



OBWECTBO ЗАШИТН ОСУХЛЕННЫХ ХОЗЯИСТВЕНИКОВ И ЭКОНОМИЧЕСКИХ СВОБОД

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

SHORT INFORMATION ABOUT SOCIETY FOR DEFENSE OF CONVINCED.

BUSINESSMEN AND ECONOMIC FREEDOMS (USSR)

1. The creating of the group:

- 1978-80 - compiling of the illegal collection articles "For the defense of economical freedoms - 1989-90 - the work of the Group as the part of the Public Center to Assist the Humanization of the Penitential System of the USSR (the leader V.A.Abramkin). - 19.10.1990 - - the official registration of the

independent Group. Account current - N700402 KNeBCKOFO OTA MOCCHISHBC -

банка, МФО 201832 (Е7)

2.1. Purposes of the Group:

- creating of the favorable public environment for businessmen and deliverance them from the fear of criminal repressions;

- humanization of the practice of courts with regard to

- connection of our activity with that of other similar organizations.

2.2. Our main actions are:

- defense of persons who were repressed because of their economical activity:

- the legalization of the economical activity which now is

considered a crime: - abrogation of the death penalty and decreasing of a period of

imprisonment for economical crimes;

- creating of suggestions connected with changing in the legislation. It is necessary to decrease the number of reasons for

arrest of businessmen: - rendering of free of charge juridical aid to persons persecuted by the Court because of their economical activity. We try to correspond with courts and write complaints to prosecutes for further analyzing and revising of sentences;

- forming of the public respect for independent businessmen,

because it is important part of a person's freedom;

- popularization of the purposes of the Group with the help of mass information media and the Bulletin of the Group, reading of lectures.

3. On the 1.06.1991 there were 111 persons in the Group. There were 44 convinced businessmen and members of their families, 4 jurists and 10 doctors among them. The boarding of directors consists from 20 persons living in Moscow. In Leningrad, Odessa, Kharkov, Kurgan and other towns new groups arise.

The main work of the group: the correspondence with convinced businessmen, unlimited accepting of their complaints, writing of

complaints to authorities.

4. The Group is not a commercial organization. Soviet-american fund "Culturnaya initziativa" had given to the Group FAX, xerox and computer. Fund for survive and progress of humanity and Association of the directors of firms of the USSR pay for some work carried out in the Group. Some other organizations and private persons thelp to the

- 5. In the list of victims of economical repressions there are 101 action. There are detailed materials connected with 85 of them. With the help of the Group 6 person have been released earlier than they had to, 1 action have been closed. The Supreme Court decreased periods of imprisonment for two people.
- 6. The Group renders the pecuniary aid to some families of imprisoned businessmen. Small financial aid is rendered to families which have a big financial difficulties. We constantly look for means for increasing of the aid.
- 7. We have revised 20 actions with the help of public juries. Their purpose was to find out what is the public opinion about shadow economy, to create recommendations connected with changing in the Criminal Code. More than half of participants were not members of the Group. In all cases they've decided that the prisoner is not guilty. One of such juries was shown by the TV.
- 8. In 1990 the Department of the Rights of a Person of the Supreme Soviet discussed with our group the theme " Performing of economical freedoms and rights of a person on the economical activity in the USSR". The summary of the discussion have been printed in the

In the autumn of 1990 the members of the Group took part in the discussion of the program "500 days" with regard to releasing of newspapers.

At the beginning of 1991 the projects of the necessary changing in convinced businessmen. the Criminal Code have been sent to the Committees of the Supreme

- 9. In March of 1990 our appeal connected with breaking by Soviet authorities of the economical freedoms and rights of a person have been sent to the heads of the governments of the European countries, USA and Canada.
- 10. The Bulletin of the Group "The voice in defense of convicted businessmen and economic freedoms" is sent to members of the Group, convicted businessmen, journals and people interested in this theme. Three collections are already compiled. The general contents is the following: "Letters from prisons", "The chronicle of the defense", articles about public juries, analysis of the quantity and kinds of imprisoned businessmen. The collection of complaints written by the Group is also compiled.
- 11. Since 1987 in the mass information media more than 20 articles connected with the work of the Group were published. Here are their titles: "The prison for managers", "The discussion in Butyrka" (the name of the prison in Moscow), "Freedom to the market activity", "Democrats, do you remember about it?" etc.

Members of the Group for many times took part in the TV-programs, radio-programs, discussions and public demonstrations.

We are first (and may be the last) time in your country. We are happy to carry out our dream and to see the great free country.

But we are not only the travellers. We are also the messengers of one of the most tragic and strange for the world part of Soviet people convinced businessmen. We would like to tell you that they need support. And at first they need support from your country where the freedom is fundamental.

In our country all is done in the opposite way. During long years the totalitarism implanted the state monopoly as the main quality of the socialism. The economical independence was punished with severe criminal repressions. Almost all market economy was equated to the speculation, the free business and commercial mediation was equated to embezzlement. independent from the state relations between tradesmen were equated to bribes. But the life is impossible without market relations. Such relations were allowed but only to certain people. Those ones who had their own point of view different from that of authorities always were sentenced for many years of prison of even for death penalty.

And today such practice still take a place. It is the main obstacle

to the growth of the market economy.

Our main aim is to release and defense all independent enterprisers,

to explain that they have never done crimes.

Our main opponents are those representatives of Soviet establishment who during perestroyka want not to release all people but only to give new title to their power - "regulated market". They try to show that they bring up such a special type of Soviet businessmen. But really they just try not to change the old state's structures.

Exactly with this purpose they continue to cry about Soviet shadow economy as the base of the organized criminality. (Our analysis shows that there is no close connection between shadow economy and organized criminality). The old Soviet state's structures are, without any doubt. the part of the mafia. That is why they try to make people to be angry on some other mafia and to show that they fight against it. It allows them to make repressions stronger.

They like to tell us that you and your country support them. We know that West countries now are fighting with their own shadow economy. But in USA the title "shadow economy" is given to the economy closely connected with crimes. In our country the title "shadow economy" is given to all independent enterprise. Unfortunately, in the West people also don't see such details.

As the result, the problem is that those who smother Soviet business activity make it with the help of the free countries and free people. And the last believe them and don't make the difference between honest businessmen and criminal.

We are guilty that you have too few information. That is why during this trip we are to make all possible to find common language with people of the free business. We are afraid that without support of the all world it will be very difficult for our country to become free.

It is impossible to describe such a great theme on several pages. Picking up and analyzing of the information is the great work. We have already done some work in this field and we would like to find people interested in this theme.

Today we can only tell you about tragic life of Soviet businessmen. It will show to you that in our country there are great problems and we need your help to solve them. We will try to convince some scientists and businessmen in your country that it is very important problem. The future of our country and of the dangerous neighbor of your country depends on it:

Imprisoned Soviet Entrepreneurs Demand to be Heard Edwin G. Dolan

Gettysburg College and The Russian-American University (Moscow)

One of the accomplishments of the Gorbachev era has been the release of Soviet prisoners of conscience who were jailed for exercizing their rights of free speech and religion. But unknown to many in the West, thousands of others are still serving time in Soviet labor camps for the exercise of basic economic rights. They demand to be heard, and for both practical and moral reasons, we should listen to them.

According to Viktor Sokirko, head of the Moscow-based Group for the Defense of Imprisoned Entrepreneurs and Economic Freedom. more than 127,000 Soviet citizens are currently imprisoned for economic crimes. The most common charges are speculation, violation of foreign exchange regulations, misappropriation of state property, and bribery.

