in corrective labor colonies of the special regime, to which political prisoners often are sentenced, are usually harsh, and much more severe than the usual conditions in camps for common criminals. Political prisoners in an especially harsh special regime camp in the Mordovskaya region (see plate) are reported to be confined to cells holding between three and five prisoners each, with a bucket serving as a toilet. The wife of former Soviet political prisoner Alexander Ginzburg reported, after visiting him in 1978:

"The cell in which my husband and other prisoners are kept is so damp that water drips down the walls and the plaster is crumbling off. Mice run about in the cell." (Prisoners of Conscience in the USSR: Their Treatment and Condition, Amnesty International, London 1980, p. 111)

Barrack-type quarters are common in ordinary, reinforced, and strict regime camps. The norm is overcrowded conditions, lack of ventilation, lack of sufficient heating during the cold months, and inadequate or unsanitary toilet facilities. Clothing is strictly limited by official regulation, causing numerous instances of sickness when prisoners are not permitted to wear warm clothes in addition to the inadequate regulation clothing.

Soviet authorities use the prison diet as a means of punishment. The regular diet itself is a form of punishment but may also be reduced in response to infractions of prison rules.

Article 56 of the RSFSR Corrective Labor Code reads:

"Convicted people shall receive food ensuring the normal vital activity of the human organism. Food rations shall be differentiated according to the climatic conditions at the location of the corrective labour colony, the nature of the work done by the convicted person and his attitude to work. People who are put in a punishment- or discipline-isolation cell, in a punishment cell, in the cell-type premises of colonies with ordinary, reinforced and strict regime and in a solitary cell in colony with special regime shall receive reduced food rations."

The official Commentary to Article 56 goes further:

"Convicted persons who systematically and maliciously do not fulfil their output norms of work may be put on reduced food rations."

Prisoners are theoretically permitted to receive extra food in the form of packages from the outside or by purchasing a few items from the camp commissary. Yet penal authorities often withhold this privilege, especially in the case of political prisoners. For example, penal authorities have repeatedly rejected packages sent to imprisoned human rights activist Anatoly Shcharansky by his mother; the authorities have also prohibited her from visiting Shcharansky.

There are also numerous reports of poor or nonexistent health care in the camps. One from the Chronicle of Current Events (No. 5, December 31, 1968) regarding the experience of the former political prisoner Vladimir Bukovsky relates circumstances that are reported to continue to exist:

"In October Vladimir Bukovsky was concussed when a pile of timber collapsed on him. He was unable to work as a result, but was accused of malingering and put in a punishment cell. He started a hunger strike in protest. Against the usual rule he was put in a communal cell and his cellmates declared a ten-day hunger strike in support of him. Only after this was Bukovsky transferred to hospital for a while."

Additional information on conditions in Soviet forced labor camps is contained in a letter, dated October 25, 1982, from P. Paritskaya, wife of Soviet political prisoner Aleksandr Paritskiy:

"My husband Aleksandr Solomonovich Paritskiy, 44, a Jew, a refusenik, a scientist, candidate of technical sciences, having worked in the field of oceanology, was condemned by the Khar'Kov district court in November, 1981, and sentenced to three years in an ordinary-regime (corrective labor) camp.

"He was accused of having distributed slanderous fabrications denigrating the Soviet state and social system.

"Since February, 1982, he has been in camp no. 94/4 (near) the village of Vydrino in the Buryat autonomous Soviet socialist republic. Upon his arrival in camp, my husband was assigned very strenuous manual labor in a railroad tie factory.

"He was placed under special, constant supervision. Approximately 2,000 prisoners are held in the Vydrino camp. There, tuberculosis and (other) diseases are endemic. Last year, the death-rate reached 2 percent, and there were many traumatic cases since hygienic rules and techniques were not observed.

"The bodies of many prisoners were covered with perforated ulcers. Their clothing stuck to their bodies and had to be ripped off along with their skin. The prisoners are denied quality medical assistance.

"Forty-two kopecks a day are spent to feed (each prisoner). Their daily diet basically is about 700 grams of bread and three scoops (one scoop -- 200 - 250 grams) of porridge. At lunch soup is added to the porridge. Fat is almost, and vitamins are completely, absent from their diet.

"In the section of the barracks where my husband lives, about 75 persons are housed in one room.

"At the end of June, 1982, the chief of the zone Major N.N. Anikeyev called my husband in and demanded that he publicly recant and repudiate the idea of emigrating from the Soviet Union.

"When my husband refused to comply with this demand, Anikeyev cynically said that it made no difference, that he would force him to recant.

"Since the end of July, they have transferred my husband to work in the zone's so-called local industry and have assigned him to the job of transporting gun-carriage plates weighing as much as 200 kilos. Two unidentified persons travelled to the camp each day to ensure that my husband did only his work.

"On August 22, when my husband began to talk about himself at our meeting, they interrupted it, seized him, and put him in punitive, solitary confinement (SHNZO) for 15 days.

"Punitive solitary confinement occurs in a cell in the camp site. Food is provided every other day. All warm clothing and underwear are confiscated. Bed linens are not provided. During the day, the sleeping area is cleaned. There, it is very cold, and even at night it is impossible to get warm.

"At our meeting, my husband was able to say that his blood pressure had increased to such an extent that he could not do all of his work, and so he refused to continue working. He had changed so much that it was hard to recognize him. His face was pale and emaciated; he had lost a lot of weight.

"After releasing him from solitary confinement, they again assigned him to his old job and then threw him back into solitary confinement.

"When I went to camp authorities on September 7, Major Sautin told me that my husband had high blood pressure and had been complaining about heart pains.

"My husband had no warm clothing, but winter already had begun in Buryatia.

"Despite that the procurator had ordered that my husband be allowed to receive things from me, the camp chief director refused to allow it, saying that the procurator had not instructed him to do so.

"I declare that my husband is undergoing the tortures of hunger, cold, and work beyond his endurance.

"They threaten him now with a new trial and a transfer to a prison regime.

"During the last two months, I have not received any letters from my husband, although his correspondence is not restricted. Even a package of warm clothing sent to him was returned.

"They subject him to all these insults to force him publicly to repudiate emigration to Israel. My husband at present finds himself in the position of a hostage.

[signed] P. Paritskaya"

III. FORCED LABOR AND THE SOVIET UNION'S OBLIGATIONS UNDER INTERNATIONAL LAW

International law distinguishes between forced or compulsory labor on the one hand and slavery on the other. In countries that have established permanent and extensive systems of forced labor to serve the economic as well as political purposes of the government, however, the distinction becomes in large part academic.

In the 1920's and 30's, the League of Nations evinced strong interest in the dangers that slavery and forced labor posed to fundamental human rights. Two multilateral treaties dealing with such matters -- the Anti-Slavery Convention of 1926 and ILO Convention 29, both discussed below -- were concluded in that period; both were ratified by the Soviet Union, and both remain in force today.⁸

A. THE ANTI-SLAVERY CONVENTION (1926)

The Convention on Suppression of the Slave Trade and Slavery ("Anti-Slavery Convention") deals primarily with slavery but also notes that "grave consequences" may result from exploitation of forced labor. Resulting from a recommendation of the Temporary Slave Commission established by the League of Nations, the Anti-Slavery Convention was adopted by the Assembly of the League on September 25, 1926.

Article 1 of the Anti-Slavery Convention defines slavery as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised." It would violate the Anti-Slavery Convention for a State party to enforce a private property right in an individual as a slave.

The international community, through the Anti-Slavery Convention, recognized that the large-scale use of forced labor tends inevitably to undermine universally acknowledged human rights and called attention to the comparability of forced labor abuses and the crime of slavery. Article 5 of the Anti-Slavery Convention states:

"The High Contracting Parties recognize that recourse to compulsory or forced labour may have grave consequences and undertake each in respect of the territories placed under its sovereignty ... to take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery."

The Soviet Union's forced labor system comprises approximately four million laborers and constitutes an important element in the Soviet economy. Most major construction projects in the Soviet Union involve exploitation of such laborers. Soviet forced laborers work under conditions of severe hardship and some of them, political prisoners in particular, suffer deliberate maltreatment. The scope and economic purposes of the Soviet Union's forced labor system and the abuses inflicted on forced laborers there support the conclusion that the Soviet Union is failing to fulfill its solemn undertaking in Article 5 of the Anti-Slavery Convention.

B. FORCED LABOR CONVENTION (1930)

At the time of its adoption of the Anti-Slavery Convention in 1926, the Assembly of the League of Nations also adopted a resolution calling on the International Labor Organization (ILO) to study "the best means of preventing forced or compulsory labour from developing into conditions analogous to slavery."

Four years later, on June 28, 1930, the ILO General Conference adopted Convention 29 -- Concerning Forced or Compulsory Labor.

The term "forced labor," as defined by Article 2 of ILO Convention 29, comprises "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Forced labor does not necessarily involve private property rights in individuals.

States parties to ILO Convention 29 undertake to suppress the use of forced or compulsory labor in all its forms within the shortest period possible. ILO Convention 29 requires, inter alia, the abolition of forced labor for work underground in mines. The Convention lists a set of strict determinations that the highest civil authority in a given territory must make before that authority allows recourse to forced labor. The Convention mandates that (1) an individual's forced labor term not exceed sixty days per year, (2) a forced laborer receive prevailing wage rates, including overtime pay, and (3) a forced laborer work no more than normal hours, and receive the benefit of days of rest and holidays. Also in ILO Convention 29 are standards governing workmen's compensation, safety and health, and age limits for forced laborers.

For a discussion of the ILO's formal reproaches against the Soviet Union for violations of ILO Convention 29, see the U.S. Department of State's November 1982 Preliminary Report to the Congress on Forced Labor in the USSR, Tab 2 ("The International Labor Organization: Forced Labor in the Soviet Union"),

C. REPORT OF AD HOC COMMITTEE ON FORCED LABOR (1953)

In the decades following the initial signing of the Anti-Slavery Convention, it became increasingly clear that those human rights which the Anti-Slavery Convention and ILO Convention 29 were drafted to protect are subject to the most salient and persistent violation in countries that have established actual systems for exploiting forced labor. On March 19, 1951, the UN Economic and Social Council ("ECOSOC") acted to expose such violations through adoption of its Resolution 350(XII).

In that resolution, ECOSOC stated that it was "deeply moved by the documents and evidence brought to its knowledge and revealing in law and in fact the existence in the world of systems

of forced labour under which a large proportion of the populations of certain States are subjected to a penitentiary regime." The resolution then invited the ILO to cooperate with ECOSOC to establish an ad hoc committee on forced labor

"to study the nature and extent of the problem raised by the existence in the world of systems of forced or 'corrective' labour, which are employed as a means of political coercion or punishment for holding or expressing political views, and which are on such a scale as to constitute an important element in the economy of a given country, by examining the texts of laws and regulations and their application ... and, if the Committee thinks fit, by taking additional evidence into consideration ..."

and to report on the results of its study. According to the resolution, the Ad Hoc Committee's work was to be guided by the principles laid down in ILO Convention 29, "the principles of the [UN] Charter relating to respect for human rights and fundamental freedoms, and the principles of the Universal Declaration of Human Rights."

The resulting Ad Hoc Committee on Forced Labor, comprising individuals from Norway, India, and Peru, carried out its study for almost two years, issuing in May 1953 its comprehensive 600-plus page report on forced labor, UN Document E/2431, Economic and Social Council, Sixteenth Session, Supplement No. 13. The report is a meticulous review of the relevant legislation and the relevant judicial and penal practices of over 20 various countries against which allegations had been made regarding forced labor abuses.

