Hope for dissenters?

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1986 saw a string of spectacular releases: Andrei Sakharov, Anatoly Shcharansky, Yury Orlov, Irina Ratushinskaya. Is Gorbachev simply more eager and skilled in the time-honoured practice of using dissenters for bargaining and propaganda purposes? Or has there been a real shift in policy that spells hope for dissenters in the future? Paradoxically, the answer to both questions may be 'yes'.

It takes no special percipience or cynicism to detect the motivation behind some of last year's 'big name' releases. Shcharansky, whose fame had long been a thorn in the Soviet flesh, was profitably traded as a 'spy'. Orlov benefited vicariously from another such deal. Irina Ratushinskaya's release was announced just before the superpower summit in Reykjavik. All of these releases were, in the words of dissident Valery Soifer, 'gifts to the West' rather than to 'democracy inside the Soviet Union'.

Sakharov presents a more complex case. Mr Gorbachev's involvement in his release might be read as a mark of personal respect for his country's most famous prisoner. Sakharov's support for the government's nuclear strategy, his positive remarks about Gorbachev's foreign policy initiatives and drive for greater 'openness' — *glasnost* — at home, may well have earned him a measure of trust from the Soviet leader. The fact that the Nobel laureate's release was publicised at home as well as abroad, and that he has been interviewed by Soviet as well as foreign journalists, lends credence to the view that Gorbachev may have decided to treat Sakharov as a kind of one-man 'loyal opposition'. On several occasions the Soviet leader has openly suggested that Soviet society has suffered precisely from the absence of such sanctioned opposition — a view not shared, apparently, by all his 'loyal' colleagues. Possibly Gorbachev was blocked from releasing Sakharov earlier by conservatives and hard-liners of the kind who spoke so contemptuously of the exiled physicist only a week before his release, and who doubtless fear that 'openness' may be getting out of hand.

If so, what almost certainly tipped the balance in Sakharov's favour was not a spontaneous change of heart, but a more traditional concern for Western public opinion. The timing of Sakharov's release suggests an obvious propaganda motive.

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It came within days of the news that writer Anatoly Marchenko, who had spent twenty years in jail for his human rights activities, had died in prison at the age of 48. According to Cronid Lubarsky, editor of *USSR News Brief*, the Munich-based human rights bulletin, the authorities had been planning to use Marchenko himself as a bargaining chip in negotiating for political concessions from the West (in particular, they hoped to secure recognition for Soviet trade unions from their Western counterparts in exchange for Marchenko's release). Marchenko's death upset these plans. More importantly it tarnished the self-confident, 'goodwill' image which Soviet officials had been cultivating at the opening of the Helsinki follow-up conference in Vienna. Urgent action was needed if the planned Moscow conference on 'humanitarian issues', announced with great bravado in Vienna, were not to prove a fiasco.

By itself, then, Sakharov's release does not provide evidence for an unequivocal shift in policy. Even the favourable treatment he has received might be interpreted only as an attempt to isolate him as a special case whose fate has no relevance for other imprisoned dissenters. But this is not to say that there has been no change at all, or that there are no prospects of change in the future.

For a start, whatever the motivation behind the release, Sakharov's return to Moscow has had an electric effect on all those in the Soviet Union who have been hoping that Gorbachev's policies will lead to the real democratisation of their society. The release of a famous dissident may or may not be proof that such hopes are justified, but it will certainly inspire renewed efforts to test the scope for change. Not only Sakharov himself, but others too are unlikely to remain fettered by gratitude to his 'liberators'. It is in the nature of 'openness' that Gorbachev and his government cannot retain a monopoly over its interpretation.

By encouraging the intelligentsia to speak openly on 'approved' issues, Mr Gorbachev has unleashed their opinion on human rights issues as well. Several prominent writers, including the popular poets Bulat Okudzhava and Yevgeny Yevtushenko, recently spoke up in protest at the 3-year camp sentence given to writer Pavel Protsenko, convicted of 'anti-Soviet slander' for writing and circulating religious literature. The effect, if any, of this particular protest is not yet known. But a strategy of selective deafness is unlikely to win respect from intellectuals who have found their voice under the new regime, and whose favour Gorbachev has been courting.