The Soviet criminal code defines these offenses in a way that fails to distinguish between standard business practices and the type of fraud or extortion that would be criminal anywhere. The purchase and resale of any good with the intent of earning a profit is defined as speculation. The payment of any fee or commission for services rendered is construed as bribery or misappropriation of government funds. And virtually any business transaction between Soviet and foreign partners is likely to violate foreign exchange regulations in some respect. The fact that a transaction is conducted entirely on the basis of voluntary contract and mutual benefit is not admissible as a defense.

Consider the case of Mark Sherman, a Soviet lumber broker currently serving 12 years at hard labor in a camp in Kurganskaya Oblast. Sherman's business was to find customers for lumber produced by Siberian mills which failed to meet the quality standards demanded by foreign purchasers. Given the universal shortages of building materials in the Soviet Union, it was not hard for him to find eager buyers even for second-grade stock. The mills were happy to find customers for goods that would otherwise have ended up on the scrap heap. The customers were satisfied, too. Sherman even arranged for them to visit the mills and inspect the goods before delivery. Naturally, everyone had to fiddle the paperwork to disquise the nature of the transaction from the authorities, but contrary to the prosecution's claim at Sherman's trial, there was no fraud committed by any of the parties against the others.

Several recent Soviet laws ostensibly encourage entrepreneurial activities and the establishment of joint ventures. What many people do not realize is that under the existing criminal code, which the new legislation does not set aside, it is literally impossible for the new enterprises to operate legally. This is a classic technique of totalitarian social control, which aims not to arrest everyone, but to put all in the position where they know they can be arrested at any time. The law then becomes an arbitrary instrument of blackmail and intimidation. Gorbachev's recent decree giving the KGB the power to search any business without warrant only drives home the

Westerners doing business in the USSR may find comfort in the fact that they themselves are unlikely to end up in the camps. But that does not mean they are free to conduct normal business. They are put at risk in several very practical respects.

First, they must understand that their Soviet partners will be operating on or beyond the fringes of the law. This includes not just primary business partners, but landlords, drivers, building contractors, suppliers of materials, and the ever helpful "consultants" who, for a fee, smooth away bureaucratic obstacles. Since such people are subject to official pressure and manipulation, any deal is subject to disruption, and confidential business information is automatically at risk.

Second, the fact that business can be conducted only by skirting or breaking the law affects the mix of people drawn into the "new sector" of Soviet business. Certainly, many Soviet businessmen are honest and straightforward, but mixed in with them are many outright racketeers for whom fraud and extortion are standard practice. In a normal market economy, such business practices are common only in markets such as narcotics or prostitution that operate outside the law to begin with. Unfortunately, in the Soviet Union, commerce in building materials or auto parts has much the same status as trafficking in heroin has in the United States. This creates a climate in which crime flourishes.

Third, it is very difficult to establish long-term commercial relationships in an atmosphere where the authorities can put any firm out of business at any moment. As a result, many would-be Soviet business partners are interested only in proposals that promise a 100 percent profit on the very first deal.

Many Soviet reformers are aware of the importance of the issue of economic rights. For example, the 500-day program for the transition to a market economy, which still commands the backing of most Russian democrats, included a bold amnesty proposal for those convicted of economic crimes, and reform of the laws under which they were convicted. This issue is less well known in the West, however. Several things could be done to raise its international visibility.

First, Western businesspeople should raise the issue of economic rights at every meeting with Soviet officials. They should emphasize that the hoped-for flow of capital and know-how cannot materialize until there is an amnesty and a criminal code reform that clearly distinguish normal business practices from culpable fraud, extortion, and official corruption.

Second, they should urge their own governments to put economic rights on the official agenda as an issue equal in importance to freedom of emmigration and rights of national selfdetermination.

Third, borrowing a technique successfully used by human rights groups in the past, they should publicize individual cases of unjustly imprisoned Soviet entrepreneurs, and be prepared to discuss these cases whenever meeting with Soviet officials.

Above all, it should be remembered that economic rights are human rights, too. There is more at stake here than just a set of barriers to East-West trade. Violations of economic rights deserve the same response of moral outrage as violations of political or religious rights.

Keep this in mind if you do business in the USSR. The next time a helpful Soviet entrepreneur offers to find some hard-toget carpeting for your Moscow office, try picturing your new friend in a forced-labor camp alongside Mark Sherman. These are no country-club prisons like those reserved for American executives who run afoul of the SEC. They are real gulags. Sherman writes from his camp that he, like 95 percent of his fellow inmates, has lost his teeth and developed ulcers as the result of bad diet and inadequate medical care. He thinks he is developing liver disease. He fears coming down with tuberculosis, endemic in the camps. And he is only one of 127,000 imprisoned Soviet entrepreneurs. -5-



SAUDITU OCYMIEITII XXOSHICTBEITIKOB II SKOTCHIPTECKIIX

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 33

"Our government have announced the transition to the market economy. But it still tries to count money in the pocket of a free enterpriser without paying attention for how much profit the last one gave to the State. Of course, they are past masters in the policy of provocation and compromises. That is why when they have already nothing to do they cries: "Do something!". But the enterpriser can't live in such way, he wants to know what will happen with his money at the end. And I really don't understand how can the government transit the country to the market economy when it doesn't believe people who deal with it since many years ago. And the State still doesn't understand that such people exist. And we are prisoned. Management is my life. But they don't believe me, although even our government have recognized that our police sentence businessmen for prison. But the police can't tell us that it has done something wrong. That is why instead of presenting their pardons they continue to smother our profession. And they will do many other mistakes and lose much time. They are afraid to lose the power; it make people angry with them. At the end they will have to do the reforms but already nobody will hear them. It is my opinion and I would like those who want to know the opinion of businessmen to read this letter.

It is the opinion of the honest enterpriser." from the letter to the Group from the end of 1990)

MARK SHERMAN

, Russian, constant resident of Was born on Kurgan, higher education, invalid of the first group, have undergone 30 oncological operations. Was prisoned twice:

: was sentenced to 10 years of - on the

prisoning; , ; was sentenced to 7 years of - on the prisoning.

The court and on the Was arrested from the till was sentenced for 14 years of especially severe prisoning with confiscation of the property and paying of 46346 rubles loss. The complaints were left without attention. On the property the sentence was changed to 15 years of prisoning only.

His guilt due to the sentence: Sherman with the help of his assistant Shirin deceived the directors of the collective farms in the Kazach SSR. He took from them money for workers dealing with wood and then took money for himself.

Really, Sherman performed a big mediative work. He helped people to exchange different deficit materials. There are written proof that the number of farms had a great profit with his help. In the report it was written that money were paid to the teams of the builders. Really they were paid to the mediators. It was the only way to get free money because in the USSR there are officially no such people as mediators. Sherman recognize his commercial activity but deny the embezzlement.

The work of the Group:

The first letter from M.Sherman have been received in October 1990 with the help of V. Abramkin. Before that, in September, we had seen Sherman's . counsel for defense V.I.Voronov . After getting from the last one necessary documents the first complaint from the Group have been sent to the Prosecute of the USSR in the November. Very soon we received the negative answer. In the December we have sent the second complaint. During our visit to the advisor of the General Prosecutor of the USSR M.B.Katishev the last analyzed carefully these materials. After that the General Prosecutor of the USSR demanded to revise the action. December 1990 the public jury was carried out. Almost all participants decided that he isn't guilty at all. Materials are now prepared to the M.M.Sherman and his son are active members of our society.