After discussing the Soviet case in detail, the Committee report stated the following conclusions:

"Given the general aims of Soviet penal legislation, its definitions of crime in general and of political offences in particular, the restrictions it imposes on the rights of the defence in cases involving political offences, the extensive powers of punishment it accords to purely administrative authorities in respect of persons considered to constitute a danger to society, and the purpose of political re-education it assigns to penalties of corrective labour served in camps, in colonies, in exile and even at the normal place of work, this legislation constitutes the basis of a system of forced labour employed as a means of political coercion or punishment for holding or expressing political views and it is evident from the many testimonies examined by the Committee that this legislation is in fact employed in such a way.

"Persons sentenced to deprivation of liberty by a court of law or by an administrative authority, particularly political offenders, are for the most part employed in corrective labour camps or colonies on large-scale projects, on the development of mining areas or previously uncultivated regions, or on other activities of benefit to the community, and the system therefore seems to play a part of some significance in the national economy.

"Soviet legislation makes or places restrictions on the freedom of employment; these measures seem to be applied on a large scale in the interests of the national economy and, considered as a whole, they lead, in the Committee's view, to a system of forced or compulsory labour constituting an important element in the economy of the country."

The Committee report's general conclusions included the following:

"A system of forced labour as a means of political coercion... is, by its very nature and attributes, a violation of the fundamental rights of the human person as guaranteed by the Charter of the United Nations and proclaimed in the Universal Declaration of Human Rights. Apart from the physical suffering and hardship involved, what makes the system most dangerous to human freedom and dignity is that it trespasses on the inner convictions and ideas of persons to the extent of forcing them to change their opinions, convictions and even mental attitudes to the satisfaction of the State.

"While less seriously jeopardising the fundamental rights of the human person, systems of forced labour for economic purposes are no less a violation of the Charter of the United Nations and the Universal Declaration of Human Rights.

"Such systems of forced labour affecting the working population of fully self-governing countries result from various general measures involving compulsion in the recruitment, mobilisation or direction of labour. The Committee finds that these measures, taken in conjunction with other restrictions on the freedom of employment and stringent rules of labour discipline--coupled with severe penalties for any failure to observe them--go beyond the 'general obligation to work' embodied in several modern Constitutions, as well as the 'normal civic obligations' and 'emergency' regulations contemplated in international labour Convention No.29."

(emphasis in original; footnotes deleted).

These conclusions led to the adoption by UN bodies of several resolutions condemning systems of forced labor such as that existing in the Soviet Union. In Resolution 740(VIII), adopted on December 7, 1953, the UN General Assembly, "considering that systems of forced labour constitute a serious threat to fundamental human rights and jeopardize the freedom and status of workers in contravention of obligations and provisions of the Charter of the United Nations," affirmed "the importance which it attaches to the abolition of all systems of forced or 'corrective' labour, whether employed as a means of political coercion or punishment for holding or expressing political views or on such a scale as to constitute an important element in the economy of a country." In Resolution 842(IX), adopted on December 17, 1954, the UN General Assembly reiterated its condemnation of such systems of forced labor.

The international community, primarily through the ILO, has continued to highlight the importance of abolishing systems of forced labor, especially those used for political coercion or for economic purposes. The ILO has been the principal UN agency overseeing forced labor since ECOSOC adopted Resolution 524 (XVII) (April 27, 1954) calling on the ILO to continue its consideration of forced labor and to take whatever further action it deemed appropriate toward its abolition. Indeed, the ILO Committee of Experts has conducted three general surveys on forced labor since the 1950's, the latest one published in 1979; all have been critical of relevant Soviet law. In addition, the ILO General Conference of 1977 adopted a Resolution calling for the strengthening of the ILO supervision system for the application of international labor standards, particularly human rights standards such as those relating to forced labor.

D. CONCLUSION

In the period since the Ad Hoc Committee on Forced Labour issued its report, changes have been made in the Soviet Union's forced labor laws and practices. Soviet penal legislation today, however, still aims to punish individuals for their political views and for peaceful actions of an essentially political or religious nature. Moreover, in practice, Soviet authorities continue to use such legislation for that purpose. In Soviet courts, the rights of the defense, especially when political charges are involved, remain severely restricted. Soviet administrative authorities continue to possess and exercise extensive powers of punishment and corrective labor camp penalties continue to have as a goal the coerced alteration of the personal opinions of political prisoners. Furthermore, the Soviet Union's forced labor system remains an important element in the Soviet economy and forced laborers in the Soviet Union are still subjected to exceedingly harsh conditions and maltreatment. Thus, notwithstanding the changes in the Soviet Union's forced labor system since the issuance of the Ad Hoc Committee's report in 1953, the Government of the Soviet Union is persisting in practices that contravene the UN Charter and failing to fulfill its solemn undertakings in the Universal Declaration of Human Rights and the Anti-Slavery Convention of 1926.

NOTES

1. Vedomosti Presidiuma Verkhovnogo Soveta SSSR, No. 29(1969), Art. 247.
2. Vedomosti SSSR, No. 7(1977), Art. 118; No. 33(1981), Art. 967; No. 30(1982), Art. 572; No. 42(1982), Art. 793.
3. Vedomosti SSSR, No. 7(1977), Art. 118.
4. Vedomosti SSSR, No. 30(1982), Art. 572.
5. Equivalent articles exist in the criminal codes of other Soviet republics, although their numerical designation may differ.
6. The Bible (Russian-language edition of the Moscow Patriarchate, 1956).
7. "Cult" is the disparaging Soviet statutory term for a religion.
8. The United States is a party to the Anti-Slavery Convention, but not to ILO Convention 29. The United States Government has signed ILO Convention 29, but the Senate has not yet consented to ratification.



January 10, 1983

UPDATE ON ILO ACTIVITIES

Direct Contacts Mission to the USSR

The International Labor Organization (ILO) has accepted "in principle" an invitation from the Soviet All Union Central Council of Trade Unions (AUCCTU) to send an on-site mission to examine charges of forced labor on the export pipeline. Arrangements for the ILO visit as well as its terms of reference have yet to be worked out. The invitation nevertheless marks the first time that the ILO may be permitted to conduct an on-site mission specifically concerning Soviet use of forced labor. The invitation should be viewed with caution, however, in light of the potential limitations, discussed below, on the mission's terms of reference.

Background

On August 20, 1982 the International Confederation of Free Trade Unions (ICFTU) sent a letter to ILO Director-General Francis Blanchard requesting him to raise with the competent Soviet authorities the allegation that forced labor is used in the construction of the natural gas pipeline from Siberia to Western Europe. The ICFTU also requested that the matter be transmitted to the ILO Committee of Experts on the Application of Conventions and Recommendations.

The ICFTU letter did not constitute a formal complaint under Article 24 of the ILO Constitution, nor did it request that a direct contacts mission be established with the Soviet Union.

In response, the ILO informed the ICFTU on September 2 that its letter was being transmitted to the Soviet government with a request for comments on the issue. In addition, as requested by the ICFTU, the matter would be communicated to the Experts.

Later that month, while on a visit to the Soviet Union (September 24-October 4), ILO Deputy Director-General Bertil Bolin raised the matter of working conditions on the pipeline project. At that time Bolin was extended a verbal invitation by the official Soviet trade union organization to send a mission to examine working conditions and the life of workers on the Siberian gas export pipeline. The invitation was formally confirmed by an October 25 letter from Vasili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions and worker member of the ILO Governing Body (See Appendix 1).

The terms of reference of the mission, as stipulated in the Prokhorov letter, would permit one senior ILO official accompanied by two advisers to visit only the export pipeline. No mention is made of visiting labor camps in close proximity to the export pipeline, or camps elsewhere in the Soviet Union. In addition, it is not clear whether ILO officials would be able to choose the sites for visit, or that they would be able to talk privately with pipeline workers.

The ILO Reaction

A. The Office

On November 2 during an interview with United Nations television, ILO Director-General Blanchard was reported by Reuter to have announced an ILO request to send a mission to the Soviet Union. In response to press inquiries concerning the Blanchard statement, the U.S. Department of State said on November 2 that it considered the ILO's request for a mission appropriate in view of the controversy surrounding the use of forced labor in the USSR. The Department stressed at the same time, however, that it is incumbent upon the Soviet authorities to disprove the numerous and grave charges concerning their use of forced labor -- including that of political prisoners -- by opening all of their labor camps and involuntary labor sites to international inspection.

The ILO announced receipt of the Soviet trade union invitation on November 9. Director-General Blanchard, however, denied that the ILO had actually solicited an invitation for a mission. The ILO issued a press release on November 10 in which Blanchard stated only that "the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they may arise" (See Appendix 1).

Following the ILO's announcement on November 9 of receipt of the Soviet trade union invitation on that date, the Department noted that to be meaningful any invitation would have to have the full commitment of the Soviet Government to guarantee full access to the mission to investigate the charges.

In any event, the ILO must make a decision on how to deal with the Soviet trade union invitation. Many questions remain unanswered: Although Soviet trade unions are under total government control, it can be asked why the invitation did not come directly from the Soviet Government, which is responsible for the Soviet Union's international obligations? Would the Soviet Government disavow unfavorable conclusions on the basis that it was "not involved?" By contrast, would it exploit favorable conclusions as the "definitive statement" on forced labor in the Soviet Union? Will the mission be limited to pre-selected sites on the export pipeline?

There are considerable grounds for concern, as indicated already by the ICFTU and AFL-CIO, that as in the case of an ILO survey of the Soviet Union in 1959, a mission on Soviet forced labor would accomplish nothing or would be a "whitewash". (For conclusions of the 1959 Survey, see History of the International Labor Organization, Antony Alcock, New York (1971), page 315). The U.S. Government, for its part, made clear in the statement by the Department of State on September 22, 1982 and in its transmittal letter to Congressional leaders on November 4, 1982, that in the light of the very serious allegations which remain unresolved, it is incumbent upon the Soviet Union to open to impartial international inspection its entire system of forced labor camps and projects.

B. The Committee of Experts

As stated above, the ICFTU's letter will be transmitted to the ILO Committee of Experts. Since the USSR ratified ILO Convention 29 on forced labor in 1956, the Experts examine Soviet application of this Convention on a biennial basis. The next session at which the Experts definitely will examine the issue of Soviet forced labor is in March 1984, by which time the biennial Soviet report is due.

However, as noted above, the ICFTU has asked the Committee of Experts to look into the matter which, if it so desires, it could do at its March 1983 session. The most that might normally be expected in 1983, however, would be a request from the Experts that the Soviet Government respond to the allegations by March 1984.

C. ILO June Conference

With regard to the annual ILO June Conference, it is possible that the issue of forced labor in the Soviet Union may be raised in June 1983 by a delegate during the general discussion on the application of standards. However, as a major discussion on freedom of association in all member States, including the Soviet Union and Poland, is scheduled for June 1983, the issue of Soviet forced labor may not be debated until the following Conference in June 1984.

RECENT CHRONOLOGY

June 18, 1982

Subcommittee on International Finance, Senator William Armstrong presiding, held hearings on Soviet labor practices.

August 1982

The German International Society for Human Rights (ISHR) issues a report entitled "The Use of Forced Labor on the Siberian Gas-Pipeline."

August 17, 1982

Senator Armstrong submits Resolution requesting the Department of State to investigate allegations concerning the use of forced labor on the Soviet pipeline.

August 20, 1982

The ICFTU sends a letter to ILO Director-General requesting that the ILO investigate allegations of forced labor on the Soviet pipeline.

September 2, 1982

ILO Director-General responds to ICFTU, indicating that it is transmitting ICFTU letter to Soviet government and to ILO Committee of Experts.

September 6, 1982

ICFTU publicizes its request of the ILO.

September 22, 1982

Department of State issues an official statement on the issue of Soviet forced labor, calling for the entire Soviet forced labor system to be opened to impartial international inspection.

September 29, 1982

Conference Report 97-891 directs the Secretary of State to report on allegations concerning the use of Soviet forced labor.

September 24 -
October 4, 1982

ILO Deputy Director-General Bertil Bolin visits the USSR and raises the issue of working conditions on the pipeline project.