Even more significant, from the human rights point of view, are the effects of 'openness' within state institutions such as the judiciary. In response to criticism by prominent Soviet lawyers, a new codification of Soviet laws is currently being drafted. The aim is to strengthen the rights of the individual against the State, to ensure that these rights are known, and to increase the role of defence lawyers during pre-trial investigation as well as in court. Professor V. Kudryavtsev, a legal expert at the Soviet Academy of Sciences who is involved in drafting the new code, has been an outspoken critic of improprieties in current legal procedure, and has argued in particular for official recognition of the 'presumption of innocence' principle which, he says, has repeatedly been flouted. In the pages of *Pravda* Professor Kudryavtsev has expressed the hope that the new code will 'establish guarantees of legality and strong protection for the rights of the Soviet people' (see *The Guardian*, 3 September and 8 December 1986).

There is some evidence that criticisms such as those expressed by Professor Kudryavtsev have already begun to take effect. Over the last year, close observers of the Soviet human rights scene, such as Cronid Lubarsky and Yury Orlov, have discerned at least the outline of a more favourable pattern. Lubarsky's bi-monthly *USSR News Brief*, meticulously compiled from reliable sources both within and

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outside the Soviet Union, gives detailed documentation on the persecution, arrests and trials of dissenters. Together, his reports for 1986 suggest that changes are afoot which may be attributed not just to a concern for image, but to the influence of Gorbachev's more generally open policy.

Amnesty International confirms that over the past year altogether twelve 'prisoners of conscience' have been prematurely released from imprisonment. They include not only the 'big names' previously mentioned, but less well-known figures whose cases have been reviewed under normal judicial procedure. Vladimir Poresh, an Orthodox Christian, was released after his latest sentence was overturned by a higher court. He had been re-arrested in prison while serving a previous sentence for 'anti-Soviet agitation and propaganda', and charged under the infamous Article 188-3 of the Criminal Code ('maliciously disobeying the administration of a penal institution'). Article 188-3, known as the 'Andropov' article because it was introduced under his leadership, has been widely used to facilitate the re-arrest and further sentencing of troublesome political prisoners. It is perhaps not accidental that this article — or its improper use — has been singled out for public criticism. Helsinki monitor Tatyana Osipova, likewise sentenced under Article 188-3, was also prematurely released from her term in camp, possibly as a result of a similar review (she is now in internal exile with her husband). And the Crimean Tatar activist Mustafa Dzhemilev, whose release from camp was announced almost simultaneously with that of Sakharov, had been charged under the same article. None of this amounts to evidence that the 'Andropov' article is about to fall into disuse (indeed there is plenty of evidence to the contrary). But it does confirm that criticisms emerging under *glasnost* ('openness') may have given greater room for manoeuvre to more liberally-minded members of the legal profession.

There is evidence of this in other cases too. A striking example was that of Latvian peace activist Mikhail Bombin, who was given a relatively lenient suspended sentence (for 'anti-Soviet slander') after an unusual trial in which the prosecution effectively took up his defence. The trial was open to all who wished to attend. Both the prosecutor and Bombin's attorney pointed out gaps and inconsistencies in the investigation of the case, and the prosecutor went to the lengths of — illegally — pleading Bombin's intoxication at the time of the alleged offence as a mitigating circumstance. Later, a court of appeal resisted pressure from the procuracy to punish him more severely.

These are isolated cases, but they offer some encouragement. As Cronid Lubarsky pointed out (in a telephone conversation with *Index*), confusion and ambiguity are at least better than monolithic certainty. Under the new regime, power in the Soviet Union has become more diffused. The KGB may carry on unabashed, but it can no longer count absolutely on the cooperation of the judiciary.