Jails in Soviet Union Still House Scores Of Entrepreneurs

Even as the U.S.S.R. Praises Instincts for Capitalism, Pavel Bulov Pays for His

By ANDREA RUTHERFORD

NOVOULYANOVSK, U.S.S.R. - When Pavel Bulov looks out the window of his concrete cell in Corrective Labor Camp 78/2, he can't help thinking that he's been overlooked by perestroika.

Mr. Bulov, a handsome, powerfully built 35-year-old who is almost painfully shy, is no big time crook. These days, he most likely wouldn't be considered a crook at all, but would be feted for just the kind of spirited entrepreneurship the Soviet Union wants to encourage. His crime: making a private deal to haul gravel. His punishment: 11 years at hard labor.

He is the only economic criminal left in Camp 78/2, and he wants to go home. But the Russian republic rejected a petition for pardon last December; another is awaiting review by the Russian Supreme Court. The Soviet establishment still has a deep aversion to private enterprise, says Victor Sokirko, a Moscow activist working for Mr. Bulov's release. Mr. Sokirko has compiled 102 case histories similar to Mr. Bulov's. and estimates there are thousands in prison for economic crimes.

Grim Camp 78/2 is nestled among picturesque birch groves, a few miles from the city of Ulyanovsk on the banks of the Volga River. Here, a pair of imposing wrought iron gates topped with a shiny red star open onto a wide dusty path. A second row of fences seals off squat, gray-cement barracks and workshops-off limits to ev-Staff Reporter of The Wall Street Journal. eryone but the camp's 1,000 prisoners and their guards.

> Mr. Bulov is brought to be interviewed in a cramped visiting room painted pale blue and furnished with four wooden chairs and a shabby desk. -

I know I haven't done anyone harm. I never thought I'd end up like this," Mr. Bulov says, and a lopsided, apologetic smile crosses his face for a split second. He points out the boiler room, where he works six days a week for a miserly \$38 la month, from which his meals are deducted, and the cell that he shares with 24 other prisoners.

Mr. Bulov grew up a few miles from here. At the local high school-famed for being the alma mater of Vladimir Lenin. founder of the Soviet state-Mr. Bulov was one of the toughest kids. He even spent three and a half years in prison after getting into a drunken fight.

But 10 years ago, Mr. Bulov had settled down. He liked his job as a truck driver and spent his spare time remodeling the austere apartment he shared with his widowed mother, Antonina Bulova. "I had plans back then: I wanted to get married. have kids," he says.

Then Mr. Bulov got an offer he should have refused. The Frunze collective farm, 90 miles away, was looking for someone tohaul 10 tons of gravel it had bought under the table from a state-owned warehouse in Ulyanovsk. The collective's building projects were behind schedule and construction materials in desperately short supply:

Such informal deals are common in the Soviet Union, where the state distribution network is notoriously unreliable. But laws against speculation forbid dealing in stateowned goods.

Mr. Bulov was assured that the bosses of Frunze farm backed the arrangement. And the money was good; he got \$45 for a single run, almost a week's pay. "I wanted to buy engine parts for my car and renovate the apartment," he recalls. "He was young; he wanted to dress well and take out girls," says his mother.

Over the next few years, Mr. Bulov, his brother and some buddies arranged dozens of similar deals with local farms. He earned about \$3,300 before the police caught up with them. An Ulyanovsk court reprimanded the farm's directors, but it put the truckers behind bars. On his first day in prison, Mr. Bulov met murderers with sentences shorter than his.

Since then, perestroika has taken hold in the Soviet Union. Mr. Bulov's friends write him that they have quit their state jobs and bought trucks. The Soviet police no longer enforce bans on private deals, and legislation caught up with practice last month with a new law designed to encourage entrepreneurs.

Asked about cases like Mr. Bulov's, Soviet Justice Minister Sergei Lushchikov says, "Today, there is no criminal responsibility for such types of phenomena."

Inspired by the changes, Mr. Bulov's wife, Olga, moved in with his mother three years ago, and the two started writing appeals. They are now experts on the Soviet criminal code, spouting legal jargon as fluently as any lawyer-though they prefer simple arguments. Mr. Bulov "worked honestly; is he really a danger to society?' his mother wrote recently.

Even the labor camp officials sympathize. They say Mr. Bulov is a model prisoner, and when asked about his sentence, Nikolai Gordeev, the camp's director, just shakes, his head, muttering, "too much."

But as new laws challenge old anti-business prejudices, the odds of winning a pardon seem slim. The Soviet justice system has turned into a Dostoevskian tangle of confusion and indecisiveness.

Justice Minister Lushchikov, for example, wants the economic laws revised, but doesn't expect to pardon anyone. "To the extent that people were convicted when the law was in effect, and it is still in effect, we don't have any grounds to say that it wasn't legal or correct and they should be released," he says.

So Mr. Bulov waits. He wrote recently to his mother, "don't be sad. All this will pass like a bad dream and you'll see grandchildren." But Mr. Bulov secretly worries that there isn't much to look forward to; he still has six years in Camp 78/2 ahead of him.

e and a residual ship

Mr. Bulov with his wife Before the arrest





"The big sorrow have troubled with me in my old age. My sons worked as a drivers and now they are very rigorously punished. The younger - Vladimir - was prisoned for five years and soon will be released, but the eldest -Pavel - is prisoned for eleven years. It is even terrible to write about it... In 1980 he began to convey gravel to the neighbor district for building of the roads. Their team-leader have found this gravel, in the river harbor. He asked the storekeeper if she has wastes of gravel. She answered that she has because there wasn't weighing-machine in the harbor and some drivers took less of gravel than they had to. At first Pavel didn't know that they had no right to take the gravel. The team-leader said that all is correct. After work Pavel drived there, took the gravel, conveyed it to Tataria, and there he received cash for the work. Four collective farms built the roads and the bridge in such way. Without the bridge children couldn't go to school in spring and autumn. It was a very important business. And no one organization had the loss. It was done from wastes which were lying in the harbor for many years. I'd like to know if it was the harm for the State? Why are they so cruelly punished? There were 370 people, not only my sons. It is really nonsense... Moreover, they have to pay for some loss. It means, that the roads for the collective farms are to be free of charge and the builders are to be

(from the letter of Pavel's mother Antonina Bulova to the group)

Since I've read your article I have a hope for some changes in my life. Now I know that there are people whom I can ask for help. Of course, you want me to wright about my story. But I don't understand it well, I can only cry: "Help me!"."

(from Pavel's letter to the group)

PAVEL YEVGENYEVICH BULOV

Was born on 5.08.1955, Russian, constant resident of the town of Ulyanovsk, married, was working as a driver. Was prisoned twice:

- in 1972 for 3,5 years; - in 1979 for 0,5 of a year. Address:

punished for it...."



The

Was arrested on 9.04.1984, but from till had only not to leave the district. Was sentenced on the for 11 years of prisoning with confiscation of the property. The complaints were left without attention.

His guilt due to the sentence: During working as a driver he thefted building materials from the building organizations of Ulyanovsk with other drivers and directors of collective farms. Then he conveyed them to collective farms of Tatarian

Republic. Also he did extremely big speculations and falsificated documents.

The real problem.

The building of roads in collective farms was initiated by authorities of Tatarian Republic. They helped to do all above said things. The drivers received 80 rubles per trip, the storekeeper - 5 rubles per loading. The roads were well built but during Andropov's rule many laud actions connected with businessmen were made. The protector from the government had already died when it has happened. Meanwhile, directors of collective farms were not prisoned. Only drivers were so cruelly punished.

The work of the Group.