CHRONOLOGY (Continued)

- October 25, 1982 Vasili Prokhorov, Vice Chairman of the Soviet All Union Central Council of Trade Unions (AUCCTU) sends a formal invitation to the ILO to send a mission to visit the pipeline.

- November 2, 1982 ILO Director-General Blanchard holds interview with U.N. television.

- November 3, 1982 Department of State issues public comment in response to inquiries concerning Blanchard's interview.

- November 4/5, 1982 Department of State submits preliminary report to Congress.

- November 10, 1982 ILO issues press release concerning invitation from Soviet trade union organization for a mission.



Wednesday 10 November 1982
For immediate release

Press

SIBERIA-EUROPE GAS PIPELINE

32-82

GENEVA (ILO News) - Following an interview given to United Nations television in New York on 2 November, during which he spoke, among other matters, of problems of conditions of work on the sites of the gas pipeline in the Soviet Union, Director-General Francis Blanchard of the International Labour Office wishes to make the following clarification:

Contrary to some of the comments to which this interview has given rise, among others from the United States, the Director-General limited himself exclusively to recalling the responsibilities of the International Labour Organisation, whose mandate is to watch over the application of international labour Conventions, and in particular the basic Conventions ratified by member States in the field of human rights.

Within the framework of this mandate it is the task of the International Labour Office to gather information from member States so as to enable the International Labour Conference and the supervisory bodies to discharge their responsibilities. The Director-General added, in this connection, that the ILO is more effective when it can make on-site visits, not to conduct inquiries in the judicial sense, but to examine problems where they might arise.

In this connection the Director-General wishes to publish the following letter, dated 25 October 1982, sent by Mr. Vassili Prokhorov, Vice-President of the Central Council of Soviet Trade Unions,

Tel. 99.61.11
ext.7940
Distribution:
ext.7913

45

2 - gas pipeline

to Mr. Bertil Bolin, Deputy Director-General of the ILO:

"In the course of our talks in Moscow a question was raised in regard to ICFTU General Secretary O. Kersten's letter alleging that in this country prisoners' forced labour is used for building the Siberia-Western Europe gas-main.

"With a view of initiating a dialogue between the ILO and the Soviet Trade Unions on this matter I have already expressed our readiness to arrange for you and one or two advisers who may accompany you, to visit the gas-main construction site.

"On behalf of the AUCCTU I formally confirm hereby the invitation to visit the construction site of the Siberian-Western Europe gas-main at any convenient time and to become acquainted on the spot with the conditions of labour and life of Soviet workers employed at the above-mentioned project."

* * * * *

Soviet Efforts to Recruit Workers to Siberia

The Soviet regime has from its inception mounted an advertising campaign designed to attract workers to Siberia and other labor-short regions of the USSR. This effort has consistently fallen short of its goal of attracting and holding labor in the numbers needed for this resource-rich area.

Siberia has always been sparsely populated. Despite the vigorous attempts made by both the Imperial and Communist governments to settle it during the 19th and 20th centuries, the region continues to be characterized by low population density. Siberia includes about 30 percent of the territory of the USSR, but in 1979 only 8 percent of the total Soviet population lived there. Even more striking, the Far Eastern region which occupies another 28 percent of the country's territory, contained only 2.5 percent of the population. There has been a substantial increase in the number of people living in these areas since 1939, but because of population growth elsewhere, the increase in the proportion of the Soviet population living in Siberia and the Far East has been negligible.

The natural increase in Siberia's population has not been sufficient to meet the area's manpower needs, and these deficiencies can only be made up through migration. But if the area's experience to date is any guide to the future, it will be extremely difficult to attract and retain enough workers to satisfy the planners. For example, in Tyumen' Oblast where energy development is concentrated, the population of two administrative sub-units almost quadrupled since 1959, growing from one-tenth to one-fourth of West Siberia's total. This massive influx does not, however, represent permanent or even long-term settlement. About 80 percent of the immigrants to Tyumen' Oblast during 1965-75 left, and the exodus is said to be continuing at about the same rate.

Incentive Program

For more than 50 years the Soviet government has provided financial and other incentives to recruit workers to Siberia. Extra benefits for those willing to work in the northern regions were first made available by a 1932 decree for a "northern increment" to regular wages, longer annual leave, increased pension rights and certain privileges in housing and education. Wages were set 20-30 percent higher than the level prevailing in the European portions of the USSR. Other benefits included income tax exemptions for 5-10 years, free food and seed, home-building loans and the like. Despite the government's

efforts, by 1959 it was found that the West-to-East resettlement program was not successful. The number of those leaving Siberia was greater than the number moving in.

A 1960 decree abolished the existing wage differentials, reducing benefits available to those thinking of moving to Siberia and to those already working there. This measure proved to be a mistake as it produced a mass exodus of workers; financial incentives to encourage migration were reintroduced by 1967. Further changes in 1969, 1972, 1973 and 1977 increased allocations for wages, pensions and other amenities, extending them to categories of workers not previously covered by the benefits, and making them applicable to all parts of Siberia and the Far East.

Those who leave for work in Siberia try to conclude contracts with particular establishments in advance, since in this case the law provides special benefits. Fundamental benefits include higher wages (1.5-4.0 times the national average), a bonus for a signing up, additional payments for seasonal unemployment, additional leave (1.5-2.0 times the national average), and extra time and money once every three years for a round-trip to a "place of rest." Supplementary benefits include special advantages in the calculation of pensions and disability payments, retention of the right to live in one's former place of residence, and payment of expenses (upon expiration of the labor contract or for some other valid reason) for the return trip of the worker and his family to his former place of residence. Agricultural resettlers in certain regions are offered similar incentives as well.

However, the promise of a better life and higher wages soon collides with the harsh realities of living in Siberia. The extreme weather and isolation, inadequate housing, limited social amenities, and high prices for food and consumer goods all contribute to worker dissatisfaction and high turnover.

Other Employment Alternatives

Because of Siberia's huge manpower needs required by the 1981-85 Five Year Plan, the Soviets will undoubtedly continue to rely on the traditional incentive approach to recruit workers to Siberia. However, the expense and limited success involved in establishing permanent settlements and the high turnover of workers have prompted the government to experiment with other employment schemes. They will increase the tour-of-duty and expedition methods of employment which rotate short-term workteams from established areas. These methods entail flying

workers into makeshift settlements in the North from southern base cities (within Siberia for tour-of-duty method and from European USSR for expedition approach) for a predetermined period and then returning them for rest and recreation before their next tour.

Other sources of labor for work in Siberia include some foreign workers, inmates from labor camps, and some unconfined parolees and probationers. There are, for example, forced labor camps located in West Siberia which are engaged in manufacturing and light industry. Recent evidence -- including reports from the International Society for Human Rights -- indicates that some unconfined forced laborers are used regularly in large construction projects -- including domestic pipeline compressor stations.

"Help Wanted"

As an illustration of official Soviet recruiting efforts, the following is the complete text of an advertisement which was placed earlier this year in "Ekonomicheskaya Gazeta", a Soviet weekly which can be roughly equated with "Business Week", by a Soviet construction organization seeking to recruit engineers and skilled workers for pipeline construction work in the vicinity of the Urengoy gas field, the pipeline's Soviet terminus. The generous financial incentives offered free Soviet workers willing to sign up for such jobs, and the primitive living conditions they must endure, are graphically depicted in the ad.

(Begin Text)"In Tyumenskaya Oblast

The Priob'truboprovodstroy Trust
is hiring for work on trunk pipeline construction
in North Tyumenskaya Oblast

experienced specialists: professionally qualified overhead welders, category 6 operators of semi-automatic machine tools to weld pipes 1020-1040 mm in diameter; category 6 machine operators-pipe layers (KATO, KOMATSU), category 6 operators of EO-4121 hydraulic excavators, KATO machine operators; bulldozer operators (imported and Soviet-made equipment), category 6 foremen for fitters' brigades, drivers of MAZ-543 and KrAZ-255 truck tractors; defectoscope operators for narrow gammagraphing; operators of Tyumen BT-361 marsh vehicles; TG-502 pipe layers;

specialists with appropriate educational background and work experience: chief mechanics

of administrative sections, deputy chief and senior engineer for the trust's Central Industrial Research Laboratory, heads and chief engineers of administrative sections, deputy chiefs of administrative sections, Mechanical Repair Shop mechanics, mechanics for imported equipment, radiography experts, budget engineers, senior engineers for the trust's wage and hour and administrative sections;

for line work on construction of trunk pipelines: senior foremen, foremen, experts, line mechanics to repair and operate construction equipment, automobile mechanics, convoy foremen and senior convoy foremen.

Specialists will be provided with housing for six months, and workmen will be provided with temporary living quarters in trailers or a dormitory on a first come first served basis.

The regional wage premium is 70 per cent, and the allowance for working in the North is ten per cent for every year of work. A lump sum payment of two months' salary is made upon signature of a three year contract, and additional preferential leave, including payment of travel costs, is granted once during the three years. Those working directly on the pipeline are paid a line bonus of 40 per cent, and housing is reserved for them at their place of permanent residence.

To be accepted for employment, send a certified copy of your labor book, a copy of your diploma and your personnel form.

Our address: Personnel Department of the Trust, pos. Igrim, Berezovskiy rayon, Khanty-Mansiyskiy autonomous okrug, Tyumenskaya Oblast 626806."
(End Text)

Soviet Efforts to Recruit Workers to Siberia

The Soviet regime has from its inception mounted an advertising campaign designed to attract workers to Siberia and other labor-short regions of the USSR. This effort has consistently fallen short of its goal of attracting and holding labor in the numbers needed for this resource-rich area.

Siberia has always been sparsely populated. Despite the vigorous attempts made by both the Imperial and Communist governments to settle it during the 19th and 20th centuries, the region continues to be characterized by low population density. Siberia includes about 30 percent of the territory of the USSR, but in 1979 only 8 percent of the total Soviet population lived there. Even more striking, the Far Eastern region which occupies another 28 percent of the country's territory, contained only 2.5 percent of the population. There has been a substantial increase in the number of people living in these areas since 1939, but because of population growth elsewhere, the increase in the proportion of the Soviet population living in Siberia and the Far East has been negligible.

The natural increase in Siberia's population has not been sufficient to meet the area's manpower needs, and these deficiencies can only be made up through migration. But if the area's experience to date is any guide to the future, it will be extremely difficult to attract and retain enough workers to satisfy the planners. For example, in Tyumen' Oblast where energy development is concentrated, the population of two administrative sub-units almost quadrupled since 1959, growing from one-tenth to one-fourth of West Siberia's total. This massive influx does not, however, represent permanent or even long-term settlement. About 80 percent of the immigrants to Tyumen' Oblast during 1965-75 left, and the exodus is said to be continuing at about the same rate.

Incentive Program

For more than 50 years the Soviet government has provided financial and other incentives to recruit workers to Siberia. Extra benefits for those willing to work in the northern regions were first made available by a 1932 decree for a "northern increment" to regular wages, longer annual leave, increased pension rights and certain privileges in housing and education. Wages were set 20-30 percent higher than the level prevailing in the European portions of the USSR. Other benefits included income tax exemptions for 5-10 years, free food and seed, home-building loans and the like. Despite the government's

efforts, by 1959 it was found that the West-to-East resettlement program was not successful. The number of those leaving Siberia was greater than the number moving in.

A 1960 decree abolished the existing wage differentials, reducing benefits available to those thinking of moving to Siberia and to those already working there. This measure proved to be a mistake as it produced a mass exodus of workers; financial incentives to encourage migration were reintroduced by 1967. Further changes in 1969, 1972, 1973 and 1977 increased allocations for wages, pensions and other amenities, extending them to categories of workers not previously covered by the benefits, and making them applicable to all parts of Siberia and the Far East.