Moreover, the overall rate of political arrests does appear to have decreased. Of course, this impression may simply be due to lack of information: the KGB has always concentrated on destroying the internal information network in the Soviet Union and its links with people like Lubarsky abroad. But new informants constantly emerge, and Lubarsky is sufficiently confident of his sources to confirm this favourable trend. The 'List of Political Prisoners' which he compiles annually contains 150 fewer names this year than last.

None of this gives grounds for complacency. There are still over 650 known cases of people imprisoned or exiled in the Soviet Union for expression of political, religious or national dissent, and the actual figure is certainly higher than this. Conditions within the camps and prisons fail to meet the most elementary standards. Over the past two years several well-known political prisoners — including the poet Vasyl Stus, journalist Valery Marchenko, mathematician Mark Morozov, and now Anatoly Marchenko — have died as a result

Yury Orlov: I believe in the people

The following are extracts from an interview that physicist Yury Orlov, one of the founders of the 'Helsinki monitoring groups', gave to Radio Liberty shortly after he was released from internal exile and deported to the West.

In reply to a question about the prospects for the human rights movement and the possible 'strengthening of human rights principles' in the Soviet Union, Orlov replied:

'... The human rights movement in the form in which it used to exist has more or less been crushed. But one has to take into account that there have been other forms of development ... from reading the Soviet newspapers one can see that the Soviet intelligentsia is definitely against any return to methods of government that show no respect for law ... what's important is not just the government but the state of the people. Judging at least from what I've seen in the central newspapers — and even here and there on the periphery — I've noticed an undoubted tendency towards a more law-respecting society ... I do place some hopes on this. Precisely on society itself.'

Asked what his message was to the Soviet people (the interview was being broadcast in Russian to the Soviet Union), Orlov went on to say:

'I'd like to tell our listeners that in general I believe in the people ... When I look at the history of the Russian people I believe in its potential — despite everything — still to reach those ideals which were nurtured by the best Russian minds.

Besides, there now exist objective grounds for certain reforms to be made, and indeed certain reforms are occurring already. That is obvious. I would like our people in the future to live in freedom, in democracy. Not under capitalism, certainly not. I'm not a supporter of capitalism — for Russia at any rate. I don't even consider it possible — either psychologically, or in any other way ... I'm talking about socialism, but of a democratic kind: freedom of speech, freedom of the press, freedom for the trade union movement, freedom for the opposition. And at the same time freedom for economic manoeuvre on the part of industrial managers. That's the Russia that I've always dreamed of. And that's what I personally wish for the Soviet people. This will mean a transition to a much higher standard of living, not only in the material but, most importantly, in the moral sense.' ■

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Anatoly Marchenko

In December 1986 Anatoly Marchenko, whose book *My Testimony* was among the first to tell of conditions in the post-Stalin labour camps, died in prison at the age of 48. Marchenko, a worker from Siberia, was first imprisoned in his twenties for his alleged participation in a fight at a workers' hostel. He escaped from camp but was re-arrested when trying to flee across the Soviet border, and sentenced to six years in camp for 'treason'. His subsequent writings and involvement in the human rights movement were to earn him a further twenty years of imprisonment and exile on political charges.

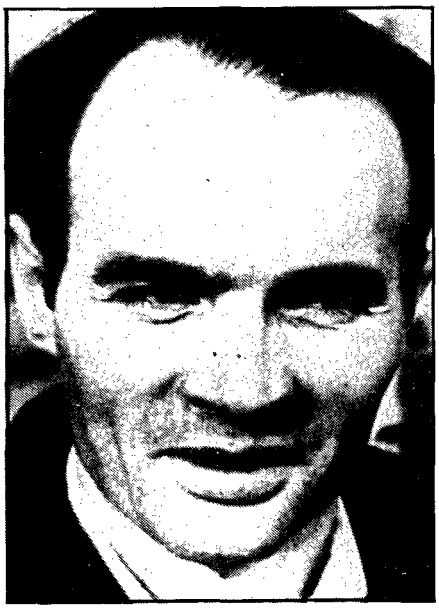
In the months before his death Marchenko, who was serving his sixth sentence in Chistopol prison, had been on a prolonged hunger strike in protest at the treatment he had received. He had been beaten up by criminal inmates, deprived of his hearing aid, and denied a visit from his wife for over two years. His wife, Larisa Bogoraz, was never able to discuss with him a proposal made by the Soviet authorities shortly before his death that he and his family should emigrate from the USSR.