The complaint from A.P.Bulova was received in September of 1990. After getting of documents the first complaint from the Group was sent to the Prosecute of the USSR. After reminding the materials were revised in the Prosecute but the answer was negative. After two next complaints the time of prisoning was cut from 11 to 9 years. Now he is in prison for already 5,5 years. On the the revising of the action was carried out in the Group. The majority of participants decided that Bulov is not guilty. The expert of the Group I.C. Kotova has written the article "Who ruins our economy?" which was sent to the number of newspapers. In the article of T. Shavina "Society for saving of businessmen of shadow economy" ("Hobas compounewas ragena" there are much information about this action. Further, after studying of these materials American journalist Andrea Rutherford took the interview from P.Bulov and printed -10 -an article about it in the The Wall Street Journal

109388, Москва, ул. Гурьянова, д.43, кв.286, тел. 3541321 Председатель Общества Сокирко Виктор Владимирович 109388, Moscow, st. Guryanova 43, apt. 286, USSR Chairman Victor Sokirko. Phone: 3541321; Fax: (095) 3541321

FUR IND DEFENCE OF CONTROLLS COSTUDES



TO THE HEADS OF THE GOVERNMENTS OF THE

FEDERAL REPUBLIC OF GERMANY, UNITED STATES OF AMERICA, SPAIN. AUSTRIA BELGIUM, BULGARIA, CANADA, CYPRUS, DENMARK FINLAND, FRANCE, GREAT BRITAIN, GREECE, HUNGARY, IRELAND. ISLAND, ITALY, LEICHTENSTEIN, LUXEMBOURG, MALTA, MONACO, NORWAY, NETHERLAND, POLAND, PORTUGUESE, ROMANIA, SAN MARINO, HOLY SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TURKEY, YUGOSLAVIA.

The Bonn conference on the co-operation in Europe was convened in accordance with the relevant provisions of the concluding document of the Vienna meeting on the conference on security and co-operation in Europe. There 35 participating States, including Soviet Union, had undertaken a number of obligations. Among them there were the following:

1) International and domestic policies will be aimed at expanding the free flow of trade, capital, investment and repatriation of profits in convertible currencies;

2) The country must have free and competitive market economy where prices are based on the demand and supply;

3) We will help to recognition of of all types of property, and the right of citizens to own and use them, as well as intellectual property rights;

4) A person will have the right to prompt, just and effective compensation if the private property is taken for public use;

5) We will help to direct contact between customers and suppliers in order to facilitate the exchange of goods and services among companies - whether private or state-owned - and individuals in both domestic and international markets.

Society for the defense of convinced businessmen & economic freedoms officially registered by Soviet authorities on the 19th of October 1990 establishes:

During the last year USSR didn't implement the undertaken obligations. It is confirmed by the following facts:

1) existing in the USSR legislation prohibits free enterprise, commercial mediation , private commerce, using of hard currency and specify for above said thing an imprisonment for many years and sometimes even death penalty. Soviet legislation still isn't brought to conformity with undertaken in Bonn obligations.

In the program "500 days" solving of this problem was specified during the first 100 days but the program was cut down. Instead of it the law " About broadening of the campaign against speculation" have been carried out which specifies even more rigorous punishments for free commerce. This fact is a great violation by the government of the USSR of the rights of Soviet

2) It is necessary to note, that criminal punishments in the USSR for the offenses "against socialist property" are much more rigorous then for those against other kinds of properties and even against the life of the person. This is the violation of the principle of equal defending of different kinds of properties and the principle of priority of the defending of person's rights. It also can be proved by the existence in the Soviet Union of

the death penalty for the crimes "against the socialist property".

3) The law-court in the USSR don't make the reason between the functionaries and people working in the alternative economy. That is why the private businesses of the latter are often considered malfeasance.

4) The law-court in the USSR mainly consider free commerce(using of the materials monopolized by the state and commercial mediation) as the theft from the state.

Providing of the straight connections between supplier and buyer without the State's control, obtaining and distribution of profit (especially in the wholesale and material trade) and other trade operations are qualified by Soviet law-courts as theft of the state property and bribes to the functionaries. Such practice dooms economically free persons to great moral and material suffering not only because of possible prisoning and even death penalty but also because of defaming honest citizens dealing with free economy as thieves.

5) Trying to hide their mistakes in economy and to avoid discontent of population, authorities of the country does everything possible to increase the displeasure of the population with free market. With this aim every year thousands of people are sentenced to hard criminal punishments because of their attempts to realize their rights for the economical freedom of the person. By our rough data now there are about 127 thousand businessmen in prisons of the USSR. About sixty persons we are ready to give all necessary juridical information.

We beg you to help them and try to defend economical freedom of a person in the USSR.

It seems to us, that states which had undertaken a number of obligations on the conference in Bonn have promised to realize these obligations not only to each other but also to people of European countries including USSR.

Refusing them international aid will help to cut down economical reforms in the Soviet Union and this will immediately

lead to revival of dangerous totalitarism in the USSR. We beg you to analyze these facts and then, taking into account the difficulty of the situation, to make representation to Soviet government about not performing of undertaken obligations.

We beg you to help to release prisoned businessmen and to try to defend their rights declared on the Bonn conference.

Chairman Society for the Defense of Businessmen end economic Freedoms	f Convinced V. Sokirko
ную Можь и Турнан В 43 кв 286 ком Сопирко ВВ. ПОСТУПЛЯТЕ НЕДВИНЕНТ В ПОСТУПЛЯТИ В ПОСТУПЛЯТЕ НЕДВИНО В ПОСОЛЬСТВО СВА. ОУДЕТ НОПРИ НЕЗНАЧЕНИЯ В ТОТИМАНИЯ В В В В В В В В В В В В В В В В В В В	

VOICES

18/

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 1

"I agree, that I have committed a crime, have broken trade rules, but it was the ordinary fact. I had to do it. My parents said me: "Ira, leave this job, leave it!..". But I wanted my shop to be the best.. My parents were speaking about bribes. I could understand nothing. I have known recently that my general denouncer, chief of Region Property Plumber's Investigation Department (P.P.I.D.) Fedorenko had been sentenced to 15 years imprisonment for bribes (24.000 rubles and a car "Volga"). Now I'm sure, that my main quilt was my improfitableness for him."

(from the letter to the Group

IRINA SEMENOVNA MOISEENKO (KOTOVA)

Was born in 1939 in Kharkov, jewess, before the arrest have been divorced; had a 15 years old son, lived in Kharkov, was educated as mechanical-engineer, but worked in the shop; she was shop-manager in the home appliances store; now she is a worker on Serpukhov paper-mill; Address: 142201 Г.Серпухов, Московская обл. ул.Б.Като-НУНСКАЯ, She have got married. New surname is Kotova.

The court

Was arrested on the 22.01.1980. Kharkov region Court have sentenced her for 8 years imprisonment in camps of general regime with confiscation of the property and depriving of right to fill Her quilt due to the sentence:

During working as a shop manager she took bribes, embezzled state property, swindled buyers and abused by her official status. Really, the reason of the arrest was a quarrel with the police. Selling of two perambulator's sale by the market price have been considered bribe. The difference between market and state costs determined the size of bribe (154 rub. 40 kop.). Some deficit goods from the shops were kept for some time at her home. It have been considered embezzlement.

The real problem: It wasn't proved that she embezzled state property. Her property which had to be confiscated haven't been found. All proves of the Prosecution were based on the evidences of three persons. All of them have retracted there evidences during the court. They explained that they had given them under inspector's pressing. However, neither cassational nor supervisional instances didn't lend an ear to reasons of the defense. In rejection they referred only to reasons of sentence and to above said evidences. On the Court-sitting Moiseenko admitted her quilt only in buyers' fraud. She have been sent from Kharkov (against the rules) and have spent 4 years in Odessa camp, then about 4 years she have spent in hardest settling in Kemerovo district.