Those who leave for work in Siberia try to conclude contracts with particular establishments in advance, since in this case the law provides special benefits. Fundamental benefits include higher wages (1.5-4.0 times the national average), a bonus for a signing up, additional payments for seasonal unemployment, additional leave (1.5-2.0 times the national average), and extra time and money once every three years for a round-trip to a "place of rest." Supplementary benefits include special advantages in the calculation of pensions and disability payments, retention of the right to live in one's former place of residence, and payment of expenses (upon expiration of the labor contract or for some other valid reason) for the return trip of the worker and his family to his former place of residence. Agricultural resettlers in certain regions are offered similar incentives as well.

However, the promise of a better life and higher wages soon collides with the harsh realities of living in Siberia. The extreme weather and isolation, inadequate housing, limited social amenities, and high prices for food and consumer goods all contribute to worker dissatisfaction and high turnover.

Other Employment Alternatives

Because of Siberia's huge manpower needs required by the 1981-85 Five Year Plan, the Soviets will undoubtedly continue to rely on the traditional incentive approach to recruit workers to Siberia. However, the expense and limited success involved in establishing permanent settlements and the high turnover of workers have prompted the government to experiment with other employment schemes. They will increase the tour-of-duty and expedition methods of employment which rotate short-term workteams from established areas. These methods entail flying

workers into makeshift settlements in the North from southern base cities (within Siberia for tour-of-duty method and from European USSR for expedition approach) for a predetermined period and then returning them for rest and recreation before their next tour.

Other sources of labor for work in Siberia include some foreign workers, inmates from labor camps, and some unconfined parolees and probationers. There are, for example, forced labor camps located in West Siberia which are engaged in manufacturing and light industry. Recent evidence -- including reports from the International Society for Human Rights -- indicates that some unconfined forced laborers are used regularly in large construction projects -- including domestic pipeline compressor stations.

"Help Wanted"

As an illustration of official Soviet recruiting efforts, the following is the complete text of an advertisement which was placed earlier this year in "Ekonomicheskaya Gazeta", a Soviet weekly which can be roughly equated with "Business Week", by a Soviet construction organization seeking to recruit engineers and skilled workers for pipeline construction work in the vicinity of the Urengoy gas field, the pipeline's Soviet terminus. The generous financial incentives offered free Soviet workers willing to sign up for such jobs, and the primitive living conditions they must endure, are graphically depicted in the ad.

(Begin Text)"In Tyumenskaya Oblast

The Priob'truboprovodstroy Trust
is hiring for work on trunk pipeline construction
in North Tyumenskaya Oblast

experienced specialists: professionally qualified overhead welders, category 6 operators of semi-automatic machine tools to weld pipes 1020-1040 mm in diameter; category 6 machine operators-pipe layers (KATO, KOMATSU), category 6 operators of EO-4121 hydraulic excavators, KATO machine operators; bulldozer operators (imported and Soviet-made equipment), category 6 foremen for fitters' brigades, drivers of MAZ-543 and KrAZ-255 truck tractors; defectoscope operators for narrow gammagraphing; operators of Tyumen BT-361 marsh vehicles; TG-502 pipe layers;

specialists with appropriate educational background and work experience: chief mechanics

55

of administrative sections, deputy chief and senior engineer for the trust's Central Industrial Research Laboratory, heads and chief engineers of administrative sections, deputy chiefs of administrative sections, Mechanical Repair Shop mechanics, mechanics for imported equipment, radiography experts, budget engineers, senior engineers for the trust's wage and hour and administrative sections;

for line work on construction of trunk pipelines: senior foremen, foremen, experts, line mechanics to repair and operate construction equipment, automobile mechanics, convoy foremen and senior convoy foremen.

Specialists will be provided with housing for six months, and workmen will be provided with temporary living quarters in trailers or a dormitory on a first come first served basis.

The regional wage premium is 70 per cent, and the allowance for working in the North is ten per cent for every year of work. A lump sum payment of two months' salary is made upon signature of a three year contract, and additional preferential leave, including payment of travel costs, is granted once during the three years. Those working directly on the pipeline are paid a line bonus of 40 per cent, and housing is reserved for them at their place of permanent residence.

To be accepted for employment, send a certified copy of your labor book, a copy of your diploma and your personnel form.

Our address: Personnel Department of the Trust, pos. Igrim, Berezovskiy rayon, Khanty-Mansiyskiy autonomous okrug, Tyumenskaya Oblast 626806."
(End Text)

56

Forced Labor at the Soviet Pipeline:
HEARINGS HELD BY THE INTERNATIONAL SOCIETY FOR
HUMAN RIGHTS (IGFM)
Bad Godesberg, FRG
November 18-19, 1982

The German branch of the International Society for Human Rights (Internationale Gesellschaft fuer Menschenrechte, IGFM) based in Frankfurt and the International Sakharov Committee based in Copenhagen held hearings on November 18-19 in Bad Godesberg on Soviet use of forced labor to build gas pipelines.

The meeting was conducted jointly by its Honorary President, Alfred Coste Floret, a leader of the French International Society for Human Rights and former member of the Nuernberg War Crimes Tribunal, Dr. Reinhard Gnauck, President of the German IGFM, and Feldsted Andresen, President of the International Sakharov Committee.

The "Examining Commission" included two Americans: Senator William Armstrong of Colorado and Mr. James Baker of the Paris office of the AFL/CIO. Other members were: Marcel Aeschbacher, from the Swiss Labor Movement; Professor Raymond Aron from the Sorbonne; Professor Felix Ermacora, University of Vienna; Hans Graf Huyn, CSU member of the German Bundestag; Detlef Lutz, from the Christian Labor Movement in the FRG; Ludwig Martin, from the International Commission of Tourists; Carlos Ripa Di Meana, Italian Socialist member of the European Parliament; and Victor Sparre, Norwegian writer and publisher.

Three prominent exiles from the Eastern bloc served as expert witnesses: Georgij Dawydow, from Baku, in the West since 1980; Professor Andrzej Kaminski, from Warsaw, in the West since 1973; and Professor Michael Voslensky, formerly of the Soviet Academy of Sciences, living in the West since 1972. Represented by non-participating observers were, among others, Amnesty International, Freedom House, and The (Lutheran) Bishops Conference. The American, French, Dutch, and Belgian Embassies in Bonn were also represented. The International Press was fairly well represented, including West German television. There were in addition at most of the hearings some 100 to 150 others.

The IGFM distributed the following press release, in addition to the materials submitted earlier (The Use of Forced Labor on the Siberian Gas Pipeline: Documentation) for the August 1982 hearings. The IGFM expects to issue a report on the Bad Godesberg hearings in early 1983.

Purpose of the Hearing

This Hearing shall examine witness accounts about forced labor at the Soviet gas pipeline system. This huge network of pipelines is under construction for decades already and western countries participate with their technology and credits for many years. For decades pipes are supplied, for instance. The credit from German banks on February 1, 1970 of 1.2 billion DM for this gas-pipeline deal was probably not the first and the 4.0 billion DM credit of July 13, 1982 might not be the last one. Already since October 1, 1973 Soviet gas reaches the Federal Republic of Germany. Therefore, the witnesses will have to be questioned about forced labor at the gas pipelines during the last 10-15 years.

Building a network of pipelines does not consist only of welding tubes and laying them into the ground - this is only one step, usually done by complicated machines. Preparatory and other work for such a huge construction site has to be done also - cutting trees, draining the ground, preparing roads and telephone connections, building shelter and factories, sewing workmen's clothes, unloading trucks etc. The witnesses shall report about these works also.

The results of this Hearing will be presented to all governments concerned and to the world public, in order that a moral decision can be reached about continuation of the cooperation with the USSR on this industrial project.

Dr. med. Reinhard Gnauck
Chairman, IGFM

(IGFM translation)

Example of Testimony at the Hearings:

Statement

I, Wladimir Grigorjewitsch Titow, was born 1938 in the village Wersebnewo, district Ljudinowski, area Kaluga. I had a higher technical education and completed a training in a KGB-school. I am a KGB-lieutenant. But my conscience did not allow me to commit unlawful acts and harm good people, i.e. to actually serve the KGB. Therefore I tried to leave the KGB. For attempting this I was sentenced to 10 years in prison and psychiatric confinement according to S 70 of the penal code of the RSFSR. Even after this 10 years I was persecuted cruelly. I was beaten to unconsciousness, my bones were broken, I had to be hospitalized. I was refused any job and I starved. The KGB tried to provoke me and watched me continuously, other people were instigated against me, relatives likewise. The only way out of this true hell was to emigrate from the USSR on invitation from Israel. The KGB promised mercy and would let me go. Israel sent another invitation for my wife and daughter. With great hope I started to collect the necessary documents for our emigration. But another torture was started by the KGB - again and again they tried to enlist me to work for them abroad. For 5 months I was dragged to conversations, instructions, had to take oaths and received promises from the highest ranks, the generals of the KGB. In September 1981 Lieutenant General Zwigun personally talked with me about working for the KGB abroad. The telephone number of the main agent, conducting this campaign, Juri Semenowitsch, Major for special services, is 2-23-00-23. Their friendly talks were mixed with threats to persecute my relatives in the USSR and to follow me abroad. I could not stand this devilish scheme and refused any cooperation. Once more I lost my job. I received an order from a psychiatrist and was declared mentally ill. My situation is desperate. These are the conditions here and such is our life in the USSR.

Moscow, October 1982

Wl. Titow
(signed)

(IGFM translation)

Summary of Private Letters of W. Titow sent to Ju. Below
October 1982

In 1963 I have been working on the construction line Buchara-Ural (gas supply pipes) as manager of a sector for mounting and installing controlling and measuring devices as well as automatic machines. Here, as nearly everywhere, prisoners are doing the hardest work. From 1980 to 1981 I have been working in the district of Tjumen on gas pipes installing controlling and measuring devices as well as automatic machines. Here as well prisoners did work coming of the concentration camps of Surgut, Nadym and Urengoj. These camps are situated in impassable marshland. In summer they (the prisoners) will be transported in helicopters of the type MI-6 and MI-10 to the constructing line, squeezed together like "herrings", in winter with vehicles and helicopters. Among the prisoners there are many specialists with higher education, they are working as chief operators and brigadiers. Working with prisoners requires a special permit of the militia for those finding themselves in free working conditions. Unrestrained violence is the rule. Economic benefit is obvious.

When I have been for the last time on a reception on Dzerskinski place with high-ranking people of the KGB, they insulted me for some time because of my refusal to work for them abroad, and they told me: "We shall let you putrefy, we shall let you putrefy for a long time. Nobody will us declare the war because of you, all will be running down from us like water."

Within a short time they will arrest me. In what kind of torture-chamber they will bring me - I don't know.

On 11th November 1982 news came by telephone out of dissident circles at Moscow, that W. Titow has been arrested at the end of October and sent into the psychiatric clinic at Kaluga, department 7, where he will be subject to a forced treatment.

(IGFM translation and summary)

Concluding Statement

Statement of the International Commission on Human Rights in Conclusion of the Hearing 'Forced Labour - Siberian Pipeline', November 18./19., 1982, in Bonn - Bad Godesberg (Stadthalle).

The Hearing was arranged by the International Society for Human Rights (ISHR), Frankfurt, in cooperation with the International Sakharov Committee, Copenhagen. Presiding was Mr. Alfred Coste Floret, a joint prosecutor for France at the Nuremberg trials.

Based upon the testimony of expert witnesses and upon the testimony and documents of former Soviet prisoners, the Commission finds:

1. The USSR continues the deplorable practice of forced labour in manufacturing and construction projects including the Siberian Gas Pipeline.
2. Prisoners, including political prisoners and those imprisoned for their religious beliefs, among them women and children, are forced to work under conditions of extreme hardship including malnutrition, inadequate sheltry and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labour and upon all nations and enterprises for support of our conclusion.