In an autobiographical work entitled *Live Like Everyone*, Marchenko explained why he had felt compelled to write his first 'testimony':

'I had spent six full years in political camps and prisons. But no one anywhere had ever mentioned the existence of political prisoners in the Soviet Union ... We simply didn't exist ...

'I was indignant at the shameful silence of the public both at home and abroad in relation to Soviet political prisoners. But I was also indignant at our own behaviour: we at least should have made ourselves known by shouting at the tops of our voices.

PETER REDDAWAY



Top **Anatoly Marchenko with his son Pavel in 1974.** *Bottom* **Anatoly Marchenko.**

'So many people were released before my eyes! ... Among them were people capable of thinking and writing. And each of them, while they had been behind barbed wire, had felt upset and indignant along with everyone else, blaming the whole world for conniving with Khrushchev, and later with Brezhnev. But it turned out that as soon as they were free they couldn't be bothered with the suffering of those who remained behind. Must we explain all this by the usual human failing — cowardice?

'I didn't doubt then and I don't doubt now that among those released were many intelligent, decent people. But still today, as I write this, I'm faced with the old question: Why?

'Of course, everyone could justify himself by answering sincerely: I'm not a writer. But I too am certainly no writer.'

Anatoly Marchenko's books earned him respect throughout the world. 'Years hence,' Andrei Sakharov wrote, 'our country too will come to be proud of him.' ■

of long-untreated illness, malnutrition, and brutality. The persecution of religious believers from 'unregistered' sects continues unabated. While some of the activists in the unofficial peace group have been allowed — or even encouraged — to emigrate, those that remain behind have suffered continual harassment. Despite concessions here and there and promises of 'greater flexibility' in the future, thousands of would-be emigrants still await permission to leave.

Cronid Lubarsky, Yury Orlov and others all stress that the plight of those still suffering imprisonment or harassment must not be forgotten. Continued pressure must be applied if the positive spin-offs from *glasnost* are to emerge into a real pattern — let alone a full-blown policy — in the realm of human rights. Campaigns launched from abroad on behalf of individual prisoners have proved very effective in certain cases. On its own, however, external pressure is not enough. Moreover, in the context of superpower politics, such pressure is all too easily subsumed under political game-playing, alas providing ammunition for the Soviet authorities' own interpretation of all unsanctioned criticism as a form of anti-Soviet propaganda. So long as human rights remain hostage to propaganda — in both East and West — we are unlikely to see large-scale change.

This certainly doesn't mean that campaigners in the West should cease to speak up on behalf of Soviet political prisoners. But they must be careful not to ally pressure for their release with specific prescriptions for political change, or with claims to a monopoly of virtue in the realm of human rights. As in the past, real change will come only as a result of pressure from within the Soviet Union — which is why we should draw most encouragement from small signs that such pressures have already begun to take effect.

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It is clear that Mr Gorbachev has not yet made up his mind about the human rights issue. But his willingness to take calculated risks has been amply demonstrated, not only in such acts as Sakharov's release, but in the much larger gamble of sanctioning hard-hitting criticism in the interests of a more efficient and prosperous society. Calculated risks can have incalculable consequences. Mr Gorbachev needs encouraging in the belief that even the unplanned consequences of his gamble — such as we have begun to see — will ultimately benefit rather than destroy the society he is trying to create. He is more likely to be persuaded of this, not by those who crow at the potential unravelling of the Soviet state, but by those who maintain that the identity of the state could survive even the mass amnesty of all political prisoners.

