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Central Intelligence Agency



Washington, D. C. 20505

DIRECTORATE OF INTELLIGENCE

THE SOVIET FORCED LABOR SYSTEM

SUMMARY

Forced labor is at the core of the Soviet penal system and we currently estimate that it encompasses some 4 million Soviet citizens in its ranks, at least half of whom are incarcerated in over a thousand heavily-secured forced labor camps scattered throughout the USSR. Most of the remainder are parolees and probationers--unconfined in the strictest sense, but forced to work, usually at construction projects far from their homes. Recent trends indicate an increase in unconfined forced laborers while the number of confined prisoners remains about the same as during the last decade. (U)

Unconfined forced laborers are sentenced (in the case of probationers) or are released (parolees) to perform mostly low skill labor on large construction projects, often in remote regions where labor is scarce and incentives for attracting and keeping free laborers are expensive. Thousands of these unconfined forced laborers, for example, were used on construction of the huge Kama River truck plant (the world's largest) and the Baykal-Amur Mainline (BAM) railroad. Recent evidence--including reports from the International Society for Human Rights--confirms the present use of parolees and probationers on large domestic pipelines, in particular for construction of compressor stations. (U)

Because of the use of forced laborers in the past and because of current labor shortages in the USSR, it is likely that forced laborers will be used on almost any large construction project in the USSR, including pipelines such as the West Siberia-to-Europe natural gas export line. In addition, because of their widespread distribution, forced labor camps can be found near most major construction projects or pipeline routes. For example, 90 to 100 camps are close to the proposed route of the export pipeline (see Map 1). Heavily secured prisoners could be tapped for work because of their proximity, even though the problems of controlling and guarding them would be difficult. The International Society for Human Rights alleges that this is so, but we cannot independently confirm their reports. (U)

While large-scale use of forced laborers on the export pipeline is unlikely because many of the jobs require special skills, some forced labor will probably be used unless the Soviets depart from their usual practice because of the exposure the issue has received in the Western media. If historical precedent is followed, the unskilled forced laborers will be used in construction of compressor stations and auxiliary buildings--most of which are in an early stage of construction. (U)

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THE SOVIET FORCED LABOR SYSTEM

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numbers may reach as high as 10,000, the figure claimed by Sakharov and Amnesty International. A former Soviet official reports that Ministry of Internal Affairs (MVD) records listed 10,358 political prisoners at the beginning of 1977. Aleksandr Ginsburg, a prominent political dissident, estimated that there were 5,000 political prisoners in 1979. Dissidents in the Soviet Union fall into at least six categories: refuseniks (those refused permission to leave the USSR), religious nonconformists, human and civil rights activists, minority nationalists, discontented workers, and Russian nationalists. The higher estimates above probably include some who, in addition to being dissidents, are accused of crimes of "hooliganism" and "parasitism."

Forced Labor With Confinement

The Correctional Labor Code of the RSFSR establishes four basic types of confinement facilities: correctional labor colonies, educational labor colonies (for juveniles), colony settlements, and prisons. Each type of facility is differentiated by the amount of freedom and privileges granted to the prisoners; the degree of supervision, regimentation, and restraint to which they are subjected; the difficulty of their labor; and the conditions under which they must live and work. The regimes (see Appendix 2) in effect at prisons are the most harsh; the ones in effect at correctional labor colonies and educational labor colonies somewhat less harsh; and the regime at colony settlements is the mildest in the system.

The gravity of the offender's crime and whether or not he is a recidivist determines in which of the following facilities incarceration will occur.

- Correctional labor colonies constitute the bulk of the traditional Soviet confinement system where convicts are closely guarded,

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shortage in parts of the Soviet Union, this relatively efficient, flexible method of deriving some economic benefit from an increasing crime rate is likely to continue to grow.

In the Soviet Union nine out of every 10 persons convicted of crimes (see Appendix 1) more serious than misdemeanors receive sentences that include forced labor. About half of these sentences also include confinement. Although approximately half of those sentenced to confinement are paroled from confinement, they continue in the forced labor system until they finish their terms.

How Many Forced Laborers?

We currently estimate that some 4 million Soviet citizens—about 1.5 percent of the population—are now serving sentences of forced labor.

- About 2 million of these are confined, 85 percent in forced labor camps—of which there are over 1,100—and the remainder in prisons.
- Approximately 1.5 million, convicted of crimes for which they could have received sentences of confinement, have been sentenced instead to probation with "compulsory involvement in labor." Most of them are working at construction jobs far from their homes.
- About 500,000 have been paroled from confinement but remain obligated to perform forced labor for the remainder of their terms. Many of them also are working at construction sites.
- In addition an undetermined number are sentenced to "correctional tasks" without confinement; they are working at their own jobs for reduced pay or in more menial jobs for low pay while continuing to live at home.

Among these forced laborers are dissidents (political prisoners) whose

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PREFACE

To enable observers of the Soviet Union to better assess the reports of use of forced labor in the USSR, especially reports of its use on the gas export pipeline to Western Europe, this study has been prepared on the overall system of forced labor in the Soviet Union. Various aspects of the system as outlined in Soviet official documents, such as the The Russian Soviet Federated Socialist Republic (RSFSR) Criminal Code, are examined in the light the accounts by former prisoners and other emigres that have been published in Western news media about the realities of the system. The report has been prepared from a broad array of documents, scholarly studies, and other source materials relating to the subject of the Soviet penal system in general and forced labor in particular.

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THE SOVIET FORCED LABOR SYSTEM

The Soviet penal system is remarkable for its huge size and its systematic employment of labor. The labor camps so vividly described by Solzhenitsyn are only one element of a system that also includes prisons as well as a growing cadre of forced labor without confinement. The Soviets have an ideological commitment to the rehabilitative role of labor in the social adjustment of the individual, and accordingly refer to the forced labor camps as "correctional" labor colonies.*

Correctional labor colonies were first established in 1919 on the Solovetskiy Islands in the White Sea, but until Stalin assumed power the system grew rather slowly. Stalin's forced labor system reached a peak of perhaps 15 million persons in 1947. After Stalin's death liberal reforms reduced the camp population, and in 1957 P.I. Kudryavtsev, Deputy Procurator General of the Soviet Union, asserted that the number had been reduced to about 800,000 to 900,000, and that 1 to 2 percent were "politicals." Toward the end of the Khrushchev era, criminal penalties were toughened, the crime rate increased, and the camp system began to expand again. Criminal charges were used increasingly to control political dissidents. Although many of the old camps in Siberia and the Far East were abandoned, others were built closer to population centers.

In addition, an extensive system of forced labor without confinement had its inception in the early 1960s and has grown rapidly in scope since then; the number of non-confined forced laborers now more than equals the number of those confined, and it is continuing to rise. Given the worsening labor

*The term forced labor camps is used in this report as a general appellation for correctional labor colonies, educational labor colonies, and correctional labor colony settlements; the specific terms will be used when particular types of facilities are being discussed.

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supervised, and regimented. Labor colonies are enclosed by as many as six or seven fences and walls with towers on each corner manned by armed guards (Figure 1). A typical one-story wooden barracks houses a detachment of 140 to 160 prisoners divided into two sections. The legal minimum living area per prisoner (2.0 square meters in prisons; 2.5 square meters in camps) is not much larger than an American-style twin bed.

- ° Educational labor colonies are correctional institutions for juvenile criminals aged 14 through 17. Inmates of educational labor colonies are usually transferred to correctional labor colonies when they reach age 18. Those who have less than two years of a sentence remaining and who seem well on the way to rehabilitation however, may be allowed to remain at the educational labor colony.
- ° Correctional labor colony settlements are milder forms of confinement that were introduced in 1977. Often referred to by prisoners as the "fifth regime", these colony settlements are located in areas where new industries are being built and at other construction sites. Many regular camps—especially in Kazakhstan, Siberia, the Far East, and the Far North—have associated colony settlements. Colony settlements are the least onerous facilities in the penal system and the only ones in which the sexes are not segregated. For instance, prisoners must observe a curfew and perform the labor designated for them, but they may wear ordinary clothing, and few restrictions are placed on their private behavior or their privileges.
- ° Soviet prisons are urban facilities, most of which have been expanded and reconstructed since Czarist times, and present the harshest confinement in the system. All major cities have at least one large

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prison. Major prisons number about 300 and house some 300,000 inmates at any one time. Prisons are differentiated by primary function; four types may be distinguished: penitentiaries, transit prisons, investigatory prisons and psychiatric prisons (see Appendix 3).

Payment of Prisoners

Soviet law stipulates that inmates in prisons and labor colonies are to be paid at least the minimum wage for their work. Since inmates are not permitted to keep money in their possession (a rule constantly abused), wages are credited to the prisoners' accounts. Theoretically, after deductions for their upkeep have been made, the balance is credited to their accounts and paid to them when they depart; however, many prisoners reportedly have no money when they are released.

Prisoners are allowed as much as 5 rubles monthly in credit at the prison or colony commissary on what are termed "food items and basic necessities." Soap, tooth powder, envelopes, postage stamps, tobacco, cigarettes, black bread, margarine, candy, jam and canned fish are typical commissary items, but reportedly many of these are frequently unavailable. There are no restrictions placed on the amount of money a prisoner may spend on books, educational supplies, and stationery. The number of letters prisoners may send and receive and the number of packages and parcels they may receive are closely regulated; such privileges are commonly used as a means of enforcing prison discipline.