We have presented the truth to the world and no one can say: "I did not know."

(IGFM translation)

Press Accounts

Some of the press reports of the hearings:

"Witnesses: Forced Labor Building Gas Pipeline",
Sueddeutsche Zeitung, November 19

- In Bonn on Thursday, the International Society for Human Rights (IGFM) addressed an appeal to European Governments to show restraint in the European-Soviet Gas Pipeline deal notwithstanding the lifting of U.S. sanctions. All Western Governments, banks and firms should be advised with even greater emphasis than before that they were participating in the exploitation of forced labor said IGFM Chairman Reinhard Gnauck (Frankfurt) at the opening of a two-day hearing on the alleged use of forced labor in the construction of Soviet gas pipelines.

- At the hearing, sponsored jointly by the IGM and the Sakharov Committee (Copenhagen), former Soviet prisoners and experts now living in the West reaffirmed statements already published by the Conservative Human Rights Society, that political as well as other prisoners are used in the construction of Soviet gas pipelines. Even female prisoners were required to work under the worst conditions in the construction of the gas pipelines, either directly or indirectly, by making prisoners' garments, reported a woman from Leningrad who had been imprisoned in a camp near Workuta (Siberia).

- Witnesses also reported on the bad food situation, insufficient clothing and accommodation as well as on lack of medical care. There were many dozens of camps alongside the gas pipeline, among them a number for women exclusively, witnesses said. According to these reports, each camp has from 700 to 2,500 inmates, whose working hours total up to twelve hours per day, sometimes also up to 16 hours. Non-compliance with the work norm results in solitary confinement. Moreover, prisoners are not allowed to be visited by relatives or write letters. In many camps, prisoners were allowed access to a wash-room only once a week. Often prisoners were compelled to wash themselves with the same water others had already used. Because of inadequate hygiene, prisoners were frequently vermin-ridden and there were epidemics to which many prisoners fell victim. Nourishment of the slave laborers was often totally inadequate. Also there was talk of "sexual terror" to which the women were exposed in camp.

(Abridged Text)

62

"Human Rights Fighters Call for Restraint in Trading
with the USSR", General-Anzeiger, November 19

The Bonn General-Anzeiger cited several exiled Russians who testified at the hearings on their use as forced laborers in the construction of the Siberian gas pipeline. Victor Gasko, an 81-year old exiled Russian who said that he worked "on the Siberian gas pipeline ten years ago," is quoted as having seen frequently "prisoner camps alongside the individual building sites." He also reported that "in some cities registered prisoners outnumbered residents four to one." Prisoners were often required to work 16 hours a day under most inadequate food conditions, Gasko said.

Forty-two year old author Julia Wosnessenskaja confirmed these statements, saying that she had to spend two years of confined labor because of "slanderous remarks" in her books. She said that about 40 other women were confined in the camp with her and "no one of them left it healthy." They had to work in bitter cold, "lightly dressed, without a sweater" and had also been subjected to "sexual terror." Wosnessenskaja said.

Statements by other witnesses spoke of many camp inmates falling victim to epidemics because of inadequate hygiene. Those who were weakened because of malnutrition and could not complete their work norm were subjected to special confinement. Visits by next-of-kin were stopped and no prisoner dared to register a complaint.

General-Anzeiger says that the organizers of the hearing thought it of special importance to prove that political prisoners were also used in preparatory work for the gas pipeline construction. Introductory statements by Georgij Davydov, who spent seven years as a prisoner, served this end. He confirmed use of political prisoners in all preparatory work for the gas pipeline. This applied especially to chemical and pre-metallurgic industries, Davydov said. He reported that the Soviets pardoned about 35 per cent of the 10,000 prisoners in Estonia under the prerequisite of their signing up for work on the gas pipeline. According to Davydov, prisoners also "participated" in a similar way in the building sites for the Tallinn Olympic games.

Reinhard Gnauck, Chairman of the International Society for Human Rights, emphasized in his statement that all Western Governments, banks and firms should be advised that they were "exploiting slave laborers." Gnauck made an urgent appeal to all responsible authorities for restraint in gas pipeline supplies to the Soviets.

(Summarized by U.S. Embassy Bonn)

Agence France-Presse Dispatch, "Detainees Working on Soviet Gas Pipeline", La Suisse, November 19

"Labor-camp inmates are working on the construction of the Siberia-to-Europe gas pipeline. Eyewitnesses testified at Bonn yesterday to an International Commission of Inquiry on the employment of political prisoners on the project. Prisoners sentenced to hard labor are working on the construction of the pipeline, said Mr. Machmet Kulmagambetov, in one of the first testimonies heard by the Commission, whose Chairman is French jurist Alfred Coste-Floret, former assistant prosecutor at the Nuremberg trials.

"Mr. Kulmagambetov was put onto the building of compressor stations when undergoing a period of internal exile for 'anti-Soviet agitation'. He said that detainees at the Surgut labor camp, between Urengoi and Tiumen, were brought daily in special vehicles to work on the gas pipeline sites.

"Mr. Kulmagambetov, a former Professor of Marxist-Leninist philosophy, worked for six years on gas-pipeline sites. As proof, he showed the Commission his official work permit, recording where he spent his internal exile.

"Earlier, the Commission had heard the testimony of Mrs. Julia Vosnessenskaya, a Soviet writer condemned in 1976 to five years' exile for 'defamation of the Soviet State.' She said she had personally known women sentenced to forced labor who were put onto making clothes for detainees working on the gas pipeline. She also described conditions in the labor camps for women, where the inmates had to work twelve hours a day -- suffering from cold and hunger but especially from the 'sexual terror' inspired on them by the guards."

(Abridged Text)

J.B. Bilke, "Witnesses Confirm Forced Labor", Die Welt, November 19

- Eyewitnesses have confirmed indications that forced labor is being used in the construction of the Soviet gas pipeline between Siberia and Europe. At a two-day hearing sponsored by the International Society for Human Rights (IGFM), former Soviet camp inmates pointed out in Bonn yesterday that working conditions for the slave laborers were frequently inhumane, the required work norm excessive and punishment for even the smallest misdemeanor was harsh.

- Clarification of the special problem of the Soviet system of forced labor required an initial analysis of the accompanying circumstances from a historico-political point of view. Thus, at the start of the hearing, the three experts Georgij Davidov (Munich), Professor Andrzej Kaminski (Wuppertal) and Professor Michail Voslensky (Munich) discussed the legal and historical classification of forced labor in the Soviet Union, "Slave Labor in Totalitarian Regimes" in general and "Forced Labor in Practice."

- Paragraph 60 of the Constitution of the USSR specifies the duty to work as "socially useful activity" for each Soviet citizen. In the Penal Code this has been re-interpreted as compulsory work. Compulsory work may entail hunger, cold, being kept from sleeping, physical terror and other privations.

- The first witness called to testify was Julia Wosnessenskaja (Ruesselsheim), a civil rights activist, who departed from the USSR in July 1980. She reported on the inhumane working conditions in women's camps.

- Civil rights activist Machmet Kulmagambetov (Munich), who comes from Kazakstan and left the USSR in September 1979 with an Israeli visa, presented as documentary evidence his work log with an official stamp revealing that he was used as slave laborer in the construction of the gas pipeline.

(Full Text)

VIETNAMESE "EXPORT" OF WORKERS
TO THE USSR AND EASTERN EUROPE

Summary

Reports have been received that some of the Vietnamese now working in the USSR are employed under harsh -- and, in some cases, involuntary -- conditions. The following brings together the information available to the Department of State on this issue.

Since 1981, the Government of Vietnam has sent Vietnamese citizens to work on a variety of projects in the USSR and Eastern Europe under unpublished intergovernmental agreements that are not part of long-standing training and study programs. Estimates from a variety of sources for the 1981-1985 period range from 100,000 to 500,000 workers. Communist media reveal that about 45,000 already are in place, including 11,000 in the Soviet Union. There is little doubt that the Vietnamese work for fixed periods--labor contracts are said to extend up to seven years-- in a capacity similar to indentured status, with a substantial portion of their wages withheld to be credited against Hanoi's mounting deficits in these countries. The technical terms of employment evidently are spelled out beforehand when the worker signs a contract with the Hanoi government, although precise working and living conditions probably are not detailed.

There are a considerable number of reports which indicate that many of the Vietnamese youths working in the USSR and Eastern Europe have volunteered, though perhaps without full information, for that service. They hope for an improvement over the poverty and unemployment in Vietnam, although some express bitterness upon experiencing the reality of labor in the USSR. There are charges that dissidents from "reeducation" camps are being forced into the program. However, other reports indicate that the Vietnamese authorities exclude such individuals as well as others who were associated with the US or with the former Republic of Vietnam.

Complaints have been reported from some Vietnamese workers in the USSR about the cold, hard work, surveillance, and the less-than-expected availability of goods. In addition, the workers live a largely segregated existence as do other foreign laborers. In addition to factory work, the Vietnamese are involved in construction projects in southern Siberia. It has been charged that they are working on the export gas pipeline, but this has not been substantiated.

New "Labor Cooperation" Program

Since 1981, the Vietnamese government has been engaged in a new program of exporting labor under intergovernmental agreements. Although the program probably began earlier on an experimental basis, the first agreement was signed with the USSR on April 2, 1981, followed by a protocol in November presumably covering 1982. It was recently reported that another agreement is now under negotiation. Czechoslovakia first signed an accord with Vietnam in September 1981 -- although Prague probably also had received earlier contingents -- followed by Bulgaria in November and by East Germany in January 1982. Additional protocols were signed with the Czechoslovak Government in early November 1982 and with Bulgaria in January, 1983.

The Vietnamese regime apparently hopes to receive some training for its many unemployed youths, as well as to use some of their earnings to repay its debts to other communist countries. The number of workers has not been published officially. Estimates of the number of workers to be sent to the USSR and Eastern Europe through 1985 range from 100,000 (Vietnamese Embassy spokesman in Bangkok, 11/81 and pro-Hanoi publication in Paris 12/81) to 500,000 (East European source cited in London Economist 9/81). According to Soviet and Vietnamese media, the number already in the USSR has grown from 7,200 last spring to over 11,000 in October.1

Although the text of the April 1981 Soviet-Vietnamese accord on "labor cooperation" remains unpublished, descriptions of it by official Soviet and Vietnamese spokesmen a year later suggest that it covers wages and social benefits (allegedly comparable to those of their Soviet counterparts), living conditions, social benefits, vacations and length of service. A subsequent, published treaty signed in December 1981 defined the legal rights of Vietnamese in the USSR as well as those of Soviet citizens in Vietnam. It went into effect in September 1982. Each foreign resident is entitled to the same legal safeguards as the citizen of the country of employment, and the country in which a crime is committed has the sole right to try the offender.

1. The number of Vietnamese in Eastern Europe, according to Communist press reports, include 7,500 in East Germany last spring and 26,000 in Czechoslovakia in December. No figures have been published for Bulgaria. There may be serious assimilation problems. For example, popular discrimination against the Vietnamese and instances of open hostility have cropped up in Czechoslovakia, according to official Prague press reports.

Selection of Workers

Participants in the program are recruited by the Vietnamese Ministry of Labor, and their backgrounds are checked by the Ministry of Interior. They must be relatively young (age ranges of both 17-25 and 17-35 have been given). The term of participation can be as long as seven years, an extraordinarily long period for a labor contract. There have been charges that "reeducation" camp inmates or parolees are among the participants in the program, but other reports say that those with personal backgrounds unacceptable to the authorities are specifically excluded. Recruits, if eligible, also reportedly must have fulfilled their military obligation.

Once recruited, and having completed an orientation course in Hanoi, the candidates sign contracts which lay out their duties, rights and wages, including the fact that a considerable portion of their wages will be retained by the state. They are not allowed to choose their destination, but most reportedly hope for Czechoslovakia or East Germany, rather than Bulgaria or the USSR.

