

MUNICH, 18 October 1966 (CAA) The following article appeared in Radio Liberty's DAILY INFORMATION BULLETIN of 12 October:

Three new crimes have been added to the RSFSR Criminal Code by a decree dated 16 September 1966 and published in the Vedomosti Verkhovnogo Soveta RSFSR (No. 38, item 1038). The crimes are (1) Spreading deliberately false fabrications harmful to the Soviet state and social order, which is made punishable by up to three years imprisonment; (2) Defacing the national emblem or flag, punishable by up to two years imprisonment; and (3) The organization or participation in group actions which violate the public order, punishable by up to three years imprisonment. Each of the three new crimes also may be punished by sentences to corrective labor for up to one year or fines of up to 100 rubles (50 rubles in the case of defacing the national emblem or flag).

Since adoption of the new codes in 1960, these and similar offenses have been classified as the "state crime" of Anti-Soviet Agitation and Propaganda (Article 70), which specifies imprisonment for a term ranging from six months to seven years. This was the paragraph used to punish persons accused of spreading rumors about the shortage of bread in the autumn of 1963, for example. It was also the paragraph under which Sinyavsky and Daniel were sentenced to seven and five years hard labor in February 1966. The three new crimes therefore take some of the pressure off Article 70, so that less serious types of politically-oriented offenses may be treated not as "state crimes" but rather as "crimes against the administrative system." They are made sub-paragraphs of Article 190 in Chapter Nine of the criminal code, although Article 190 itself is the final paragraph in Chapter Eight. In effect, therefore, the criminal code is actually expanded by the addition of three new articles, but the enumeration serves to conceal the expansion.

It is significant that the first of the three new paragraphs conceivably could be interpreted to cover persons who repeat regularly in public what they have heard on foreign radio broadcasts. It could as well apply to the telling of jokes with political overtones. The text of this article defines the crime as follows:

"the systematic spreading orally of intentionally false fabrications which harm the Soviet state and social system, or equally the preparation and distribution in written, printed, or other form works of such content."

The third new paragraph is clearly designed to cover persons who engage in demonstrations with political significance, as shown by the qualification of the "group actions" as those which are "attended by obvious disobedience to legal demands by representatives of authority or which involved violation of the work of transport, state, and social institutions or enterprises."

(AB)

MUNICH, 18 October 1966 (CAA) The following article appeared in Radio Liberty's DAILY INFORMATION BULLETIN of 12 October:

With the stepped up campaign against hooligans the Soviet press is devoting attention to measures on reeducation in corrective labor colonies. Interesting information has become available through Komsomolskaya Pravda (7.10.66), which has carried a report of a round table discussion among theoreticians and practitioners of Soviet law which treated problems of the reeducation of criminals.

A. P. Senatov and A. V. Kureyev, both generals of the internal service of the USSR Ministry of Protection of Public Order, defended the view that only labor reeducates the criminal. Disagreeing, Professor B. S. Nikiforov elicited from Senatov the admission that less than ten per cent of those confined were open parasites (tuneyadets), and went on to argue that he could not really understand the significance of labor reeducation.

The round table participants agreed that in general more attention should be devoted to the psychological factors of reeducation, but it became evident that there are no psychologists in the corrective labor colonies who conduct such work. It was admitted that there is in the main no penitentiary science in the Soviet Union, for in the entire field there are only two or three professors and several candidates.

There was major disagreement on the concept of punishment (nakazaniye). Was it a penalty (kara), or retribution (vozmezdiye), or at the same time a measure of reeducation (perevospitaniye)? Professor I. D. Perlov argued that it was retribution; Nikiforov, that in the first instance it was retribution.

On the subject of criminals who do not always consider they are being justly punished, V. D. Lalayan, an official of the corrective labor colony administration, reported that in a survey he had made 25 per cent of the criminals questioned felt they were being treated harshly.

The roundtable also considered the problem of the unreformed criminal. Some held that such criminals should not be released; others objected, arguing that it would be a violation of the law.

Lalayan asserted that many difficulties involved in re-educating criminals were connected with the fact that penal institutions act apart:

"It is no secret that even in the first link... in the system of legal administration there is no unity. Following the liquidation of the Ministry of Justice its functions of control were transferred to the Supreme Court. Thus the latter became not only an organ of surveillance but also an organ of control.



What happens in practice? A representative of the Supreme Court makes an inspection of a people's court. It turns out that he inspects himself, that the people's judge in deciding a case can be guided not by his own inner convictions but by the advice of a higher official, the inspecting judge. The concepts of surveillance and control must be strictly differentiated. The people's judge must be absolutely independent in delivering sentence. And perhaps after all the Ministry of Justice which would enjoy the exclusive right of control should be reestablished?"

The USSR Ministry of Justice was abolished in 1956 (see Pravda, 3.6.56), and its functions assigned to the Juridical Commission under the USSR Council of Ministers. (MM)

jpt/1605/66