Incentives and Penalties

The Correctional Labor Code specifies incentives that "may be employed to encourage convicts' good behavior and honest attitude toward work and training." These incentives include the granting of additional privileges--

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perhaps permission to spend an extra couple of rubles in the commissary. More significant measures entail transfer of prison inmates to labor colonies, or transfer of inmates of labor colonies of other than special regime to colony settlements. Such transfers may not take place until at least half the sentence has been served.

The Correctional Labor Code also specifies penalties that "may be applied to convicts for violating the requirements of the regime." Not surprisingly, most of the penalties are mirror images of the incentives: a warning or reprimand, withdrawal of privileges, and transfer to harsher confinement conditions. For major infractions, inmates of both labor camps and prisons may be put in "punitive isolation." First offenders are sentenced for as long as 15 days to a punishment isolation cell, better known as the shizo, or cooler.

Working Conditions

The RSFSR Correctional Labor Code provides guidelines on the general work conditions of prisoners, while specific conditions are established by the prison and colony administrators. Work is compulsory, and those who do not work receive a reduced food ration and no pay. Inmates are required to work eight hours per day, six days a week. Prisoners who must travel to work sites, such as those in logging or construction areas, "donate" this extra time to the state. Most camps work two shifts, from 0800 to 1700 and from 1700 to 0100.

According to many former prisoners from many different camps, violations of good safety and health practices are common throughout the system, even though the Correctional Labor Code stipulates that "convicts' work is organized so as to observe labor protection rules and industrial safety

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measures as established by labor law." At a sawmilling camp in Riga, for example, serious accidents were reported to occur frequently. Prisoners in this camp work without helmets, gloves, or safety goggles.

Forced Labor Without Confinement

Persons sentenced to forced labor without confinement fall in two categories: those assigned to correctional tasks without confinement, an administrative penalty that amounts to little more than a fine, and those sentenced to correctional labor without confinement. The latter comprises two sub-categories: parolees (also known as khimiki*) and probationers with compulsory labor.

The penalty of correctional tasks without confinement is meted out to offenders whose crimes are deemed not serious enough to justify sentences of confinement. The compulsory tasks may be performed either at the offender's regular workplace or at some other nearby place so that he may continue to live at home. The offender's pay is docked as much as 20 percent, and the time spent performing correctional tasks (maximum sentence: one year) may not count towards his job seniority. The number of Soviet citizens who receive such sentences annually is difficult to estimate but could number about a half million, judging from fragmentary information.

In 1964 the Supreme Soviet of the USSR decreed that certain prisoners then under confinement could be released--in effect, paroled--from penal institutions and sent to construction sites to work out the balance of their

*When the parole program started, most parolees were sent to construction sites of the chemical industry, which was then undergoing a major expansion. The prisoners therefore referred to the program as khimiya--chemistry--and to the parolees (and, later, also to the probationers) as khimiki--chemists. The term khimiya remains in use to this day.

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sentences without confinement. Article 44 of the Criminal Code was amended to establish eligibility requirements for this program. Those not eligible include prisoners undergoing compulsory treatment for alcoholism, drug addiction, or venereal disease; foreign prisoners, and prisoners "who systematically or maliciously" violate the terms of their confinement. All others were eligible--those confined for the most serious offenses (intentional homicide, crimes against the state) after serving three-quarters of their time, and those serving for lesser offenses after lesser amounts of time (See Appendix 4).

The MVD serves as a clearing house--a kind of employment agency--keeping track on the one hand of requests from other ministries for forced laborers, and on the other of eligible prisoners who might be paroled to fulfill these requirements. Periodically (perhaps two or three times a year), groups of eligible prisoners are freed from confinement in what are called "amnesties" and sent in guarded batches to the forced labor sites. Until recently, prisoners convicted of especially dangerous crimes against the state had little chance of being granted parole. However, demands for forced laborers have become so insistent that even some political prisoners have been paroled. Overall, roughly one-half of all persons under confinement are now being paroled before the end of their terms and are serving an average of two years at compulsory labor without confinement. Approximately 500,000 parolees are currently performing forced labor under this system.

In 1970, another decree of the Supreme Soviet authorized courts to issue sentences of "probation with compulsory labor" as an alternative to "confinement with compulsory involvement in labor." In such sentences, the confinement portion is suspended but the labor portion remains. The new decree greatly widened the scope of the program of forced labor without

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confinement, for now the entire sentence could be so served. The stated intent of the decree was to allow courts more latitude in determining the sentence when they decided that an offender could be reformed without confinement. Perhaps not coincidentally, however, treating offenders in this way permits the state to extract maximum economic benefit from their labor at minimum cost.

Estimating the number of persons serving sentences of probation with compulsory involvement in labor is difficult. In 1973 the Chief Justice of the Lithuania Supreme Court commented that nearly 20 percent of the court sentences issued in Lithuania fell into this category and that this percentage was rising. A Ukrainian court lawyer until 1979 estimated at least 30 percent of all criminal court cases received sentences to compulsory labor. Recent information suggests that this has risen to about half of current sentences. Assuming this is correct, and that the average sentence is 3 to 4 years, there are now 1.4 million to 1.8 million persons on probation with compulsory involvement in labor.

Persons sentenced to correctional tasks without confinement never leave home and suffer minimal disruption in their lives, but the parolees and probationers sentenced to correctional labor without confinement may be sent to large construction sites far from their homes. When assigned to work outside their immediate home areas, parolees are usually transported to their assigned work sites in guarded groups on trains, and if they travel long distances, they spend several periods in transit prisons en route. Probationers are usually permitted to make their own travel arrangements and travel to their assigned work sites unescorted.

At the work sites the forced laborers live in barracks similar to those in correctional labor colonies. The facilities are not guarded, but the

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convicts must observe a daily curfew, normally at 2200 hours. As a rule a laborer's special skills will be utilized as much as possible at the work site, but there are reports that some laborers are required to perform heavy manual labor regardless of their skills. They are paid the Soviet minimum wage for such labor and after paying for room and board (no more than 50 percent) are allowed to keep or spend the rest of their money as they wish. They are permitted to eat wherever they wish. It is not unusual for such convicts, especially probationers, to be granted permission to leave the work site to visit relatives, conduct personal business, or even to take vacations.

The time spent at forced labor without confinement counts toward fulfillment of the confinement sentence at the rate of one day for one day. But if the parolee or probationer violates the terms of his sentence or commits a new crime at his work site, he is sent back to the penal institution from whence he came (or would have gone, in the case of a probationer) and forfeits all of the time spent outside confinement. Authorities apparently try to avoid applying this drastic punishment to convicts nearing the ends of their sentences.

Role of Forced Labor in the Economy

Forced laborers engage in nearly all forms of economic activity. They constitute about 3 percent of the total Soviet labor force, which now is estimated at 147 million. In the 1980s, labor force growth will be less than half of what it was in the 1970s. Forced labor is thus likely to become a more important means of relieving serious manpower shortages, particularly in inhospitable areas, and there is likely to be much greater use of forced laborers who are not confined. Unconfined forced labor provides a flexible and inexpensive source of labor for hazardous or unhealthy duty or for work in

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remote locations.

Most inmates of prisons, correctional labor colonies, and colony settlements work full time in a broad variety of economic activities, including manufacturing, construction, logging and wood processing, mining, producing building materials, and agriculture (Map 2).

Construction. Under Stalin, forced labor was used heavily in the development of remote areas of the Far North, Siberia, and the Far East. Cities such as Noril'sk, Vorkuta, Magnitogorsk, and Magadan were built largely by forced labor. Major construction projects such as the Baltic-White Sea and Volga-Don Canals, as well as parts of the Trans-Siberian and Kotlas-Vorkuta Railroads, relied heavily upon forced labor.

In recent years, more than 100 camps, or approximately 10 percent of the total, have been associated with construction activities. Construction camps are scattered throughout the USSR, most of them in or near cities. The heaviest concentrations are in Kazakhstan and Central Asia. The inmates usually work at sites throughout the cities in which the camps are located; hence they are more visible to the general populace than those in other kinds of camps. One source reported watching 40 trucks, each loaded with 40 prisoners, drive off daily from the labor colony at Nizhnekamsk to nearby sites where a petrochemical complex, a large automotive repair facility, and a concrete products plant were under construction. In many large cities apartment houses, hotels, hospitals, government office buildings, and the like have been built by convict labor.

The practice of using forced labor for the clearing and construction work for entire new towns continues. Examples include Shevchenko, a showplace city on the Caspian Sea containing a nuclear-powered desalination plant, and Navoi, a petrochemical city in Central Asia near a large deposit of natural gas.

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Both cities still contain major concentrations of forced labor.

Forced laborers on probation or parole from confinement are being employed at a multitude of major construction projects throughout the country. Especially large concentrations of them, numbering in the thousands, have been used in construction of the huge Kama River truck plant (the world's largest) and the Baykal-Amur Mainline (BAM) railroad. Parolees and probationers are also employed in industrial production and other economic activities, including pipeline construction.