The work of the group

In 1987 Moiscenko answered the article of A.Jakovlev in the journal "Ogoniok". Her letter was given to the Public Center and to the Group. The public jury have been carried out in 1989. Five of participants decided that she isn't guilty, two of them have added that she is to be punished for the buyers' fraud. Four participants decided that she

73 -



SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 2

I'll write several words about my case. Business, which we were cruelly condemned for, is legalized now under the name of "cooperative activity". Jews tried to introduce business into our economy for many years. But our authorities only now have understood that it is necessary to legalize free commerce and it has happened only due to our catastrophic conditions. Business brings to the state the great profit and it shows the only exit from the critical state. was jewish idea, that's why nobody agreed with it for a long time. Poor Jews! They are always considered guilty in all their troubles, that's why everybody are angry with us. "

(from the letter to America. 1990)

VLADIMIR DMITRIEVICH GOLDSHTEIN.

Was born on the 31.07.1949, from Ukraina, Jew, is married, resided in Dnepropetrovsk, has secondary education, worked as senior seller [7]. Earlier had been sentenced for years imprisonment. Now he is in the camp, his address is: 634034, T. TOMCK. п/я 114/4 отр. 13 [9].

> court The

He have been arrested on the 28.04.1979 and in prison have been sentenced by for three times: a) Dnepropetrovsk Court - for 3 years imprisonment. The quilt due to the sentence was speculation;
b) Dnepropetrovsk Region Court - for 11 years imprisonment. The quilt due to the sentence was buyers' fraud; c)Zaporogye Region Court - for 15 years imprisonment.

The last sentence was 15 years imprisonment in strict regime camps

with confiscation of the property.

His guilt due to the sentences of two latest courts

The collective farm produced methylated spirits. Then in report it was written that they have produced universal liquid (the first is more expensive then the last). The difference (1,12 rub. for one bottle) was appropriated. The total sum was:

a) 55393 bottles due to the sentence of the first Court

b) 48692 bottles due to the sentence of the second Court.

The real problem

The collective farm used to product the "universal liquid" from the spirit. But on the labels it was written that it was the methylated spirit. It was the fraud of buyers. But the "universal liquid" is mainly used by drinkers instead of spirit or vodka. And all of them new what they were buying. It was not the embezzlement but the breaking of the state monopoly for production of vodka.

There are also a lot of official documents, which demonstrate, that it's impossible to product methilated spirit from those materials which were in the collective farm's disposal. Goldshtein have stolen

1

nothing, but he have got a profit with misinformation. That's why he was to be sentenced for 5 years imprisonment or even less. Goldshtein is sure, that such a sentence is the result of inspectors' and judges' anti-Semitism, because the same sellers (but Russians or Ukrainians) have got more gentle penalties (for buyers' fraud, not for embezzlement of State property).

But the Cassational Court and all super visional instances didn't

lend an ear to the reasons of the Defense [7].

On the Court - sitting Goldshtein admitted his guilt only in buyer's fraud. Now all his colleagues are already free, even "the main organizer". But Goldshtein is still in the camp. He had to leave Ukraina and to stay in a hard siberian camp although he is seriously ill. He conflicts with administration, that is why he has to spend a lot of time in a penal isolation word.

The work of the group

In 1989 the Group have received complaints and juridical documents connected with Goldshtein's action from the well-known wright-defender

V. Bakhmin. They have got acquainted in the camp.

The Group has carried out the public jury. All ten juries have decided that he is guilty in the fraud of buyers', because he could not realize his economic abilities in another way under our conditions. Four juries have brought in a verdict of not guilty. Under new conditions he'll become useful businessman. All juries decided that sentence is too cruel and, moreover, breaks the law, Goldshtein is considered the victim of economic repressions [3].

Since the end of 1989 the Group have sent a number of complaints to the Prosecute of the USSR. But the Prosecute have told that it can do

nothing, because Zaporogye Court "has lost all the documents".

Goldshtein case was discussed on the sitting of the Person's Rights Committee attached to Supreme Soviet of the USSR. Thanks to Bakhmin a lot of foreign jewish communities are interested in Goldshtein's life. The Group corresponds with Goldshtein and with jewish communities from England, USA and Australia.

TRICIA SCHROEDER

Congress of the United States Bouse of Representatibes Washington, DC 20515

CONGRESSIONAL CAUCUS FOR

Hay 30, 1990

Vladimir Unitrievich Coldshtein E. Torrk 634034 RSFSR. USSR

Dear Mr. Goldshtein:

Several of my constituents have informed me of your situation. It appears that you have been treated unfairly, and I am

I have written to President Gorbachev urging him to have your .

Please know that you have not been forgotten by the citizens of the United States.

Patricia Schroeder

Herber of Congress



ЭКОНОМИЧЕСКИХ осужленних хозяиствеников

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 4

MAS for me, I have never heard, that our country has any loss from gold-diggers groups. But Kamchatka "businessmen" have proved it. They have taken away money which the workers have got honestly and then have declared these money an embezzlement. They have considered the group a state organization and made it to pay the highest taxes. But

the high salary of the workers they considered a crime.

I refused to build cottages for Kamchatka authorities instead of other necessary buildings. That's why I was arrested. They chained me to the grates with handcuffs and opened the door for the hole night in winter for my "re-education". Kamchatka sadists under the leadership of colonel Aksionov set dogs on me. There tooth have left the deep tracks on my body. Even when I have been driven into dystrophy, Kamchatka "powers" had visited me. Regional Prosecutor Razgeivin have told me : "If you don't stop to write your complaints, you will die in penal isolation ward."

The Chief of home Affairs Department, general Sokolov added: *Should Marx and Lenin stay in our penal isolation ward, they should refuse from their ideas". Now they are on their posts. I can call

these men "butchers" of their own people.

I can say with the confidence that there are two parts of the criminal world. People of the first kind sit in prisons and camps, often being not guilty. The other have defended themselves by the cards of the member of CPSU. They live beautifully. We spear a lot about repressions of 30th-50th years. But we let us look around. There are a lot of initiative economic leaders in prisons and camps now. All their guilt is breaking of too old rules which prohibit the intensive economic development. (from the appeal to Group and Popular Deputy of the USSR Y. Afanasiev).

NIKOLAY NIKOLAEVICH MOROZ

[1] was born on 19.12.1940 y.; [2] Russian; [3] from the village Chernoyarskaya, Krasnodar district; [4] lived in Petropavlovsk-Kamtshatskiy; [5] engineer; [6] worked as super intendant and chief of Building Department attached to a gold-diggers group. Before the first arrest he worked as the deputy director of Petropavlovsk wood factory: [7] Earlier he had been sentenced for 8 years imprisonment, but have been discharged. [8] Now he is in the in strict regime camp. Its address is: NTY 94-34/8 r. Machthanth Thomehckon Ooji

The court

[1] The first arrest was connected with conviction in 1976, but Moroz was discharged (conditionally) before appointed time (in 1978). On the 21.03.1980 he have been returned to the camp. [2] Kamchatka Region Court have sentenced him to 15 years imprisonment in strict regime Scamp, to property confiscation. The loss to be paid equals 61614 wrubles.

His guilt due to the sentence

Recor He have broken the law and have made a contract with gold-diggers group "Voskhod" and "Muskovit" for organizing of the building department on Kamchatka. But really he established the illegal group

for common trade. This group got illegal profit and embezzled state property. 70% of the profits were used for wage and 30% were reversed in group's fund.