Reports that pressure has been applied in recruitment are countered by evidence that there is little difficulty in securing volunteers who perceive a chance to leave the poverty of Vietnam. Over two dozen refugees, who recently departed Vietnam legally, reported that places in the "work-study" program were sought by youths who believe they will be able to remit substantial goods and funds back to Vietnam. Similar opinions were offered by Southern boat refugees recently interviewed. When concern about the program is voiced, it is usually by skeptical Southerners -- acquainted with "reeducation" camps -- who fear a repetition under more frigid conditions.

Deductions to Credit Vietnam's Accounts

There is little doubt that, after a deduction for living expenses and a monthly allowance, at least one-third of the salary is credited against Vietnam's account in the USSR or the East European country involved. Although the monthly allowance is low, there are reports that incentive bonuses are paid directly to the workers. In short, although communist spokesmen claim that the Vietnamese receive wages comparable to their Soviet counterparts, the actual salary after deductions probably is less, lending credence to complaints from some Vietnamese working there.

Both Moscow and Hanoi have labeled as "slander" reports that Vietnamese workers are laboring to pay off Vietnam's large scale indebtedness to the USSR. However, they have not directly denied it or denied that the labor is being credited against Vietnamese imports of Soviet goods which, in 1981 alone, ran almost 600 million rubles over Vietnam's exports to the USSR. Both sides claim that Vietnam's war debt was forgiven by Moscow in 1975, and Vietnamese Foreign Minister Thach said that further debts were forgiven in 1978. Nonetheless, although figures are not available, much of the Soviet aid since the war has been in the form of loans and credits, not grants.

Crediting labor against present or future imports has been standard practice in the case of East European and Finnish "guest workers" in the USSR, and the Yugoslav newspaper Borba (June 10, 1982) suggested that this was the arrangement for the Vietnamese as well. Furthermore, sources in Hanoi reportedly acknowledged (Far Eastern Economic Review, May 14, 1982) that an unspecified amount is withheld from the Vietnamese workers. Other reports estimate that between 30 and 70 percent of wages is withheld.

Living Conditions

Most workers contract to work for five to six years after a period of language and technical training, depending on the job involved. A mid-way "home leave" in Vietnam, partially at Soviet expense, is said to be part of the arrangement. The April 1981 accord apparently provided that the Soviets arrange suitable housing, eating and social facilities. As implied in communist propaganda and reported back in letters from Vietnamese workers in the USSR, the Vietnamese generally live apart in dormitories or compounds and lead a segregated life, as do other foreign workers there (and as do Soviets in Vietnam). Although the official Soviet trade unions and youth organizations are said to be involved with the workers, it seems likely that the primary off-the-job supervision comes from the Vietnamese cadre who accompany the contingents.

Most groups appear to be sent to European Russia or to the southern tier of Siberia which, to a Vietnamese, still would seem exceedingly cold in the winter. Adjustment to winter conditions appears to be a problem. The Soviets issue winter clothing which, according to some workers, is inadequate.

Letters complaining about the cold, working conditions, low allowances and surveillance by Vietnamese overseers reportedly have reached Vietnam as well as the West. There are a number of refugee reports that letters have been received by families in Vietnam, a fact which suggests that correspondence itself is permitted. However, it may be subjected to censorship by Vietnamese cadres in charge at the work sites. To avoid this, some Vietnamese purportedly have found ways to smuggle letters out.

Types of Work

The April 1981 accord presumably also covered types of employment and training, as well as how wages were to be allocated and perhaps even the location of work. The Communist press claims that the Vietnamese are working in a variety of jobs which require some skill. This may reflect Vietnam's concern that some workers gain experience that will be useful later at home. However, we do not know the extent of training received. A considerable number clearly are engaged in manual labor.

Among the work sites mentioned by Soviet and Vietnamese media are textile and chemical factories, machine-tool factories, coal mines, land reclamation and transportation projects. The latter two undoubtedly absorb large amounts of manual labor. A letter from one worker, which appears authentic, tells of his "hard work" on the new railroad paralleling the Trans-Siberian line. In addition, a contingent of Vietnamese was observed working near a railroad in the Soviet Far East and subsequently another was seen in Khabarovsk by Western travelers -- an area which has not been mentioned in communist media.

The Soviets, speaking through Soviet labor official Vladimir Lomonosov who negotiated the original agreement with Vietnam, have flatly denied that any Vietnamese are working on the Siberia-Western Europe pipeline. In Congressional testimony last summer, Vietnamese expatriate Doan Van Toai (a former supporter of the communist-led National Liberation Front) said he knew of nine Vietnamese working on the pipeline; he supplied names and their Vietnamese addresses. The US government has no independent evidence to confirm that Vietnamese are working on the export pipeline.

The evidence we have regarding the Vietnamese-Soviet labor program is still incomplete; it is made difficult to gather by the closed nature of the Vietnamese and Soviet societies. Allegations of human rights violations in connection with the program, including the possibility that some of the workers may be indentured in some manner, are of concern to the US Government. The program's secrecy and its inherent potential for abuse is obvious, especially when considered against the environment and history of known Soviet labor practices. The US Government will continue to do its best to monitor the program, with close attention to the human rights issues involved, and to encourage greater international interest in this issue.



BUREAU OF
INTELLIGENCE
AND RESEARCH

ASSESSMENTS
AND
RESEARCH

~~LIMITED OFFICIAL USE~~

FORCED
✓ LABOR
72

THIS ADVANCE COPY IS PROVIDED FOR
YOUR PERSONAL USE PRIOR TO APPROVAL
FOR WIDER DISTRIBUTION. DO NOT
FURTHER REPRODUCE, DISTRIBUTE, OR
CITE.

(U) THE SOVIET CRIMINAL CODE AND FORCED LABOR:
POLITICAL AND RELIGIOUS PRISONERS

Summary

Soviet authorities regard corrective labor as an essential element of punishment in all sentences involving deprivation of freedom. The forced labor system, covering more than 4 million convicts under various conditions of detention, also serves as an important element of economic production in the USSR. Although all societies have prison systems and many employ prisoners in some form of gainful activity, the Soviet forced labor system is distinguished by its scale and harshness. Furthermore, it encompasses not only those convicted for the usual categories of common crime but also those whose "crimes" involve attempts to exercise political or religious rights.

The Soviet regime denies that Soviet citizens are imprisoned for such "crimes" or for political or religious beliefs. Nevertheless, several vaguely worded articles of the Criminal Code severely restrict such rights, including those guaranteed by the Soviet Constitution. Constitutional guarantees of religious freedom are also restricted by the 1929 Law on Religious Association of the Russian Republic, RSFSR (and comparable laws in other Soviet republics). Despite official denials that political or religious prisoners do not exist in the USSR either in law or as a special category of the penal population, political and religious activists charged under articles of the Criminal Code are treated differently during both pretrial investigation and the trial and subsequently are singled out for especially harsh treatment during confinement.

* * * * *

~~LIMITED OFFICIAL USE~~
Decontrol on 10/25/83

CS 8/5/02

Report 583-AR
March 25, 1983

The Role of Corrective Labor in Soviet Law

Soviet policy on the use of corrective labor as punishment imposed by court sentence is set forth in the Soviet law entitled "Principles for Corrective Labor Legislation of the USSR and Union Republics," which was approved by the USSR Supreme Soviet on July 11, 1969. This basic statute, as amended in subsequent years, serves as a model for implementing legislation by union republics.

Corrective labor is considered an essential element of all sentences imposing deprivation of freedom. The premise is that labor rehabilitates the criminal and has a deterrent effect on others. The only exceptions to the general practice include minor misdemeanors involving very short jail terms and a relatively small number of especially dangerous crimes for which incarceration in a maximum security prison is specified. Prison regimes are harsher than corrective labor camps and are reserved for recidivist, hardened criminals and for more important political prisoners.

Corrective labor may also be imposed as punishment without confinement to a camp; such sentences usually are imposed for lesser crimes or administrative offenses and involve terms ranging from one month to two years. The offender continues to work under close supervision at his or her usual job with a deduction of up to 20 percent from wages for the period of the sentence; or the offender can be required to work elsewhere within the district of domicile. Of the unconfined individuals engaged in corrective labor, however, most are parolees, probationers, and those sentenced to penal "colony-settlements" who usually are sent to work in remote areas. They remain subject to incarceration if they violate the terms of their sentences.

Economic considerations play an important role in the Soviet corrective labor system. According to Soviet penal doctrine, as reflected in Soviet corrective labor legislation and legal literature, prisoners are expected to work so they will not be a burden on society. Their pay is in theory commensurate with that paid to free workers, but a substantial portion is deducted for food, clothing, and other expenses. Most corrective labor is performed in small manufacturing facilities within the confines of a camp, but it is also used routinely on such major construction projects as dams, buildings, roads, railroads, and pipelines and for timber cutting and hauling. To the extent that it is used in site

79

preparation for military installations, forced labor also plays a role in the Soviet defense effort.

The penal system, therefore, supplies the Soviet economy with a huge labor force that is cheap, flexible, and subject to discipline. It is especially suitable for deployment to projects in remote areas with bad climates where authorities find it difficult to attract and hold free workers. When authorities need convict labor, they expect the judicial system to supply it.

The absence of published Soviet statistics on law enforcement, crime, and the penal population in the USSR forces Western observers to prepare estimates on the basis of indirect evidence and unofficial sources. The total Soviet penal population currently is estimated at 4 million--2 million incarcerated in labor camps and 2 million in the status of unconfined forced laborers (probationers, parolees released from labor camp, or individuals sentenced directly to a term of unconfined forced labor). Most inmates are ordinary criminals convicted for common crimes.

Some of the most comprehensive data on Soviet crime have been provided by a former official in the Moscow Prosecutor's office. He has published in the West what appear to be official records on criminal convictions in the USSR: In 1976, Soviet courts sentenced 976,000 persons for serious crimes; another 1,684,355 persons accused of lesser crimes and misdemeanors were handled administratively or by "comrades' courts." These statistics are consistent with the estimate of 4 million for the total penal population. The breakdown of serious crimes by category, however, did not identify the number of crimes that could be categorized as political or religious.

An accurate number is not available for persons convicted of political or religious offenses. Several studies, including one by Amnesty International, estimate the total at about 10,000, but other estimates are much higher. One specialist in the field has compiled a list of names of 848 political prisoners (as of May 1982) known to be in various categories of confinement.

The reliance of the Soviet economy on the availability of convict labor has had an insidious effect on the judicial system, which has always in any event functioned as an instrument of official policy. Soviet criminal courts operate under pressure to produce findings of guilt. As a result, authorities tend to adopt the attitude that the law enforcement organs, including the militia (police), the KGB, the prosecutor, and the judge, can do no wrong when implementing official policy; any questioning of the correctness of criminal charges or of the case presented by the prosecutor in court, even by defense counsel during the trial, tends to be regarded as a challenge to state authority. Given the

fact that criminal cases in Soviet "peoples' courts" are tried by a judge and two lay assistants without a jury, defense attorneys find it extremely difficult to obtain an acquittal in cases of ordinary crime, even when the defense is able to present a strong case. An acquittal in political cases is virtually unheard of. (In the view of Western specialists in Soviet law, Soviet courts have greater freedom to base decisions on applicable law and evidence in cases involving civil law.) Statistics on the number of convictions by Soviet courts on criminal charges involving a miscarriage of justice are of course not available. The evidence suggests that this number is high, even though some convictions in ordinary criminal cases are reversed on appeal.

The Law on Corrective Labor Legislation authorizes four categories of "correctional labor colonies" (i.e., forced labor camps); in order of increasing severity, these are: general regime (generally for first offenders), intensified regime (for first offenders serving terms of more than three years for premeditated felonies), strict regime (for individuals convicted of especially dangerous crimes against the state and for recidivists), and special regime (for especially dangerous male recidivists and men whose death sentences have been commuted).