Pipeline Construction. Forced labor has been used as an integral part of pipeline construction work crews in the Ukraine, Kazakhstan, and the central RSFSR. The forced laborers in pipeline construction have come largely from parolees and probationers, and have been used in unskilled jobs such as clearing forests, draining swamps, and preparing roads. Forced labor crews are usually removed before skilled workers arrive, minimizing contact between the groups. In some areas, however, unconfined forced laborers have worked directly with free workers doing low-skilled jobs. Parolees are usually released to a specific work site, for example, a construction site for a compressor station, where they must remain until completion of their assignment. They often live in trailers or barracks similar to those of other workers. If local labor is not available, construction authorities may appeal to the oblast executive committee and the local organs of the MVD to assign paroled prisoners to a work site. Paroled prisoners and probationers are not generally employed in laying pipe, which requires mobile crews. They reportedly are used in the construction and repair of gas compressor stations, service roads, and workers' housing. Many of these unconfined forced laborers are young people who have been convicted of petty crimes and are serving relatively light sentences.

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Siberian Gas Export Pipeline

In view of the past use of unconfined forced laborers and the current shortage of labor, it seems that some forced labor would be used along the export pipeline route for compressor station and auxiliary construction unless the Soviets depart from their usual practice because of the exposure in the Western media. There are about 100 heavily secured forced labor camps close to the proposed route, all of which existed before the start of construction of the export pipeline. Prisoners in the camps are engaged in a variety of activities, but they could be tapped for pipeline construction work if needed. However, it is more likely that forced laborers will come from the ranks of parolees and probationers.

Manufacturing. Well over half of the USSR's forced labor camps and numerous large prisons contain some type of manufacturing facility. These institutions associated with manufacturing are most heavily concentrated in the western USSR, especially in the Ukraine. Industrial camps tend to be larger and more complex than the other types, and there is a great diversity of manufacturing activities, for example:

- 17 camps in the Mordovskaya ASSR Complex produce a variety of manufactures including metal products, clothing, clocks, automotive parts, furniture, and souvenirs;
- 12 Latvian camps produce metal goods, wooden furniture and souvenirs, clothing, footwear, and electrical equipment;
- eight camps in Lithuania produce electrical sockets and plugs, home appliances, clothing, plastic and rubber products, and furniture;
- in a Siberian camp near Ulan-Ude, 1,500 prisoners produce furniture, glass, and clothing.

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Typically, the prisoner work force at a manufacturing camp is supplemented by free laborers, some of them former prisoners, who may account for as much as 15 percent of the total. Most of this latter group serve as foremen, technicians, engineers, and quality control experts.

Logging and Other Activities. About 350 camps are engaged in logging, sawmilling, and related activities. These operations are concentrated in the Urals, the Northwest, the Volga-Vyatka, and the Siberian economic regions. Most logging camps are by nature temporary and crude in construction; they are abandoned as surrounding areas are depleted of trees. In the past, abandoned logging camps were usually replaced by new ones elsewhere. Now, however, the use of forced labor in logging and wood processing seems to be declining, and relatively few new camps of this type are being constructed.

Approximately 50 camps are associated with mineral extraction, far fewer than in former years when forced labor was extensively used in mining, especially in the Kolyma Basin, where gold mining and some lead and coal mining were carried on by prisoners. Coal mining was also pursued in Kazakhstan and in the Russian North at Vorkuta and on Novaya Zemlya. Today coal is still mined by forced laborers at Vorkuta and Karaganda as is uranium at Zheltyye Vody in the Ukraine, gold at Zarafshan in Central Asia, iron ore at Rudnyy, and bauxite at Arkalyk—the last two in Kazakhstan. At Vasalemma, Estonia, prisoners work a large limestone deposit.

Camps producing construction materials have in recent years increased slightly, to about 60, and are scattered throughout the USSR. Camps in this category engage primarily in producing bricks and blocks used in the construction industry.

Agricultural camps number about 20 and play a small and decreasing role in the Soviet forced labor system. Conditions in agricultural camps are less

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severe than in other camps: the work is less strenuous, and agricultural camps are located in more hospitable regions of the USSR, such as the North Caucasus.

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APPENDIX I

Crime and Sentencing

Crime is a major problem in the Soviet Union, and it appears to be getting worse. These conclusions are supported by many sources -- diplomats, businessmen, tourists, emigre accounts published in the West, and even Soviet journals and news media. The most prevalent crimes are hooliganism and theft of state and personal property. Juvenile crime is reaching serious proportions. Alcoholism has reached epidemic proportions and is blamed for much crime, especially the violent forms. The murder rate (in 1976, 6 per 100,000 people) is below that in the US, but much higher than in Western Europe. The crime rate is generally higher in urban areas than in rural areas, with the exception of several of the largest cities such as Moscow and Leningrad, where ex-convicts are denied residence permits. It is highest of all in the remote cities of Siberia and the Far North, where many convicts have been forced to resettle after completing terms of forced labor.

Crimes that are categorized as "especially dangerous crimes against the state" are considered among the most serious in the USSR; they include treason, terrorism, sabotage, and "anti-Soviet agitation and propaganda" -- the last an offense with which political dissidents are often charged. Persons convicted

of such crimes receive some of the harshest punishment the penal system offers. Legal punishments range from a public expression of censure or a small fine to death by shooting. The death penalty is authorized for some 25 crimes, including a number of economic offenses. Several hundred executions are carried out annually.

Crime and punishment in the USSR differ from their nature in the United States and Western Europe in several important respects. There are several kinds of behavior considered crimes in the Soviet Union, but not elsewhere. These include the preparation and distribution of writings critical of the government or of the communist system, several kinds of unregistered or unauthorized religious activities, living in the capital without authorization, departure from the country without permission, "hooliganism" and "parasitism." Although prominent political dissidents may be sentenced for "serious crime^s" such as slandering the Soviet state, lesser known individuals who run afoul of political and religious restrictions are often accused of "hooliganism" and "parasitism." "Hooliganism" is a frequent charge for rowdy or drunken acts, but is also applied liberally to dissidents. "Parasitism" is a charge which is often brought against persons -- including dissidents

and "refusniks" -- who have been fired from their jobs and prevented from obtaining new employment. Finally, the judiciary is less independent of the executive in the USSR and has very little independence in political cases.

Some of the most comprehensive data were provided by a former official of the Procurator's office in Moscow who 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 lesser crimes and misdemeanors were handled administratively or by "comrades courts" (see table below).

TABLE

USSR Criminal Convictions, 1976

<u>Serious Crimes - Tried by Peoples' Courts</u>	<u>No. Sentenced</u>	<u>Percent</u>
Hooliganism	235,215	24.1
Crimes against persons	168,013	17.2
Theft of state and public property	156,451	16.0
Crimes against personal property	151,934	15.6
Motor vehicle crimes	97,388	10.0
Economic crimes	43,653	4.5
Crimes against administrative order	38,445	3.9
Malfeasance in office	37,669	3.9
Crimes against justice	13,892	1.4
Other serious crimes	<u>33,430</u>	<u>3.4</u>
Total serious crimes	976,090	100.0

Minor Crimes (petty larceny, moonshining, poaching,
petty hooliganism, and others)

Handled administratively	879,265
Reviewed by comrades' courts	<u>805,070</u>
Total minor crimes	1,684,335
 TOTAL CRIMES	 2,660,425

Source: The official described in the previous paragraph.

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APPENDIX 2

Regimes in Effect in Labor Colonies and Prisons

Correctional Labor Colonies

Correctional labor colonies are by far the dominant form of incarceration in the USSR. Four confinement regimes are in effect at correctional labor colonies; in order of increasing severity they are defined as the general, intensified, strict, and special regimes.

- general regime: for adult male first offenders who have been sentenced to confinement for three years or less for premeditated felonies or for more than five years for crimes of negligence; and for all adult female offenders except especially dangerous recidivists, women whose death sentences have been commuted, and those who have committed especially dangerous crimes against the state;
- intensified regime: for adult male first offenders who have been sentenced to terms of confinement for more than three years for premeditated felonies;
- strict regime: for men and women who have committed especially dangerous crimes against the state, men who have previously served sentences of confinement (recidivists), especially dangerous female recidivists, and women whose death sentences have been commuted;
- special regime: for especially dangerous male recidivists and men whose death sentences have been commuted.

Educational Labor Colonies

These colonies are correctional institutions for juvenile criminals aged 14 through 17. Only two regimes are in effect.

- general regime: for male first offenders who have been sentenced to confinement for three years or less and all females;
- intensified regime: for males who have previously served sentences of confinement and first offenders who have been sentenced to confinement for more than three years.

Prisons

Persons temporarily confined in investigatory and transit prisons live under a light regime akin to the mildest of the regimes in effect at correctional labor colonies. But criminals serving sentences of confinement in penitentiaries live under much harsher conditions.

- general regime: inmates live in communal cells from which they are released only to work or to exercise outside, the latter activity limited to one hour a day. Privileges are very limited.
- strict regime: inmates also live in communal cells (in special cases, in individual cells), but their privileges are more restricted than under general regime. Prisoners under the strict regime are kept separate from prisoners under general regime.