The real problem

Kamchatka authorities themselves stimulated creating of such groups because nobody else could carry out the necessary job. As have become known later, creating of such groups have been already prohibited at that time. During the year Morcz's group has performed the job for approximately 800 thousands rubles.

But under conditions of the totally planed state economy the group had to pay to it's workers due to the rules of state organization. As the result they couldn't pay the high salary (officially). That is why they had to write to the report unexisting people and so on. It was

the main material of the investigation.

Breaking of some rules occurred but no embezzlements have been found.

All complaints have been left without attention. In 1988 by the request of the newspaper "Komsomolskaya pravda" the action have been revised. The advisor of the Prosecutor of the RSFSR Zemlyanushin made a protest but the sentence was left without changing.

During the investigation Moroz and others didn't recognize their guilt. Now only Moroz is still imprisoned. But he continue to write complaints. In 1990 he have been taken to the more strict prison.

The work of the group

The complaint from have been sent to the Group in summer of 1988. The complaint from the Group have been sent to the Prosecute of the USSR. The main information about the action have been published in newspapers "Izvestiya", "Chas pik". In more details the action have been described in the article "The prison for managers" in the newspaper "Literaturnaya gazeta".



и экономический свозод зышты осуупенык хозянствеников

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS

I think that it isn't necessary to prove that at the beginning of the 80th the arbitrary rule was created in the country. I know certain persons who are still prisoned but they didn't brake the law. Extremely many directors of factors has suffered. I am one of them. I was in the prison for 3 years and 7 months. But today all functionaries are still keeping their places and it is almost impossible to prove that all done was against the law. All of them are trying to show that they are taking part in the perestroyka. I want to ask you: who and when will expose them? I can't prove myself that I am an honest person. From such a nervous life I can't write with the right hand. I write with the two hands, but it seems to me that it isn't enough. I want to be useful for (from the letter from 19.02.89) our society. Help me!

IVAN IVANOVICH MICHASENKO

Was born in 1934, Bjelorussian, lived in the town of Ilichovsk, Odessa district, higher education. Was a military for 20 years, served in the German Democratic Republic. From 1980 to 1984 was the director of the factory, wasn't prisoned before. Today he is living in the same place, married, has two children, works in the factory, active member of our



Was arrested on the 15th of August 1934 without sanction of the Prosecutor. On the 16th of August was terribly beaten by the policemen. They made him to sign the falsificated documents about his guilt. He was sentenced to 8 years of prison with confiscation of the property. The Supreme Court of Ukraina has left the sentence without changing. The guilt due to the sentence:

He amused with his official state; took the bribes for the falsification of the documents and for protecting; took money from his workers for needs of the factory; made mistakes in the reports.

He was a new person in the factory and that is why it was very easy to make an action connected with bribes. All sentence was based on small, unimportant cases, such as getting a bottle of konjek as a bribe (he even hadn't seen this bottle). This case gave the court a possibility to make the sentence. Really Michasenko tried to provide a good work with his workers without breaking of already existed business relations. His work was very useful for both factory and society. That is why he can't be dangerous for society.

The letter from Michasenko was received in the November, 1989. Later th main documents were received. At the beginning of the 1990 th main documents were received. At the beginning of the 1950 the discussion of the problem was carried cut in the group. The majority o participants decided that he is not guilty in all cases except one cas with the document for the schoolboy which is not enough for crimina action. We have sent several complains to Supreme Court and the Prosecute of the USSR but we have no answers or negative answers. The article about it is printed in the newspaper Mockedskill Komcommes."



SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 12

" I'd read your annunciation and have decided to write you... For the last years I worked as the director of the collective farm in Kazach SSR... I am a doctor of agricultural sciences. I have four children. In 1985 a great murrain took a place in our district. The reason was the natural calamity. Our authorities made us not to report about it but to buy some sheep from peasants. And we had to do it. But in 1987 I had some disagreement with authorities. In such cases they always use only one thing - the prison. They have shown to above standing authorities the mistakes in report and have proved that it was my action.

Investigation was held with many violations of the law. When they wanted some other people to tell the court that I was quilty (when I really wasn't) they forgave them their guilt. I beg you to help me. "

(from the letter to the Group)

BEKEN GEKSEMBAEV

Was born in 1939. Kazach, lived in the village Vesjoloe, Samarkand district, worked as a director of the collective farm, was earlier punished for 3 years of prisoning conditionally, married, children.

The Was arrested on was sentenced for 12 years of prisoning with confiscation of the property and with paying of 37636 rubles of loss. The Supreme Court of Kazach SSR has left the sentence almost without changing (only the sum of the loss was reduced to 36700 rubles).

The quilt due to the sentence:

He wrote wrong reports, thefted money of the collective farm (he took them for baying of sheep but then took money for himself. amused with his official state.

The real problem:

All money taken from the collective farm have been spent for sheep or for other needs of the farm. The problem is that he couldn't take them officially for other needs. That is why he had to report that he took them for sheep. Anyway, the court was the punishment for the opinion different from that of authorities. It is wellknown that all directors of collective farms have to use such methods but only some of them are punished. Even the sentence obviously proves that all money were spent for needs of the farm or for salaries of peasants and workers. May be, he took something for himself. But the results of the work were much better than in the other farms.

The work of the group:

The first letter from Geksembaev was received in May of 1990. The number of people's deputy were connected with writing of complaints. Especially active was the redactor of the Feodor Burlatzki. These complaints have lead to the meeting with the advisor of the General Prosecutor of the USSR Andreev and his negative answer. After meeting with the advisor of the General Prosecutor of the USSR Katushev the last promised to revise this action carefully. At the beginning of the 1990 the discussion of the problem was carried out in the group. There were 12 participants. Seven from them decided that he is not guilty, one person decided that he is quilty but it is not a criminal crime. Four decided that he is guilty but the punishment is too severe. Nobody of them was agree with the sentence.

V.G.Geksembaeva have become the member of our Group.



ОСУЖДЕННЫХ ХОЗЯИСТВЕНИКОВ

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDON

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 14

I was brought to trial without any guilt. I know the witness Tarkov for more than 20 years. He have given we a couple of shoes and I said that they cost more than 300 rubles. And he had to return me 300 rubles. Later he told to the court that they cost only 170 rubles. As the result one can think that I had some profit.

(from the complaint to the Supreme Court)

VALERIY PETROVICH VLASOV

Was born on the 20.04.1947 in Zelenogorsk, Leningrad district, Russian, resided in Leningrad, secondary education, officially was out of job. Earlier have been imprisoned:

- on the 1.06.73 for 6 years, but have been released after 4 years 3 months imprisonment;

- on the 12.11.80 for 7 years, two years later have been released conditionally.

In 1984 have been put by force to the mental hospital, but in the same year have been released. Married, has the 7 years old daughter.

The court

Have been arrested on the 14.10.1986. On the 30.04.1987 have beensentenced for nine years imprisonment in the camp of the strict regime and confiscation of the property as especially dangerous person. The sentence was left without changing. On the 24.05.1989 the sentence have been reduced to 6 years imprisonment.

His quilt due to the sentence.

He speculated with shoes, namely he have bought them for 170 rubles. and then have sole them for 310 rubles. ith the privite outliness are dit

Really it was the ordinary private trade. Standard Castle of the contract

religing 27282d in and The work of the group. The action was discussed in the Department of the Person's Rights of the Supreme Soviet of the USSR. On the 18.11.1990 the public jury have been carried out in the Group. All participants (there were 11 of them) decided that he is not guilty. Three of them decided that he have maid the above said action but it wasn't a crime. The rest decided that even this fact wasn't proved during the investigation. The majority of participants decided that after ratification of the law "About speculation" the article about punishment for speculation will disappear.