This may sound naively optimistic. But it is the view held by Yury Orlov and Andrei Sakharov, among others. Like other human rights activists of the seventies, both have maintained — in a manner now echoed by certain Soviet officials — that huge improvements could be made if only the Soviet authorities would abide by their own laws and constitution. Arguably, even the most pernicious laws — those prohibiting 'anti-Soviet slander' and 'anti-Soviet agitation and propaganda' — would lose much of their sting if they were legally applied. As Sakharov has pointed out, in most if not all cases in which dissenters have been convicted under these articles, it was never proved that the 'malicious fabrications' that they circulated were either malicious or fabricated, or that the statements they made and actions they took were designed to undermine the Soviet state.

Soviet leaders would do well to listen to those, such as Orlov and Sakharov, who have been unwilling to make themselves a party to political propaganda on either side of the East/West divide. Mr Gorbachev shows no great willingness to do so yet, at least so far as human rights are concerned. But it would be nice to think that, with Sakharov back in Moscow and on the telephone, he may yet take up the opportunity. ■

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Greece

Robert McDonald

Greek media monopoly under fire

A group of writers, lawyers and artists — known as 'Channel 15' — recently made a 70 minute pirate radio broadcast to focus attention on the state's excessive control over the media.

No trial date has been set for seventeen Greek intellectuals who on 30 June challenged the government's media monopoly with a pirate radio broadcast (*Index Index* 8/1986). The defendants were charged with violation of the law on the operation of ham radios (Law 1244/72), an offence which carries a penalty of up to five years imprisonment plus heavy fines.

Kostic Philippopoulos, a lawyer and one of the seventeen people who have accepted joint responsibility for the 70-minute broadcast, believes the government wishes to spin out the pre-trial investigation process until the charges lapse under the statute of limitations. This would avoid an embarrassing 'political' trial. The suggestion that the government is trying to avoid a confrontation was reinforced during the October municipal elections when the protesters organised another illegal broadcast and invited the Athenian mayoral candidates to participate. The conservative, liberal and the Eurocommunist candidates took part while the socialist and the orthodox Communist candidates declined. Though the broadcast was announced in advance it was not stopped and no further charges were brought.

The 17 defendants belong to a lobby group called Channel 15, named after Article 15 of the constitution which governs the media. Article 15 provides that radio and television 'shall be under the immediate control of the state'. In theory this was supposed to mean monitoring the fiscal dealings and programme content of broadcast outlets to ensure probity and quality. In practice it has provided the justification for legislation (Law 230/75) which gives the state a broadcasting monopoly.

As a consequence, the news and current affairs output of the two television channels and three radio networks of Greek Radio-Television (ERT) is politically influenced by the incumbent government. In opposition the Panhellenic Socialist Movement (PASOK) promised to relax the rein maintained by its predecessor, the conservative New Democracy party, but since taking office in 1981 it has maintained equally strict control. There have been five major flare-ups over editorial freedom with repeated changes of news directors who sought to neutralise political reporting. In November 1985 Kostas Laliotis, the minister responsible for broadcasting, resigned over complaints by other government ministers about the coverage of opponents of the government's economic austerity programme. The chief news editor and three top directors of ERT quit at the same time.

The Channel 15 group argues that developments in European satellite broadcasting will erode the state monopoly. To prevent an equally monopolistic concentration of broadcast interests in private hands, the organisation says the government should act now to permit pluralism and provide a liberal regulatory regime.

Channel 15 has not produced specific alternative legislation. It is a loose grouping of 34 prominent lawyers, musicians, writers, journalists and others with an interest in the media whose political sympathies range across the spectrum but who do not have overt party affiliations. (Membership ranges from novelist Costas Tachtsis and composer Manos Hadjidakis to Phoivos Koskos, president of the National Council for Private Initiative, and Phaidon Vegleris, Professor Emeritus of Constitutional Law at Athens University. The only broadcast representative is Ioannis Lampsas who served as director general of ERT under the first elected government after the dictatorship and resigned alleging political interference.)

As might be expected with such a diverse group, it is internally divided and its minimum programme, therefore, according to spokesman Roussos Kounderos, is simply that there should be