UNCLASSIFIED

APPENDIX 3

Types of Prisons

Prisons in the Soviet Union are differentiated by primary function; four types may be distinguished:

- Penitentiaries serve primarily as places of incarceration for criminals and political prisoners specifically sentenced to terms of confinement in prison—an exceptional punishment which may be assigned by the courts only to persons convicted of especially dangerous crimes against the state or certain other grave crimes, and to persons serving in correctional labor colonies who maliciously violate camp rules. Examples of such prisons are the ones at Vladimir and Chistopol', both associated with male political prisoners. The central prison for women is in Minsk. Prisoners are required to perform labor full time in industrial facilities in the prison complex.
- Transit prisons where prisoners are organized into groups for shipment to their destinations are located at regional transportation hubs such as Sverdlovsk, Novosibirsk, and Irkutsk. The Correctional Labor Code limits to 10 days the time a person sentenced to forced labor without confinement or to exile may be held in any transit prison, but a trip from the European USSR to the remote regions of Siberia or the Far East may entail several sojourns in transit prisons. According to some former prisoners the huge facility at Sverdlovsk (which is also a penitentiary) can hold thousands of prisoners when, as is common, it is filled beyond legal capacity.

26
UNCLASSIFIED

- Investigatory prisons are used to incarcerate suspects awaiting trial on serious charges and other persons already sentenced to confinement in correctional labor colonies who are needed to testify as witnesses at upcoming trials. Lefortovo Prison in Moscow is an example of such a prison; the regime in an investigatory prison is less harsh than that at other prisons.
- Psychiatric prisons, otherwise known as "special psychiatric hospitals" (SPHs), are used to hold and treat persons who have been declared criminally insane. (They are to be distinguished from "ordinary psychiatric hospitals"—OPHs—run by the Ministry of Health.) Some SPHs have been repeatedly associated with maltreatment of dissidents.

UNCLASSIFIED

21
UNCLASSIFIED

APPENDIX 4

Eligibility for Parole

In 1964 the Supreme Soviet of the USSR decreed that certain prisoners then under confinement could be released--in effect, paroled--from penal institutions and sent to construction sites to work out the balance of their sentences without confinement. Article 44 of the Criminal Code was amended to establish eligibility requirements for this program.

- Not eligible: prisoners undergoing compulsory treatment for alcoholism, drug addiction, or venereal disease; foreign prisoners, and prisoners "who systematically or maliciously" violate the terms of their confinement.
- Eligible after serving three-quarters of the confinement sentence: especially dangerous recidivists; prisoners convicted of especially dangerous crimes against the state; prisoners convicted of intentional homicide under aggravating circumstances; prisoners whose death sentences have been commuted.
- Eligible after serving two-thirds of their confinement sentences: prisoners convicted of certain serious crimes (especially if committed under aggravating circumstances) including counterfeiting, currency speculation, embezzlement, taking or giving bribes, banditry, robbery, endangering the life of a policeman, disrupting a penal institution, hijacking, rape, drug trafficking, and particularly malicious hooliganism.
- Eligible after serving half of their sentences: prisoners, other than those listed above, sentenced to confinement for more than 10 years.

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18

— Eligible after serving one-third of their sentences: prisoners, other than those listed above sentenced to confinement for not more than 10 years.

24
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The United States Government has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. Other boundary representation is not necessarily authoritative.



ARCTIC OCEAN

Sea of Okhotsk

Laptev Sea

Noril'sk

Susuman

Magadan

Petropavlovsk-Kamchatskiy

Yakutsk

Yrkutsk
Emeryovo

Krasnoyarsk

Komsomol'sk

Sovetskaya Gavan'

Yuzhno-Sakhalinsk

Kyzyl

Irkutsk

Ulan-Ude

Chita

Blagoveshchensk

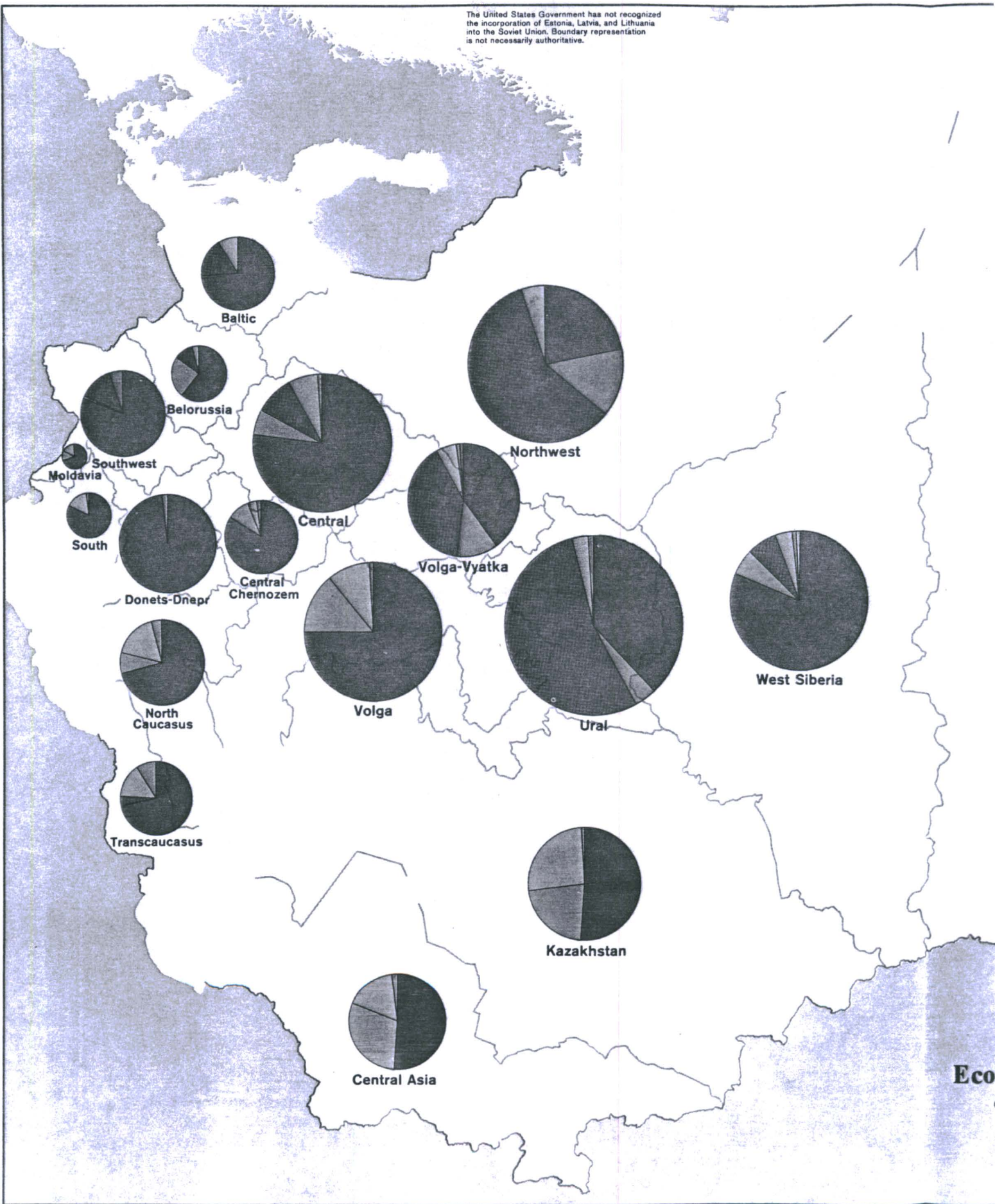
Khabarovsk

Vladivostok

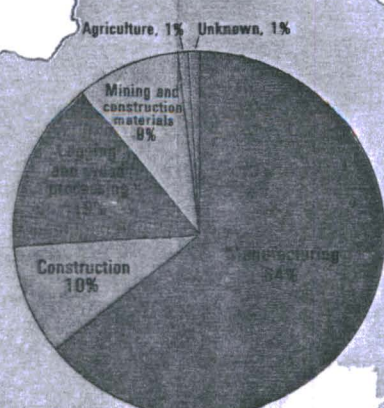
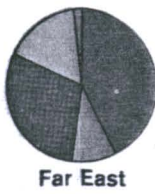
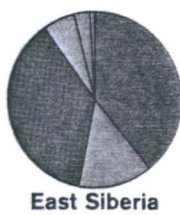
Soviet Union Forced Labor Camps and Selected Pipelines

Gas Oil
Wider lines represent multiple pipelines.

The United States Government has not recognized the incorporation of Estonia, Latvia, and Lithuania into the Soviet Union. Boundary representation is not necessarily authoritative.