The Prosecute of the RSFSR have given the negative answer for our complaint. The same thing have done the Prosecute of the USSR. They

have written that the sentence have already been changed.

Due to the new law Vlasov's action is not considered a crime. That is why the Group have written special letters to the camp, to the Leningrad Court, to the Supreme Courts of the USSR and the RSFSR. Finally, the letter have answered us that materials will be revised. And the Supreme Soviet of the RSFSR has already ratified the law. The rules of releasing of people are to be created in a month. It is rather fast, but Vlasov continue to stay in the camp without quilty for already five years.



SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 15

For already 12 years I try to prove that I was useful for society and for State. Now those methods are used all over the country but at that time I was punished for them. For more than 25 years I was working as a builder, for 9 years I was the director of the building organization. We always performed all planes. We have obtained more than 3,5 millions rubles of the income, the productivity of our labor increased 1,9 times, salary of workers was 250-300 rubles monthly.

As the result I was sentenced for 7 years of prisoning with confiscation of property. The reason was the wrong paying of salaries to workers. All have forget that I haven't taken any money for myself ...

During building of the road from Minsk to Brest with my help 400 thousands rubles and the great quantity of driving facilities were saved. Am I to punished for it? And I had to pay more money for those who worked at night, during their days off and so on. The court hadn't pay attention for these things. Anyway, I have paid only those money that I had to but I have done it in the best way. Moreover, the court decided that I have made something wrong during 1978 when I didn't work in that organization at all. But still nobody wants to pay attention for such cases. I beg you to help me in revising of this action. (from the letter to the Group)

ANATOLIJ IAKOVLEVICH MAJKO

Was born in 1939, Bjelorussian, lived in the town of Minsk, was working as a builder, today is living in Minsk, working as a team-leader of builders, the member of our Group.

court The He had been arrested at the end of 1982; on the sentenced for 7 years of especially severe prisoning with confiscation of the property and paying of loss for 52 000 rubles. On the the action time of prisoning was reduced to 4 years. On the was revised an the sum to be paid was reduced to 20000 rubles.

His quilt due to the sentence:

Majko and other leaders of the organization reported about performing of more job than it was really performed; they paid money to workers for not performed job; they amused with their official state.

The real problem is explained in above said letter. It is surprisingly that the court still doesn't want to analyze this problem correctly.

The work of the Group:

The complaint was sent to the Prosecute of the USSR. The negative answer is received from the Prosecutor Bogolyubov: "New methods of building (even if they took the place) couldn't compensate the loss".

Now the complaint is the sent to the adviser of the General Prosecutor Katushev who have promised to analyze the action carefully.



овшеств (

ЗАШИТЫ ОСУВЛЕННЫХ ХОЗЯИСТВЕНИКОВ И ЭКОНОМИЧЕСКИХ СВОБ

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 16

(Unfortunately, in this material we can only retell the sentence because we have no letters from the convinced person. There were only oral requests from his mother and his wife. He didn't wrote complaints himself.)

ANATOLIY SERGEEVICH DYAKOV

Was born on the 6.12.1946 in Kaliningrad, Moscow district, Russian, resided in the same place, worked as the team-leader of the workshop of the transfers. Married, have the daughter (was born in the 1972). Now he is on the "chemistry" in Omsk.

The court

Have been arrested on the 18.11.1985. On the 12.09.1986 have been sentenced for 6 years imprisonment in the camp of the strict regime, confiscation of the property and paying 269436 rubles loss.

His guilt due to the sentence

Dyakov was occupied with the private business activity on that factory. He produced transfers and didn't report about it. The production was solve in Moscow shops. The total sum is 595976 rubles (269436 he took for himself). Dyakov's guilt: 1) the private business activity; 2) he helped to embezzle paper from the factory.

The real problem

Dyakov and others didn't deny the abovesaid facts, they only tried to prove that it wasn't embezzlement. In the sentence there are also no proves of embezzlement. Probably, it was the way of realization of the illegal economy.

The work of the group

We have got the negative answers for all complaints. The nextcomplaint is written to the Prosecute of the USSR.

The public jury have been carried out. Only one of participants have said: "He is guilty because one have not to break the law even if it is the bad law". Two participants (from twelve) decided that he is guilty because he didn't pay taxes and didn't pay for the electricity.



O E III E C T B O

SAUNTU OCYNAEHHUX XOSHUCTBEHIKOB M SKOHOMMYECKMX

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 17

Thank you very much for your help. I know that it is very hard to change the sentence, but I still have a hope. What can I do else? I am very grateful to all people who deal with actions simular to my one. (from the letter to the group from the 30.01.1991)

ALEXANDER VASILYEVICH ZAKHAROV

Was born on the 13.03.1952 in Moscow, Russian, resided in Moscow, secondary education, officially out of job, really the commercial mediator. Earlier has been sentenced:

- in 1973 for 1,5 years imprisonment;

- in 1975 to 5 years imprisonment.

The court

Have been arrested on the 15.09.1984. On the 5.02.1986 have been sentenced for 13 years in the camp of the strict regime with confiscation of the property and paying 120000 rubles loss. The sentence have been left without changing.

His guilt due to the sentence.

During staying in the camp Zakharov made the collusion with unknown person. They thefted from the camp vagons with the wood and sent them to the Ukrainian collective farms with falsificated documents. After release he went to Ukraina, introduced himself as the team-leader of release he went to Ukraina, introduced himself as the team-leader of the workers and took money for those vagons. The second person have not been found. That is why Zakharov have been considered responsible for all actions.

The real problem

That camp was occupied with the "independent commerce". It's authorities sole wood to collective farms without writing reports. In the sentence it is written that Zakharov have obtained from the collective farms approximately 100 thousands rubles but have taken for himself only rather small sum - 3200 rubles. All other details of the himself only rather small sum - 3200 rubles. Nobody want's to know action are still unknown. It isn't surprising. Nobody want's to know action are still unknown. It isn't surprising. Nobody want's to know action are still unknown. It isn't surprising wood from the protected how could just one person steal many vagons of wood from the protected camp so that nobody knew about that. All people are already accustomed to such nonsense. And nobody remember that due to this nonsense the certain person have to sit in the prison for 13 years.

The work of the Group

We have written three complaints to the Prosecute of the USSR and have got standard negative answers for them. Now the last complaint is given to the advisor of the General Prosecutor of the USSR M.B.Katushev.

-23-

1



ОБЩЕСТВО ЗАЩИТЫ ОСУЖДЕННЫХ ХОЗЯПСТВЕНЬИКОВ И ЭКСНОЛЛЯЕСКИХ

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS" N 18

- Do you want to know how I lived? At first they made me to work with heavy, big bears. Usually people become weak and ill in two or three monthes. But I am strong. I worked there for 2,5 years. Now I have better work. The heaviest thing here is not the labour. It is very difficult not to become mad.

- Tell me, please, about that case with the apparature...

- I and Bogdashov began to do this work, when I have understood that it's impossible to sing in the restaurants more. There is such period in the life of each musician. We wanted something more as musicians... In that time we were doing the instruments by ourselves. Once somebody buyed them and have understood that they're welldone. Then it's became clear that we can get money in such way. There were six of us. We were working all the time - made the instruments, looked for the buyers. In such way we could get rather enough money. Now our country tries to do such things. I mean to work hard and to have enough money. And we have done it too early. I don't know was it the crime or not, but now all firms work in such way.

- What do you think about perestroyka?

- We are sitting here. It means that it doesn't exist.