Despite certain advantages of convict labor over free labor for work on construction projects in remote areas, its utilization presents problems for the authorities. Soviet law and policy require convicts who work outside the camp compound to be under constant guard and to be returned to secure compounds for the night. Convicts sentenced to strict-regime or special-regime camps for especially serious crimes, which include major political offenses, are not normally used for work outside the camp compound.

In recent years, Soviet judicial authorities have expanded the practice of placing persons convicted of criminal offenses on probation, instead of sentencing them to labor camp, and then assigning them to corrective labor in areas where their skills can be used. Procedures also have been relaxed for paroling inmates of labor camps and converting their status to that of unconfined forced laborers. What the authorities needed was a more flexible category of forced laborers who could be used wherever needed without the restrictions applicable to convicts serving sentences in confinement. This segment of forced labor thus has grown.

In February 1977 the Soviet Government amended Par. 44 of the Statute for Corrective Labor Legislation to permit parole from a sentence of confinement, on condition that the parolee perform corrective labor "in locations designated by the appropriate organs empowered to execute the sentence." Persons convicted of serious crimes, including "especially serious state crimes," were specifically excluded. The list of exclusions was further

7b

expanded by amendment of the statute in July 1982. Their effect was to disqualify from parole not only hardened criminals but also persons convicted of political or religious offenses.

In effect, the penal system allows authorities to ship convicts to labor camps, where they are separated into categories reflecting local needs and conditions as well as their original sentence. Ordinary criminals usually are kept in camp long enough to impress them with the rigorous conditions prevailing there; they are then offered the slightly more desirable option--on condition of good behavior--of performing corrective labor without confinement in locations designated by the authorities. Their status then becomes similar to that of indentured laborers. Convicts deemed unsuitable for conditional release--a category including those sentenced for serious crimes, repeat offenders, and political prisoners--remain in labor camp for the duration of their sentence.

Political Crimes, Political Prisoners

Citizens who express views contrary to official policy, or who act individually or as members of unofficial groups on behalf of their views, are subject to harassment, intimidation, and arrest. They frequently are charged with violating vaguely worded articles in the Criminal Codes of Soviet republics which severely restrict the exercise of basic political, religious, and civil rights, including those guaranteed by the Constitution. As it is, all such constitutional guarantees are expressly subject to the caveat that they may not be exercised "to the detriment of the interests of society or the state" (USSR Constitution, Article 39).

Article 24 of the RSFSR Criminal Code defines the offenses covered in its Articles 64-73 as "especially dangerous crimes against the state." These include Treason (Art. 64), Espionage (Art. 65), Terrorist acts (Art. 66), Sabotage (Art. 68), Wrecking (Art. 69), Anti-Soviet agitation and propaganda (Art. 70), and "Organizational activity directed to commission of especially dangerous crimes against the state and participation in anti-Soviet organizations" (Art. 72).

Of these articles, only Article 70 is used regularly in prosecuting political dissidents, although others may be invoked in exceptional cases. For example, Anatoliy Shcharanskiy, the Jewish activist and member of the Moscow Helsinki Watch Group, which was organized to monitor Soviet implementation of the Helsinki Final Act, was convicted on charges of treason (Art. 64) in July 1978 and sentenced to a term of 3 years in prison and 10 years of corrective labor. (The sentence also reflected conviction on charges under Article 70.)

Article 70 defines "Anti-Soviet agitation and propaganda" as:

"agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the State, or circulating for the same purpose slanderous fabrications which defame the Soviet state and social system, or circulating or preparing or keeping, for the same purpose, literature of such content."

It prescribes as punishment "deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years." A record of previous convictions for "especially dangerous crimes against the state" increases the maximum sentence to 10 years of imprisonment plus exile for 2-5 years.

Prosecution of Soviet intellectuals in the 1960s under Article 70 occasionally was awkward because it required the state to prove the defendant's intent "to subvert or weaken state authority." Consequently, Article 190 ("Failure to report crimes") was expanded in 1967 to include (190.1) "Spreading orally or in writing intentionally false fabrications harmful to the Soviet state and social system" and (190.3):

"The organization or participation in group actions attended by obvious disobedience to legal demands by representatives of authority or which involve violations of the operation of transport, state or social institutions, or enterprises."

Article 190.1 does not require the state to prove intent to harm the system and is so loosely worded that it can be used to prosecute anyone making a statement the state prosecutor deems libelous. Conviction on such charges follows as a matter of course because, in political cases, the defense is not permitted to prove that the allegedly libelous statement was in fact accurate and truthful. For example, during the trial of Seventh Day Adventist Ilya Zvyagin in Leningrad in November 1980, the accused was charged under Article 190.1 with disseminating two Adventist documents, but these documents were not permitted to be read in court, nor was any description of their contents provided during the trial. The court simply accepted the prosecutor's charge that the documents libeled the Soviet system. The defendant was sentenced to two years in a general regime labor camp.

Similarly, charges under Article 190.3 can be interpreted to cover a wide range of challenges to the established order, including political demonstrations and strikes. The maximum sentence of three years' deprivation of freedom under 190.1 and 190.3 is

28

lighter than the maximum punishment under Article 70, but the former articles give the authorities more leeway in arresting and prosecuting political activists.

Parasitism and Hooliganism

"Parasitism" (i.e., the failure to engage in socially useful work) was not initially incorporated into the Criminal Code and was treated as a misdemeanor punishable as an administrative offense. In 1975, parasitism was added to Article 209 (Prohibiting vagrancy or begging) and became punishable by a maximum of two years' deprivation of freedom. In October 1982 the maximum punishment was increased to three years for repeat offenders.

Paragraph 206 of the Criminal Code defines "hooliganism" as an intentional violation of public order and disrespect for society, punishable by up to one year of deprivation of freedom or a fine not exceeding 50 rubles. In practice, hooliganism is a catch-all category for such offenses as disorderly conduct, brawling, and vandalism. "Malicious hooliganism," defined as a charge against a person previously convicted for hooliganism, or involving resisting an officer of the law, or as "distinguished in content by exceptional cynicism or impudence," is punishable by a maximum of five years' deprivation of freedom.

Charges of parasitism or hooliganism are frequently leveled against political activists. A person who applies for emigration, as a result is discharged from his or her job, and then fails to find new employment within the prescribed period may be so charged. Inability to find new employment because of being effectively blacklisted by the authorities does not constitute a valid defense in court. Estonian Methodist activist Herbert Murd was arrested in March 1980 on charges of parasitism after being expelled from a music conservatory. The basis for the charge appeared to be the fact that he had engaged in religious proselytism among young people. Shortly after completing his one-year labor camp sentence, he was again arrested, this time for alleged nonpayment of alimony even though he had had no income after his release because he had been systematically dismissed from every job he had managed to find. Individuals engaged in unofficial or unacceptable occupations (e.g., teaching Hebrew or engaging in unofficial literary or artistic endeavors) may also face charges of parasitism.

Similarly, activists may be charged with hooliganism for publicly demanding the right to emigrate, or for meeting in an apartment and then arguing with a militiaman or other representative of authority who demands that the meeting disperse. Jewish activist Vladimir Slepak, who has repeatedly been denied permission to emigrate from the Soviet Union, was convicted in June 1978 on

charges of malicious hooliganism for hanging a placard outside his apartment balcony demanding permission to emigrate.

Economic Crimes

Article 162 imposes a maximum sentence of four years' deprivation of freedom with confiscation of property for "engaging in a trade concerning which there is a special prohibition." Even conceding a socialist state's prerogative to regulate economic activities by prohibiting specific forms of private enterprise, enforcement of this article often involves technicalities carried to absurd limits.

In September 1979, for example, a Leningrad court sentenced physicist and art collector Georgiy Mikhaylov to four years of corrective labor on charges of engaging in a prohibited occupation and ordered the destruction of his art collection. Mikhaylov was accused of preparing and selling to friends several slides of unofficial art from his private collection. He was found guilty even though an expert witness for the prosecution refused to testify that Mikhaylov's act constituted a violation of Article 162.

Orthodox nun Valeriya Makeyeva was convicted in April 1970 on charges under Article 162 because she had made and sold belts embroidered with words from Psalm 90 ("He that dwelleth in the care of the Most High...."). Political or religious activists who engage in illegal printing and publishing may be prosecuted under Article 162, although they can also be charged under Article 70 (Anti-Soviet agitation and propaganda) or 190.1 (Slandering the Soviet system).

In addition, there are economic "crimes" whose commission may be rendered almost inevitable because defects in the Soviet economic system often leave citizens with no legal alternative. If, as frequently happens, there is no feed available for farm animals, "the purchase in state or cooperative stores of bread, flour, groats, and other grain products to feed livestock and poultry" renders a Soviet peasant liable to "deprivation of freedom for a period of between one and three years, with or without confiscation of his livestock," under Article 154.1 of the Criminal Code. Other such "crimes" include "private entrepreneurial activity and acting as a commercial middleman." The manufacture and sale of spare parts which cannot be procured through legal channels fall in this category.

Religious Crimes

Soviet leaders cite the guarantees in the Constitution as evidence that religious believers enjoy full religious freedom. Article 52 of the Constitution adopted in October 1977 guarantees

50

freedom of conscience and the right "to conduct religious worship or atheist propaganda," separates church and state, and prohibits "incitement of hostility or hatred on religious grounds." Article 34 guarantees citizens equality before the law "without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

In practice, however, the 1929 RSFSR Law on Religious Association (and comparable laws in individual Soviet republics), as well as a series of other statutes and administrative practices, effectively circumscribes the constitutional guarantees and imposes wide-ranging restrictions on religious believers in the USSR. The effect of these controls has been to place believers and religious associations under full state control by making them dependent upon state authorities for the exercise of their activities (indeed, for the associations' very legal existence) and to undermine the organizational integrity of each religious denomination.

Any attempt by religious believers to assert freedom of conscience outside the scope of these controls automatically brings them in conflict with the authorities. Thus, the question of whether Soviet religious believers can be arrested, prosecuted, and sentenced to corrective labor for actions they regard as essential to their religious practices hinges on how religious freedom is defined by the laws and administrative regulations of a regime committed to atheism as state policy.

The Law of Religious Associations does not confer on religious denominations either the status of public organizations as defined by the Constitution or the juridical status of a person-at-law. Instead, the law reduces church-state relations to a local-level relationship between the state and each primary unit of believers (at least 20 persons acquiring official recognition through registration). This initial legal premise undermines the concept of an institutional church transcending a local area. Leaders of a religious denomination designated through that denomination's internal procedures have no recognized status under Soviet law, nor does the law require state authorities to deal with such leaders, although the authorities may do so to the extent it serves regime interests.

The law, moreover, is structured to inhibit church leaders from exercising effective control over affairs of the church or its hierarchy or members. Church organizations cannot own property or inherit funds or property as other Soviet public bodies may. Religious "cults" have no specific legal right to maintain seminaries, publishing facilities, or such other institutions as monasteries--they can exist only by special permission.

Religious associations may not function unless they register with local authorities (Article 4). The procedure for registering and satisfying all other official requirements is complex and allows authorities--by refusing to register a group--to deny legal status not only to individual groups but collectively to an entire religious denomination. This has been the fate of the Eastern Rite (Uniate) Catholic Church and the Jehovah's Witnesses. Congregations of some religious denominations, such as the Pentacostals and Seventh Day Adventists, are denied registration on the grounds that they do not accept the limitations imposed by the Law on Religious Associations. A legally functioning religious group ceases to exist if authorities withdraw registration. In effect, Article 4 can prevent a Soviet citizen from practicing the faith of his or her choice.