Eco



Soviet Union Economic Utilization of Prisoners

Circles and segments indicate relative importance

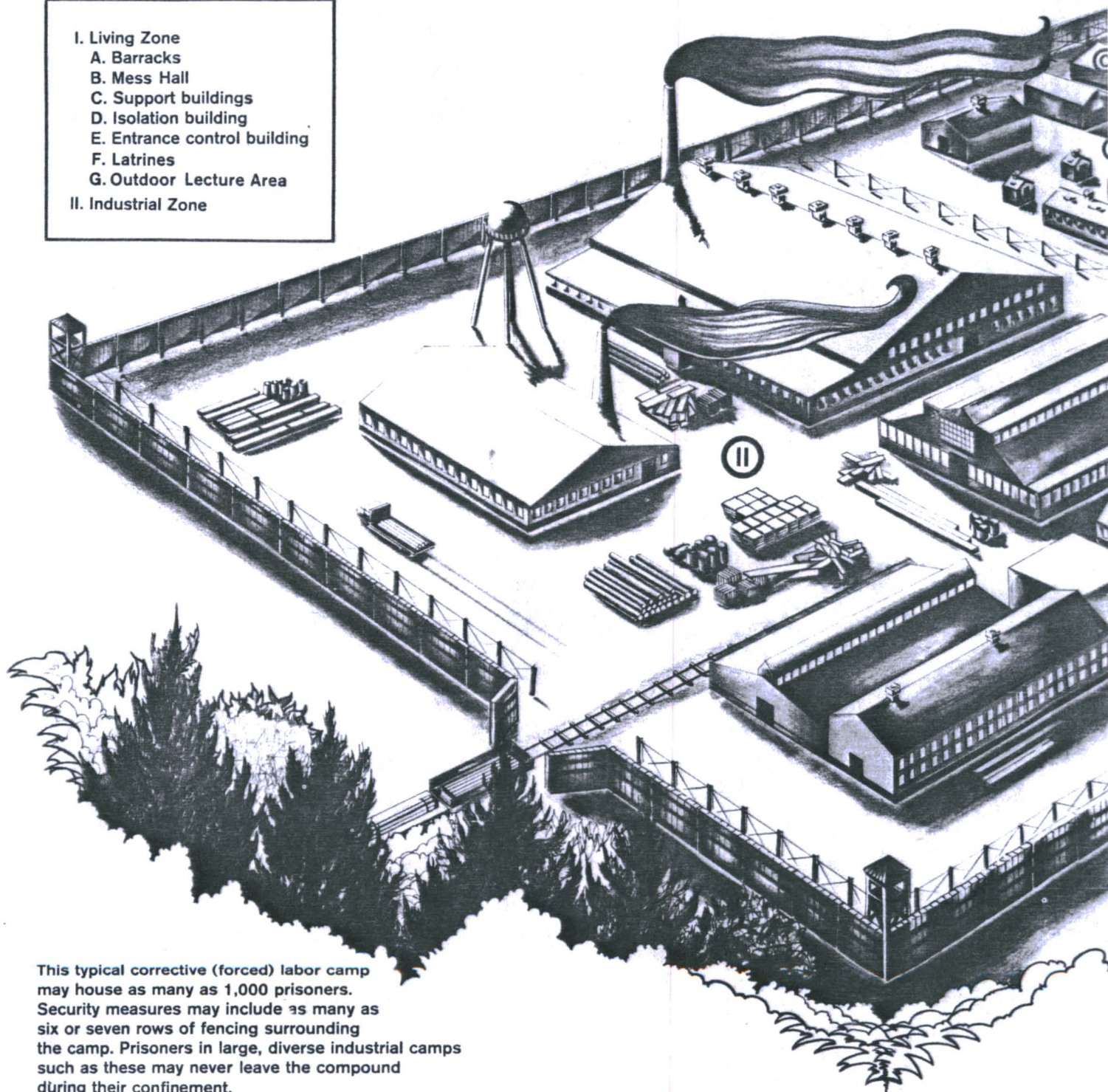
— Economic region boundary

0 200 400 Kilometers
0 200 400 Miles

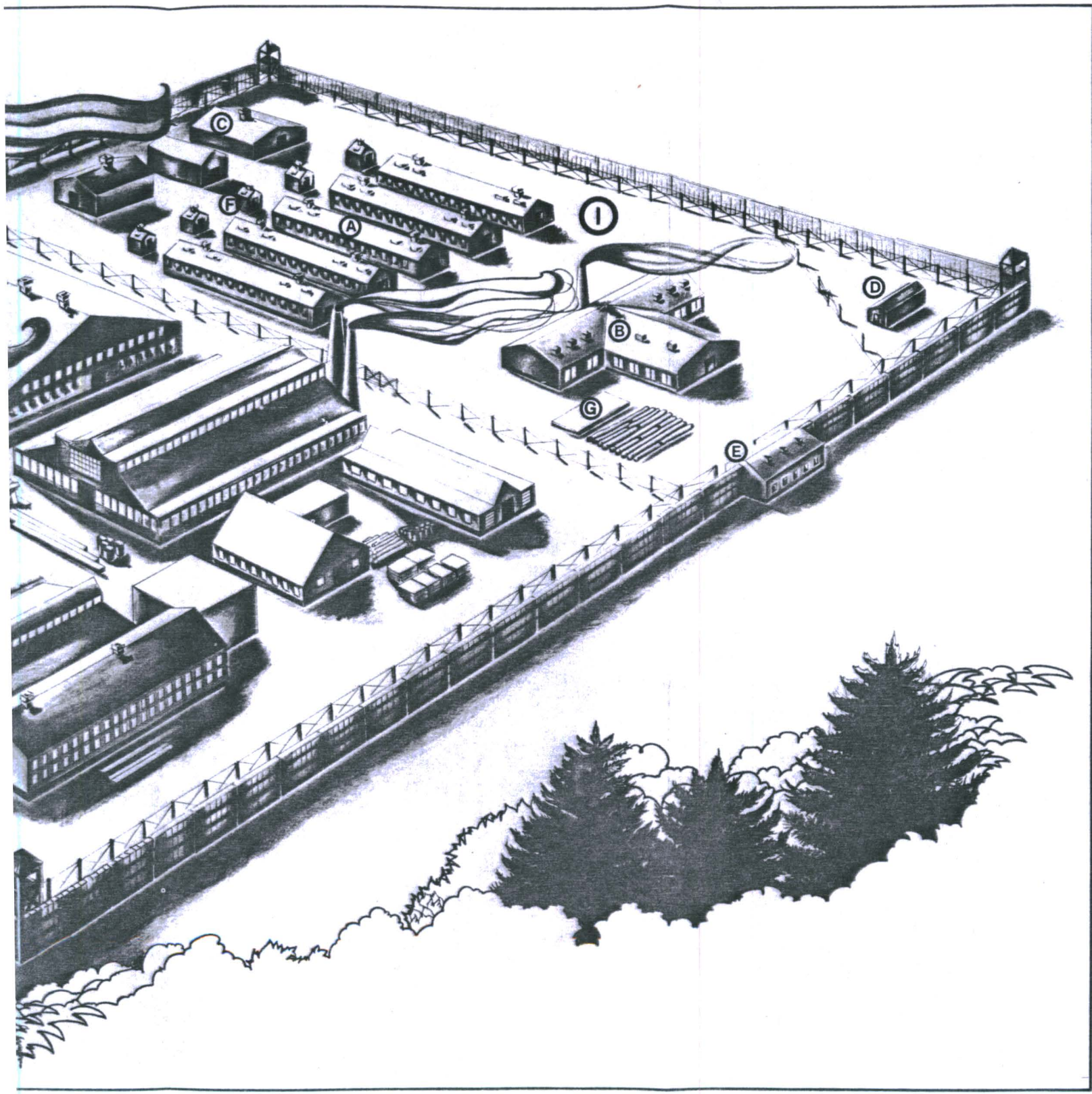
Total U.S.S.R.

Excluding colony settlements and all prisons except penitentiaries

- I. Living Zone
 - A. Barracks
 - B. Mess Hall
 - C. Support buildings
 - D. Isolation building
 - E. Entrance control building
 - F. Latrines
 - G. Outdoor Lecture Area
- II. Industrial Zone



This typical corrective (forced) labor camp may house as many as 1,000 prisoners. Security measures may include as many as six or seven rows of fencing surrounding the camp. Prisoners in large, diverse industrial camps such as these may never leave the compound during their confinement.



PIPELINE 25
(forced labor)

NATIONAL SECURITY COUNCIL MESSAGE CENTER

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CONFIDENTIAL
LIMITED OFFICIAL USE FRANKFURT 14413

WHITE HOUSE FOR THE PRESIDENT, STATE FOR HA AND EUR/CE,
BONN FOR EMBASSY AND USIS

E.O. 12356: N/A

TAGS: SHUM, UR, GE

SUBJECT: SIBERIAN GAS PIPELINE: "HEARING ON FORCED
LABOR" BY INTERNATIONAL SOCIETY FOR HUMAN RIGHTS

1. HERewith TEXT OF OCTOBER 29 LETTER RECEIVED BY THE
CONSULATE GENERAL FROM THE FRANKFURT-BASED INTERNATIONAL
SOCIETY FOR HUMAN RIGHTS (IGFM) FOR TRANSMISSION TO THE
PRESIDENT, CONCERNING THE SOCIETY'S HEARING ON SOVIET
FORCED LABOR TO BE HELD IN BONN ON NOVEMBER 18-19:
QUOTE

DEAR MR. PRESIDENT,
ACCORDING TO THE PRESS, YOU ARE CONSIDERING A CHANGE IN
YOUR POLICY ABOUT SOVIET GAS PIPELINE SANCTIONS (OR
RATHER WITHDRAWAL OF PRIVILEGES). YOUR CRITICS CLAIM
WITHOUT ANY JUSTIFICATION, THAT THESE MEASURES HAVE
FAILED. CERTAINLY, THE USSR HAS NOT CRUMBLLED IMMEDI-
ATELY. BUT THE SPIRITUAL, MORAL EFFECT OF YOUR POLICY,
AIMING AT A REDUCTION OF THE ECONOMIC POWER OF THAT
TOTALITARIAN GOVERNMENT IS TREMENDOUS ALREADY! THIS I
KNOW FROM MY MANY CONTACTS WITH CIVIL RIGHTS ACTIVISTS
FROM THE USSR, POLAND, GDR AND OTHER COUNTRIES BEHIND
THE IRON CURTAIN. FOR THE FIRST TIME IN MANY YEARS,
MILLIONS OF SUPPRESSED PEOPLE FEEL THAT SOMETHING IS
DONE FOR THEM. THAT THE US, LEADING THE FREE WORLD,
ACTS ON MORAL PRINCIPLES, CARES FOR THEM AND SACRIFICES
SHORT-TERM ECONOMIC BENEFITS (HOW EVER QUESTIONABLE THEY
MIGHT BE) IN THE HIGHER INTEREST OF FREEDOM AND HUMAN
DIGNITY. THAT IS FOR MANY PEOPLE EXCITING NEWS INDEED AND
HAS STIMULATED MORAL RESISTANCE AGAINST THAT DREADFUL
TOTALITARIAN REGIME. YOU ARE SURELY AWARE OF THE LONG-
RANGE EFFECT OF YOUR POLICY - IN THE INTEREST OF NATIONAL
U.S. SECURITY AND WORLD PEACE!

UNFORTUNATELY, EUROPEAN GOVERNMENTS ARE LACKING ANY SUCH
SENSE OF RESPONSIBILITY - BUT THE PEOPLE IN EUROPE DO
WANT THE WITHDRAWAL FROM THIS IMMORAL COOPERATION WITH THE
SOVIET GOVERNMENT. THEY ARE TIRED OF THAT "BUSINESS AS
USUAL" DESPITE THE INTERNATIONAL (AFGHANISTAN, POLAND)
AND NATIONAL BEHAVIOUR (DISRESPECT FOR THE MOST ELEMENTARY
HUMAN RIGHTS) OF THE MOSCOW LEADERS.

IT WOULD BE A GRAVE MISTAKE INDEED, IF YOU WOULD - ON
PRESSURE FROM CERTAIN EUROPEAN GOVERNMENTS - ABANDON YOUR

PRESENT COURSE. - THE EFFECT ON THE PEOPLE WOULD BE DE-
MORALIZING. PLEASE CONTINUE YOUR COURSE!

DEAR MR. PRESIDENT!

HERewith I WOULD LIKE TO INVITE AN OBSERVER FROM THE WHITE
HOUSE FOR THE QUESTIONING OF WITNESSES IN OUR INTERNATIONAL
HEARING ON FORCED LABOR IN THE USSR.

THE INTERNATIONAL HEARING COMMISSION WILL BE COMPOSED OF
ABOUT 10-12 OUTSTANDING EXPERTS IN THE FIELD OF HUMAN
RIGHTS, EACH OF THEM QUALIFIED IN EVERY RESPECT TO REPRESENT
THE MORAL VALUES AND ETHICAL PRINCIPLES WHICH UNITE
FREE MEN. THE MEMBERS OF THE PANEL SO FAR ARE PROF.
RAYMOND ARON, PHILOSOPHER, PARIS; PROF. DR. FELIX
ERMACORA, FORMER UN-DELEGATE OF AUSTRIA; LUDWIG MARTIN,
FORMER ATTORNEY GENERAL OF STATE AT THE GERMAN SUPREME
COURT, KARLSRUHE; VICTOR SPARRE, WRITER, NORWAY.

THE PANEL WILL BE CHAIRED BY ALFRED COSTE FLORET, FORMERLY
STATE ATTORNEY FOR FRANCE AT THE NURENBERG TRIBUNAL 1946.
THE HEARING TAKES PLACE IN BONN (STADTHALLE BAD GODESBERG)
ON NOVEMBER 18/19, 1982.

WE SINCERELY HOPE YOU WILL ACCEPT THIS INVITATION AND SEND
AN OBSERVER.

SO FAR WE HAVE 7 MAIN WITNESSES, 2 OF THEM WOMEN. REPRESENTATIVES
OF ALL OTHER GOVERNMENTS INVOLVED, LABOR UNIONS,
CHURCHES, INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS WILL BE
INVITED ALSO TO OBSERVE THE HEARING, LIKEWISE OF COURSE
THE INTERNATIONAL PRESS, TV, RADIO.

WITH THE HIGHEST RESPECT!

YOURS SINCERELY,

REINHARD GNAUCK, M.D.

CHAIRMAN IGFM

UNQUOTE

2. ORIGINAL LETTER BEING SENT BY OFFICIAL MAIL.

BETTS

BT

2 November 1982

Forced Labor in the USSR: Preliminary Evaluation

1. Information obtained over the past two months reconfirms that the Soviets have routinely employed common prisoners, probationers, and parolees as unskilled labor on pipelines and other major construction projects through the late 1970s. We also know that forced labor is being used on other pipelines currently under construction, and therefore it seems likely that such labor might also be used on the Siberian gas export pipeline. Since that line has only been under construction since March, and given the nature of the Soviet system, it will probably be some time before we can positively confirm such use.

2. The forced labor population consists of people convicted of both serious crimes and petty crimes such as drunkenness and hooliganism. The two categories of forced labor are those confined in guarded facilities such as forced labor colonies and those who are not confined, primarily probationers and parolees. Based on incomplete information, we estimate that more than 4 million Soviet citizens--about 1.5 percent of the general population--are now serving sentences at forced labor.

- About 2 million of these are confined: 85 percent in forced labor camps and the remainder in prisons.
- Approximately 1.5 million, convicted of crimes for which they could have received sentences of confinement, have instead been given probation with "compulsory involvement in labor." Most of them are working at construction jobs far from their homes.
- Roughly 500,000 have been paroled from confinement but remain obligated to perform forced labor for the remainder of their terms. Many of these also are working at construction sites.
- Perhaps 100,000 or so are sentenced at any one time to "correctional tasks" without confinement; they are working for low pay while continuing to live at home.

DECLASSIFIED

NLRR FOI-114/9 #10787

BY KML NARA DATE 9/25/12

37

3. Those prisoners confined in forced labor colonies near the pipeline route conceivably could be tapped for unskilled work on the pipeline and its compressor stations. If forced laborers were used, it is more likely that they would be drawn from among those who are not confined. According to the First Deputy Minister for the Construction of Oil and Gas Industry Enterprises, 120,000 to 130,000 people would be employed on the export pipeline at peak construction periods. Most of this work force would be skilled workers, minimizing the need for unskilled forced laborers. Nonetheless, the general shortage of labor in the USSR, particularly in the area west of the Ural Mountains, could argue for the use of forced labor on the export pipeline.

4. In the past, unconfined forced laborers numbering in the thousands have been used on such major construction projects as the huge Kama River truck plant (the world's largest) and the Baykal-Amur Magistral (BAM) railroad. Parolees and probationers are also employed in industrial production and other economic activities. There seems little doubt that they are employed wherever labor shortages exist--i.e., where the location is remote, amenities lacking, the environment hostile, or the work hazardous or unhealthful.

2



Pipeline 78
United States Department of State

Washington, D.C. 20520

10788

November 4, 1982

~~CONFIDENTIAL~~

TO: NSC - Richard Pipes
Roger Robinson

FROM: State/HA - Charles H. Fairbanks *CHF*

SUBJECT: CIA Unclassified Piece on Soviet Forced Labor
(for submission to Congress)

This piece has one important problem -- it describes well what happens to people who are sentenced to forced labor in the USSR, but touches on what they are sentenced for only in Appendix 1. This describes the crime problem in the USSR, but as though these crimes were crimes in the Western sense. The existence of political charges is touched on only in passing and the independence of the Soviet judiciary is never questioned. To deal with these problems, we proposed new language (our rewrite attached), but some of it has been obstinately resisted. I simply cannot fathom why the USG cannot say what is in every Freshman Soviet government textbook.

It would still be useful for the Pipeline debate if Appendix 1 of this piece could be further transformed. Since this communication is informal, please keep it confidential; but you can use the attachment as you see fit.

P.S. CIA ~~has~~ ~~now~~ (NIO for USSR) has now approved all the language on p. 2 of the attached; only EUR is still a question.

DECLASSIFIED

NLRR E06-114/9 #10788

BY KML NARA DATE 9/25/12

~~CONFIDENTIAL~~



United States Department of State

Washington, D.C. 20520

10789

November 4, 1982

~~CONFIDENTIAL~~

TO: EUR - Mark Palmer
EUR - Steve Steiner

FROM: HA - Charles H. Fairbanks *CHF*

SUBJECT: CIA Piece on Soviet Forced Labor System

HA received this document yesterday and I read it this morning. There is one place in Appendix 1 where we feel it is important to make a substantial addition, in addition to the minor points phoned to you earlier this morning. The only problem is in Appendix 1 "Crime and Sentencing", which takes up the very different concept of what is a crime in the Soviet Union, and of how sentencing is carried out, only in passing. Our re-write of the first page of this Appendix is attached.