Individual religious groups may organize general meetings or participate with other groups in conferences or councils only with official permission (Articles 12 and 20). By withholding such permission, state authorities have prevented denominations from holding general conferences (e.g., the Jews) or establishing central administrative bodies (e.g., Jews, Muslims). In other instances, authorities have required such meetings to be held for specific regime purposes (e.g., the irregularly convened Council--Synod--of the Russian Orthodox Church in 1961, and the irregularly convened Congress--Sobor--of the Eastern Rite Catholic Church in 1946 which approved under regime pressure its union with the Russian Orthodox Church).

Registered religious groups must elect their executive body by open ballot (Article 13). Individual members of a group may, however, be removed "by the registering agencies" (Article 14). These two articles provide authorities with the necessary leverage to control the composition and membership of each religious group and to manipulate its choice of leaders and, so, its activities and policies.

The law regards members of the clergy as persons hired by individual religious groups only for the performance of religious rites, a status that prevents the clergy from exercising a leadership role in a religious community. Clerics also are wholly dependent on authorities for permission to practice their calling. Soviet law and administrative practices place at special disadvantage those denominations (such as the Roman Catholic and Russian Orthodox Churches) where the priesthood is regarded as a sacrament, because official interference in ordination and appointment of clergy and in the discharge of clerical duties infringes on canon law.

Article 17 imposes a lengthy list of restrictions on the activity and rights of religious groups and members of the clergy:

82

They may not engage in charitable, social, or "political" activities, organize prayer or study groups for adults, proselytize, or establish children's playgrounds, kindergartens, libraries, reading rooms, mutual aid societies, cooperatives, or sanatoriums. Neither the religious association nor its clergy can organize religious instructions for children; such instruction may be given only by parents to their children at home (Article 17).

Provisions of the law also specify that:

- No individual may belong to more than one "religious cult group" (Article 2).
- The activity of clergy of a "cult" is restricted to the residential area of the religious association's members and the location of the "prayer premises" (Article 19).
- Property necessary for the functioning of the "cult" is nationalized and under state control (Article 25).
- Religious associations are denied property rights and may use "cult buildings" only by contractual agreement with Soviet authorities (Article 28).
- "Prayer buildings" not under state protection as historical monuments may be used and reequipped by the state for other purposes or demolished by state authorities (Article 41).
- All "cult property" is subjected to compulsory inventory by Soviet authorities (Article 55).
- The performance of religious rites and ceremonies is not permitted in state, social, or cooperative institutions, although these rites and ceremonies may be held in "especially isolated premises" as well as at cemeteries and crematoria (Article 58).
- Permission must be obtained from Soviet authorities before religious festivals can be held under an "open sky" or in the apartments or houses of believers (Article 59).
- "Supervision" of religious associations is entrusted to the "registering" agencies (Article 64). Before the law was amended in 1975, "surveillance" of religious associations (not supervision) was entrusted to the "appropriate" Soviet authorities (rather than registering agencies).

The Law on Religious Associations prescribes relatively light penalties for violations: "Religious cult associations which have

83

not fulfilled the requirements...shall be considered closed with the consequences provided for by the present Decree." A decree on "Administrative Liability for Violation of Legislation on Religious Cults" of March 1966 also imposes a fine not exceeding 50 rubles for violating enumerated prohibited activities.

Persistent attempts by believers to organize religious groups and activities outside the provisions of the law, however, are regularly prosecuted under general articles of the Criminal Code dealing with deviant behavior. These include Article 70 (Anti-Soviet agitation and propaganda), Article 190.1 (Circulation of knowingly false fabrications), Article 190.2 (Organization of or active participation in group actions which violate public order), Article 162 (Engaging in a prohibited trade), Article 206 (Hooliganism), Article 209 (Vagrancy, begging, and parasitism), and Article 151 (Crimes against property of associations not constituting socialist organizations).

In addition, Articles 142 and 227 of the Criminal Code are aimed specifically at religious activists. Violation of laws on separation of church and state and of church and school (Article 142) is punishable by three years' deprivation of freedom for repeat offenders. A clarification by the Presidium of the RSFSR Supreme Soviet regarding the practical application of Article 142 explained that violations involving criminal responsibility shall include:

- compulsory collection of funds for the benefit of religious organizations or cult ministers;
- the preparation for or mass dissemination of written appeals, letters, leaflets, and other documents calling for the non-observance of the legislation on religious cults;
- the commission of fraudulent actions for the purpose of inciting religious superstition among the masses of the population;
- the organization and conduct of religious meetings, processions, and other cult ceremonies which violate the social order; and
- the organization and systematic conduct of religious instruction to minors in violation of established legislation.

The "infringement of rights of citizens under appearance of performing religious ceremonies" (Article 227) carries a maximum punishment of five years' deprivation of freedom. Religious actions infringing on the rights of citizens are defined to include:

84

--Activities "carried on under the appearance of preaching religious beliefs and performing religious ceremonies" which can harm health or induce citizens "to refuse social activity or performance of civic duty, or draw minors into such a group...."

--Active participation in such activities or "systematic propaganda directed at the commission of such acts."

Members of fundamentalist evangelical sects where religious practices may include faith healing, refusal of conventional medical treatments, trances, glossolalia, or other forms of religious exaltation are subject to charges under Article 142. Similarly, Article 227 allows the prosecution of believers who refuse to perform military service on religious grounds, or who induce others to so refuse, or who forbid their children to attend state schools.

The statutory limitations on freedom of conscience and religious activity impose on religious believers difficult moral choices. Many believers who attempt to stay within the letter of the law find the conflict between faith and law irreconcilable and choose to ignore the law. Such activists can be found in every denomination and some, such as the Roman Catholics in Lithuania and the Baptists, exhibit a high degree of organization and achieve impressive results. In 1980, for example, Lithuanian Catholics sent Brezhnev a petition signed by 143,869 believers asking for the return of a church that had been confiscated by the authorities. Catholics in the town of Klaipeda had built it with official permission at their own expense and with volunteer labor. (The petition evoked no response from the authorities.)

In the early 1960s, a sizable group of Baptists broke with the officially endorsed "All-Union Council of Churches of Evangelical Christians and Baptists" and established a rival--and illegal--"Council of Churches of Evangelical Christians and Baptists." The dissident Baptists could not accept state restrictions including the ban on religious instruction to children, state control over clergy and the content of sermons, and the prohibition against religious "propaganda." Despite arrests and harassments, these Baptists continue to defy the authorities and have even established a clandestine publishing house printing unofficial editions of religious literature as well as two monthly journals and a bulletin issued by a "Council of Prisoners' Relatives."

Although all religious denominations are bound by the restrictions enumerated above, enforcement of the law is carried out with special severity against the Soviet Jewish community. Alone among the recognized religious groups in the USSR, Soviet

25

Jews have no functioning seminary for the training of clergy, no authorized religious publications, no national organization, and no approved ties with coreligionists abroad.

Other Grounds for Prosecution

Because of the extensive restrictions Soviet laws place on the exercise of individual rights, a Soviet citizen can hardly achieve the status of a political or religious activist without running afoul of one of the political or religious articles of the Criminal Code. Activists' individual circumstances may also make them vulnerable to a variety of other charges. The authorities can readily use a legal pretext, however flimsy the evidence, or fabricate a case if they decide to act against an activist.

For this reason, the political essence of some trials is not apparent from the formal charges, which may involve such common crimes as assault, embezzlement, or theft of state property. Nor would such cases, especially if they took place in provincial areas, come to the attention of foreign observers or be reflected in statistical data. However, activists charged and convicted for ordinary crimes may be treated as common criminals rather than as political offenders. They may be directed to serve their sentence in "general regime" corrective labor camps and may in time even qualify for leniency, parole, or amnesty normally denied to "overtly political" prisoners.

It is possible, of course, that criminal prosecution of an individual who happens to be an activist may be justified on grounds unrelated to nonconformist views or behavior. Nevertheless, a large body of evidence accumulated over the years regarding the disposition of individual cases indicates that trials of political and religious activists are preprogramed to achieve conviction regardless of the evidence at hand. Such trials often involve flagrant violations of declared Soviet judicial procedure. Defendants are prevented from preparing or presenting an effective defense. Even the decision about the length of the sentence may have been made before the start of the trial. In short, if the regime chooses to take punitive action against an individual, the question of formal guilt or innocence becomes irrelevant.

Political and Religious Prisoners: A Special Category of the Penal Population

Soviet authorities contend that Soviet citizens are never prosecuted for political views or religious beliefs, but only for criminal acts specified by the Criminal Code, and that therefore political prisoners do not exist in the Soviet Union in law or as a special category of the penal population. That contention is

86

contradicted by evidence that pretrial investigation, judicial proceedings, and treatment during confinement are different for activists than for other persons accused of crimes:

--The investigation of such cases is conducted by the KGB, which retains control over them and determines their disposition.

--Such trials are conducted with elaborate security precautions and with frequent disregard for normal Soviet court procedure and the rights of the defendant. Attendance by the public is rigorously controlled to exclude foreign observers, friends, and even relatives (except for one or two immediate family members), even though Soviet trials normally are open to the public. Note taking or other recording of trial proceedings is prohibited.

--Persons convicted for "especially dangerous crimes against the State," including those convicted for anti-Soviet agitation and propaganda (Article 70), are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

--These prisoners are systematically denied packages, mail, and meetings with relatives to which they are entitled under prison regulations.

--Prisoners run the risk of facing new criminal charges just before completion of their term of imprisonment if authorities do not wish to release them.

--Upon completion of a term of corrective labor or internal exile, political and religious activists are often deprived of the right to return to their former city of residence. In effect, this perpetuates their exile status and forces them to move from place to place in search of permission to establish legal residence. This has been the fate of Ida Nudel, the Jewish activist, who recently completed a four-year term of internal exile for "malicious hooliganism" and was prevented from returning to Moscow.

--Religious believers sentenced to a term of imprisonment are not permitted access to religious literature, not even the religious literature that is occasionally published in the Soviet Union with official permission. In 1982, Russian Orthodox activist priest Gleb Yakunin staged an unsuccessful hunger strike when he was denied permission to have a Soviet edition of the Bible in labor camp.

--Life in corrective labor camps for individuals who regard themselves as political prisoners or "prisoners of

conscience" is made even more difficult because they fail to meet two basic criteria required to qualify for privileges and leniency--admission of guilt and evidence of "reform." In the case of persons convicted essentially for political, religious, or nationalistic beliefs or other forms of intellectual nonconformity, "reform" in the eyes of the authorities would require renunciation of personal beliefs and public espousal of official ideology. Therefore, authorities regard those who refuse to do this as uncooperative and incorrigible and not qualified to receive privileges, lenient treatment, early release, or consideration for pardon or amnesty. On the other hand, political or religious activists who admit guilt, before or during a trial, and publicly repudiate their activities and views--preferably on prime-time television--invariably receive lenient treatment.

An amnesty announced for the 60th anniversary of the USSR in December 1982 carefully excluded not only serious common criminals but also political and religious offenders. The amnesty did not cover:

--individuals convicted for especially dangerous state crimes (including Article 70) and recidivists (many political and religious activists are repeat offenders); and

--individuals convicted under Article 142 (Separation of church and state), Article 162 (Engaging in a prohibited profession), Article 190.1-190.3 (Slandering the Soviet system, organizing or participating in group activities violating social order), Article 206 (Hooliganism), Article 209 (Parasitism), and Article 227 (Infringing on citizens' rights under guise of performing religious ceremonies).

The language of the amnesty demonstrates that an individual who organizes religious instruction for children or who circulates a petition protesting an official action is deemed more dangerous by Soviet authorities than one who commits assault, robbery, or rape.

The Soviet Government's official position regarding political prisoners was stated by First Deputy Chief Zagladin of the Central Committee's International Department at a press conference before the December 1982 amnesty was announced. He explained that the amnesty would not include political prisoners because there were none in the Soviet Union.

Prepared by Igor N. Belousovitch
632-9204

Approved by Martha C. Mautner
632-9536