DECLASSIFIED

NLRR F06-114/9 #10789

BY KML NARA DATE 9/26/12

DECLASSIFIED

APPENDIX 1

NLRR FOI-114/9 #10790

BY KML NARA DATE 9/25/12

Crime and Sentencing

CIA
language

Crime is a major problem in the Soviet Union, and it appears to be getting worse. These conclusions are supported by many sources -- diplomats, businessmen, tourists, emigre accounts published in the West, and even Soviet journals and news media. The most prevalent crimes are hooliganism and theft of state and personal property. Juvenile crime is reaching serious proportions. Alcoholism has reached epidemic proportions and is blamed for much crime, especially the violent forms. The murder rate (in 1976, 6 per 100,000 people) is below that in the U.S., but much higher than in Western Europe. The crime rate is generally higher in urban areas than in rural areas, with the exception of several of the largest cities such as Moscow and Leningrad, where ex-convicts are denied residence permits. It is highest of all in the remote cities of Siberia and the Far North, where many convicts have been forced to resettle after completing terms of forced labor.

HA
language
Accepted

Crime and punishment differ from their nature in the United States and Western Europe in several respects. First, ^{are} ~~there are~~ a number of kinds of behavior ~~and~~ crimes in the Soviet Union which are not crimes elsewhere. These include the preparation and distribution of writings critical of ^{or the communist system,} the government, several kinds of unregistered or unauthorized

religious activity, living in the capital without authorization, departure from the country without permission, "hooliganism" and "parasitism". While hooliganism is a frequent charge for rowdy or drunken acts that would be crimes elsewhere, both designations are used rather freely to sentence people whose presence in large cities displeases the authorities, whether for political reasons or otherwise.

Second, the nature of Soviet society and particularly the inefficiency of the economy have created a system that, in order to function, depends heavily on individual free-market activity, the use of unauthorized channels and methods to procure necessary supplies for state enterprises, and various forms of trading personal favors. Most of these activities are ^{nominally} ~~normally~~ illegal, but are so important to the system that black-market activity is figured into the annual economic plan. Thus it is more difficult in the Soviet Union than in the United States or Western Europe to know whether one is doing one's job or committing an illegal act, frequently giving the administration of justice an arbitrary and political character. The same uncertainty applies to many political acts; it is often hard to know whether a certain form of dissident activity will be punished or not.

Finally, the judiciary is less independent of the executive in the USSR, and has very little independence in political cases. The basic decisions in political cases are probably most often made not by judges but by political leaders or by the police.

TL
EUR/ SOV
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CIA

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Steiner
will
use
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objects

Crimes that are categorized as "especially dangerous crimes against the state" are considered among the most serious in the USSR; they include treason, terrorism, sabotage, and anti-Soviet agitation and propaganda -- the last an offense with which well-known political dissidents are often charged. Persons convicted of such crimes receive some of the harshest punishment the penal system offers. Legal punishments range from a public expression of censure or a small fine to death by shooting. The death penalty is authorized for some 25 crimes, including a number of economic offenses ^{such as} including embezzlement.

[no 9] It sometimes appears that the economic offenses sections of the penal code have a disproportionate impact on certain ethnic and religious groups, ^{such as Jews.} Several hundred executions are carried out annually.

Although political dissidents are sentenced frequently for other "serious crimes", such as slandering the Soviet state, lesser-known individuals who run afoul of political and religious restrictions are known to be subjected to trumped-up charges for "ordinary crimes" such as hooliganism and parasitism. Would-be emigrants who have been refused permission to leave the Soviet Union ("refusniks") and citizens who carry on religious activities without state approval often are sentenced for parasitism after being dismissed from their jobs.

DEPARTMENT OF STATE
1982 NOV 5 PM 6 44

WASHFAX RECEIPT
DEPARTMENT OF STATE

B

S/S #

551

RECEIVED

82 NOV 5 8 6: 45

WHITE HOUSE
SITUATION ROOM

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2

MESSAGE NO. _____ CLASSIFICATION _____ No. Pages _____

FROM: C. McManaway S/S 23126 7224
(Officer name) (Office symbol) (Extension) (Room number)

MESSAGE DESCRIPTION Press Statement: Forced Labor in the USSR

TO: (Agency)	DELIVER TO:	Extension	Room No.
NSC	ADM. Poindexter	456-2224	
	Pipes		
	<u>Dobriansky</u>		
	Robinson		
	Myer		
	Wood		

FOR: CLEARANCE ☐ INFORMATION ☒ PER REQUEST ☐ COMMENT ☐

REMARKS: _____

S/S Officer: _____

[Handwritten signature]

44
November 5, 1982

PRESS STATEMENT

Forced Labor in the USSR

Conference Report No. 97-891 of September 29, accompanying H.R. 6956, directed the Secretary of State to undertake an investigation into allegations that forced labor is being employed and human rights violated in the construction of the Trans-Siberian gas pipeline. In response to this report, the Department submitted to the Congress on November 5 an updated packet of information on the issue of forced labor in the USSR. The documents submitted to the Congress include a summary of information available to us on this issue, the text of the Department's earlier statement on the issue (September 22), a historical summary of Soviet forced labor questions before the International Labor Organization and a new study entitled "The Soviet Forced Labor System." The historical summary of the issue before the ILO was prepared by the Department of Labor, and the study of the Soviet forced labor system was prepared by the CIA. The study includes maps and graphics of the pipeline network and of Soviet forced labor camps. All of the documents submitted to the Congress are now available in the Department Press Office.

There is clear evidence that the Soviet Union is using forced labor on a massive scale. This includes the use of political prisoners. We have information from a variety of sources which confirms that the Soviets routinely employ a portion of their 4 million forced laborers, the world's largest forced labor population, as unskilled workers on domestic pipeline construction. It cannot yet be conclusively established whether such labor is being used specifically on the export pipeline project, but a number of reports suggest that forced labor has been used in some of the site preparation and other preliminary work on the export pipeline including clearing the forests, leveling the right-of-way, building roads, and constructing living quarters.

There is, in fact, a long history to the use of forced labor in the Soviet Union. This has included the use of forced labor -- including thousands of political prisoners -- on numerous large-scale development projects. The Baikal-Amur rail line, the Bielomorsk and Volga-Don canals, the Moscow subway, and the Kama River truck plant are a few of the better known Soviet projects built with forced labor. Among the groups that Soviet authorities traditionally press into forced labor are political prisoners and prisoners of conscience convicted for "anti-Soviet agitation" or under broadly-worded

"hooliganism" and "parasitism" laws. For nearly thirty years, complaints have been registered in the International Labor Organization, and in other international bodies, against the use of such laws to punish and exploit political and religious dissidents in the Soviet Union.

The Soviet authorities not only have failed to provide responses satisfactory to the ILO on any of these complaints, but also have attacked the ILO supervisory machinery itself. Their continuing refusal to cooperate with the ILO authorities puts the burden of proof on the Soviet Union with regard to the numerous and grave charges of forced labor lodged against them. We strongly believe that the Soviet authorities should open all of their labor camps and large-scale labor brigades to independent international investigation.

Forced labor in the USSR is a human rights issue of deep concern to the Administration. We believe it is crucial that the international community investigate and demand remedial action when confronted with serious charges of violations of international agreements. Obviously, the closed nature of Soviet society renders difficult the discovery of facts on this issue, as well as the production of convincing evidence. But we will continue to conduct this investigation diligently, and to pursue this issue vigorously through the ILO as well.

NEWS AFL-CIO

PIPELINE 46
✓ (forced labor)
NATIONAL SECURITY COUNCIL

November 9, 1982

TO: NSC STAFF

FROM: ROGER W. ROBINSON

FOR RELEASE: FOR IMMEDIATE USE, MONDAY, NOVEMBER 8, 1982

AFL-CIO President Lane Kirkland made the following comment on the report by the State Department on the extensive use of forced labor in the Soviet Union:

We welcome the publication of this report, which documents the massive use of forced labor in the Soviet Union.

It was the American Federation of Labor, in 1948, which first raised this issue by proposing that the International Labor Organization undertake a survey of forced labor in all member countries. We have continued to raise the issue in every appropriate forum available to us.

The report leaves no doubt that the Soviet Union remains in blatant violation of ILO Convention 29, on Abolition of Forced Labor, which it ratified in 1956.

Contrary to the widespread illusion that forced labor disappeared with Stalin, some 4 million Soviet citizens are trapped in this system, which plays an important role in the Soviet economy.

The report confirms that products manufactured by forced labor are being exported to the West.

Especially disturbing is the fact that between 90 and 100 forced labor camps are located close to the routes of the proposed pipeline through which natural gas will be exported to Western Europe. Since forced labor has already been used in construction of the domestic pipeline, there can be no doubt that it will also be used on the export pipeline.

Economic questions aside, it is morally unconscionable that forced labor projects should be financed by Western credits and technology.

Have we not learned from the Kama River Truck project, which was built with forced labor and Western technology, and which produced the trucks that were used in the Soviet invasion of Afghanistan?

The AFL-CIO has repeatedly urged the Administration to halt the flow of credit to the Soviet bloc. The State Department report in effect underscores the moral urgency of this step.

While Western democracies may not be able to prevent forced labor in the Soviet Union, we need not be accomplices in this barbaric practice. An economic system that requires slave labor is not a system that should be underwritten by free men and women.

MEMORANDUM

NATIONAL SECURITY COUNCIL

November 19, 1982

MEMORANDUM FOR CARY LORD
ROGER ROBINSON
WALT RAYMOND
SVEN KRAEMER
GENERAL BOVERIE
RICHARD PIPES
PAULA DOBRIANSKY
BOB SIMS

FROM: DENNIS BLAIR

SUBJECT: Soviet Forced Labor and the Pipeline

Attached for your clearance is a follow up cable which State is sending on the forced labor issue. Please give me comments/clearance by the end of the day. Thanks.

Attachment:
Draft State cable

Fixed Later *Pipes* 47
✓

PRIORITY HANDLING

INFORM CONSULS

SUBJECT: SOVIET FORCED LABOR AND THE PIPELINE

REF: STATE 269372

PLEASE PASS PAOS

DECLASSIFIED
NLRR E06-114/9 #10791
BY KML NARA DATE 4/7/2011

1. C - Entire text.

2. The lifting of pipeline sanctions and the change in Soviet government leadership does not alter USG interest in continuing to deal consistently with the longer-term issue of human rights presented by the use of forced labor in the Soviet Union. As the Department's statement on Soviet forced labor (reftel) and the CIA study released recently (copies being pouched to PAOS) explain, forced labor is a major implement by which Soviet authorities control dissent and maintain social order. The possible use of forced labor on the Soviet export gas pipeline is but one aspect of the larger issue.

3. Hearings are being held in Bonn November 18-19 by the international association for human rights to look at forced labor and the export pipeline. We do not expect conclusive evidence to be presented regarding recent use of forced labor on the export gas pipeline itself. Although the Soviets have used forced labor on domestic gas pipeline construction, and probably used forced labor on the early stages of export pipeline construction, it is likely that they are now keeping the export pipeline free of any forced labor. Their recent offer to the ILO to inspect the pipeline labor force would indicate this to be the case.

4. Directing public attention toward the human rights situation in the Soviet Union is necessary in order to place human rights violations in other countries in perspective, as well as to create pressure to curb abuses in the Soviet Union. Without this perspective, human rights attention will tend to remain focused excessively on situations in Turkey and Central America, or other countries about which information is readily available. This skewed focus yields the false impression that nothing is being done to improve human rights in the more open societies. It helps to maintain a spurious public morality which excuses

Soviet abuses because human rights are violated also in countries with close ties to the U.S. or its allies.

5. Posts are requested to continue to develop the issue of Soviet forced labor with host government officials, the media, and interested private groups.



PRESS RELEASE

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New York, November 21 1982

International Hearing on Use of Forced Labor On Siberian Export Gas Line

Statement of the International Commission on Human Rights in conclusion of the hearing "Forced Labor - Siberian Pipeline", November 18/19, 1982, in Bonn, Bad Godesberg Municipal Building.

The Hearing was arranged by the International Society for Human Rights (ISHR) Frankfurt, in cooperation with the International Sacharov 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 labor 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 shelter and clothing and severe discipline. Many prisoners have died.

The Commission calls upon the Soviet Union to end the vicious practice of forced labor 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".

Alfred Coste Floret, President of the Commission, France

Marcel Aeschbacher, L.F.S.A., Free Switzerland Labor Union, Switzerland

Senator William L. Armstrong, U.S.A.

Jim Baker, AFL/CIO, U.S.A.

Professor Dr. Felix Ermacora, Austrian Representative in the U.N. - Commission for Economic and Social as well as for Political and Civil Rights, Austria

Hans Graf Huyn, M.D.B. Member of German Parliament, Member of the CDU/CSU -

Parliamentarian Group of German Parliament, Federal Republic of Germany.

Detlef Lutz, Vice Chairman of Christian Labor Union, Federal Republic of Germany

Ludwig Martin, Former State Attorney General, Federal Republic of Germany

Carlo Ripa Di Meana, MEP, Member European Parliament, Member of the Socialist Parliamentarian Group in the European Parliament, Italy

Victor Sparre, Writer, Norway



Washington, D.C. 20520

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

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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. 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

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.

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. When authorities need convict labor, they expect the judicial system to supply it. Thus, 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 quite impossible 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. The Soviet authorities' reliance on courts to supply convict labor for the requirements of the state economy perverts the Soviet judicial system.

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, and 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 economic 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 AntiSoviet 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 any 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 help 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 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" ⁶ 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 Church. Groups 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.

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, theft of state property, or attempted rape. 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.

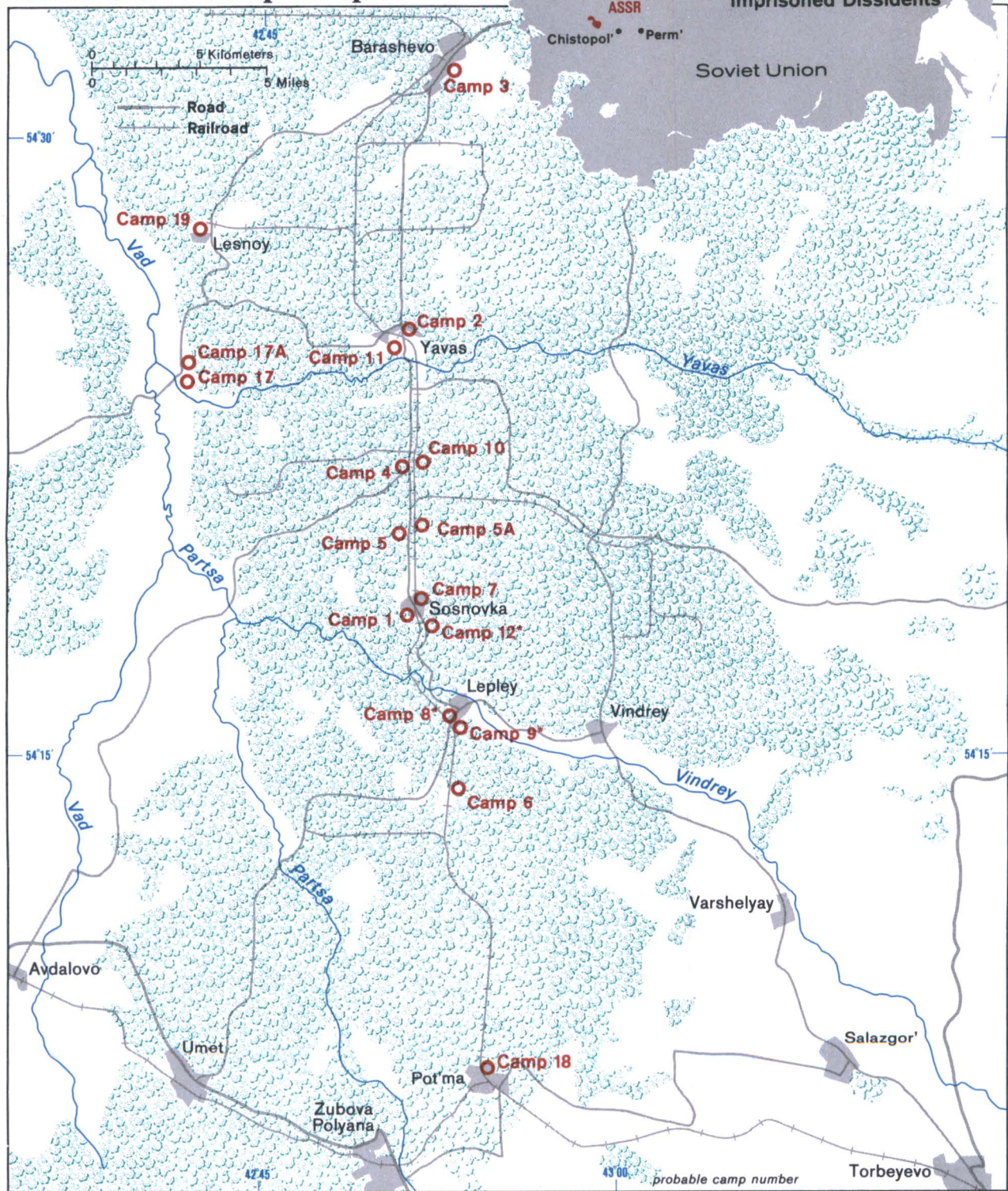
- Persons convicted for "especially dangerous crimes against the State"--including those convicted for anti-Soviet agitation and propaganda (Art. 70) -- are sentenced to "strict regime" (i.e., maximum security) corrective labor camps.

- 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.

- 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

Mordovskaya ASSR Forced Labor Camp Complex



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);

-- 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 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.⁷

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 compel 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, and "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 persists in practices that contravene the UN Charter and in so doing fails 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. "Cult" is the disparaging Soviet statutory term for a religion.
7. The United States is not a party to ILO Convention 29. The United States Government has signed the Convention, but the State has not yet consented to ratification.