(from the interview)

ALEXANDER VASILYEVICH NOVIKOV

Was born on the 31.10.1953 on Sakhalin. Russian, resided in Sverdlovsk, secondary education, officially out of job, really he is free musician. Earlier have been imprisoned for one year (conditionally). Married, has two small children. After releasing plays on concerts and so on.

The court

Have been arrested on the 5.10.1984. On the 11.TT.1985 have been sentenced for 10 years imprisonment in the camp of the strict regime. His two friends were sentenced for 8 and 9 years imprisonment. All three of them were released in the November of 1990.

Their guilt due to the sentence:

embezzlement of 104987 rubles in different organizations by sailing of the apparatus. They did it themselves or bought from other persons and then sole by the higher price; giving of bribes to the director of the shop in which they sole instruments; buying of the stolen from the factory details.

The real problem.

Novikov denied the above said facts because all buyers knew that the instruments were done not in the state factory. He said the truth to all buyers. He didn't give bribes and didn't embezzled the state From the article in the newspaper "Komsomolskava pravda":

"All professional and not professional rock bands live in a very strange life - between the pure art and the commerce on the broad of the Criminal code...When they can't buy necessary instruments in a legal way and for the state price, they all become a bit speculators.

At the beginning of the 80th there was a well known team in Sverdlovsk. Each person could give the necessary parameters. Then they spoke about the price... In such way one group got the necessary instruments, the other - necessary money. But authorities considered such a commerce a crime and deception. It is only still not clear, who have been deceived."

The work of the group

It was rather small in the comparison with the work of imprisoned and those who loved their music. They have organized the movement for the release of the Group. Finally, all of them become free. But their rehabilitation is a very long business.

We have got the negative answer from the Prosecute of the USSR. They have written that they don't want to change their decision. After

Mourney 1990:

Yourney 1990:

You Zuropa:

You den Bürgern von Europa:

Mitfühlend der "Perestroyka" oh der Ud SSR Sie sollen

Mitfühlend der "Perestroyka" oh der Wandlern und an wisser: viele Tausende von Unternehmern, Handlern und an deren Markfunktionären sitzen auch heute ins Gefänguis. Klassen terror gegen Nationalbourgeoisie, der ant 1918 ange-Klassen terror gegen Nationalbourgeoisie, der ant 1918 ange-Klassen terror gegen Nationalbourgeoisie, der ans savietisthe tangen worden war, setzt bis jetzt font. Das savietisthe tangen worden war, folgendes: fur eine vom staat ver strafveeht verordnet fohgendes: Tades strafe oder 15 Hahre in Gefängnis für eine vom Raub, ader ver Todes strafe oder 15 Hahre in Gefängnis für nrivate Valutaon borgene Production den waren für harris aler nrivate Valutaon borgene Tanshoppunt innen wie bestechung Borgene Taushopcrationer, wie bestechung, oder private Valutaer Borgene lauschoperationen, wie besteenung, oder private state Gerationen, in der Haft für Wiederverkauf mit dem Ziel Gerationen, also für privat handel,
- 10 gahre in der Haft für privat untenehmung.
Winn zu zielen, also für privat untenehmung.
- 5 gahre in der Haft für privat untenehmung.
- 5 gahre in der Haft für privat untenehm des Repressionen über
Graubet nicht, wenn ihr höret, daß in der Ud SSR sehimpfe
Graubet nicht, wenn ihr höret, daß in der Repressionen über
Graubet nicht, wenn ihr brechen die Repressionen über
die "Schattenökonomik"-der Tat Brechen die Rotangene ins unsere Gruppe mit Bitte von Hilfe
die Unternehmern und Markt hineih.
So haben die Refangene ins unsere so haben die Gefangene ins unsere Gruppe mit Bitte von Hilfe ngewendet: angewendet: aus Baku R. Shabanov, verunteilt mit anderen zu 15 1- Ingenier aus Baku R. Shabanov, verunteilt men Tonnicho essen Jahre Halt lün On annicierung des Actuieles un mon Tonnicho essen - ingenier aus Baku Richabanov, veruntait mit anderen zu 13

- ingenier aus Baku Richabanov, veruntait mit anderen zu 13

- ingenier aus Baku Richabanov, veruntait mit anderen zu 13

- ingenier aus Baku Richabanov, veruntait zu 15 Jahre

- fahre Haft für Organisierung des Betriebes, wo man Teppiche ezza

- jahre Haft für Organisierung des Betriebes, wo man Teppiche ezza

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait mit anderen zu 13

- angenier aus Baku Richabanov, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus Kamtshatka N. Moroz, veruntait zu 15

- angenier aus N. Moroz, veruntait z-Manager ous Kamtshatka N. Moroz, verureact zuts Jah Haft für höhere Bezahlung seiner Arbeiter verurteitt zuts Jah 3. Händler aus Dnepropetrovsk Goldstein, verurteitt zuts Jah 3. Händler aus Dnepropetrovsk mit höhere Preis

	TO SELL BUT OF	: the	191	Proposition	Exercise 1	
Unrina Moiseanxo, the trade manager		PODE STATE OF STATE O	15%	(Sup		(57) Berdali Aslanov, the worker responsible for the preparing of apples
②Vladimir Goldschtein, the sailor,		miaal ro	proggio	2.1	1901	
③Juri Massover, the doctor,	sacrifices of the econo	MILCAL 16	bi epaioi		A EA	68) Anatolij Avtomonov, the prisoner,
(Mikolai Mormz, the building manager,	on the examples of 100 lette	ers to our S	CIETY			69) Yurij Korolkov, the director of the building office
Shamiz Shabanov, technologist, businessman,	FOR THE DEFENCE OF CONVICTED BUSINE	SSMEN & ECONOR	MIC FREEDOMS			_
		2	rage time t	the		O Vasilij Podolyan, the deputy director of the factory
(G) Sergei Maitray, the forest dealer (T) Michail Shushpanov, the worker	The kind of the pursued actions	Accusation	of priso- v	number		71) Ivan Gogol, the team-leader of
S Ivan Michasenko, the director of the repair factor;	The salary for the labour of workers higher than that of state workers	Thefting of the state	8 years	23%	- (5)	72 Lev Marmuta, the team-leader of
(9) Tofik Izrailov, trademan	The independent business	privacy -"-	12 years	15%	ASH	independent workers (73) Andrej Cheban, the gardener
(D) Igor Mashchakin, functionary	Using of wasted state materials for the independent business	_"-	11 years	3%		(74) Gennadij Protasov, deputy director of
(A) Yuri Kamajev, shipman sport	Using of saved state materials for the independent business	_''_	- " - "	4%	20	The factory
Angelen Gekembajev, the director of	Making of the state products from yhe less material	_''-	10 years	6%		75) Vladimir Shkurenko, the worker in the harbour
the collective farm (1). Vladimir Matjushchenko, deputy	Thefting of the monopolized materials from the state	_''-	9 years	6%		(76) Gennadij Petrosjan, the deputy director of the restaurant
director of the sugar factory	The claims of independent owners to each other	Thefting	9 years	11%		Avraam Gechman, the worker
(19). Valery Vlasov, out of job	Illegal market of materials (with	Bribes	10 years	3%		the collective farm
(B) Anatoly Maiko, railway building manager	rohibited market of state flats	_11_	_"-	4% 4		79 Akop Badoyan, the functionary
(6) Anatoly Dyakov, the worker (7) Alexander Zakharov, the forest	The distribution of the profit from the independent bisiness and pair	_"_	-"-	9%		80 Antonina Parchomenko, the director of the shop
(D. Alexander Zakharov, the forest dealer	for service The trade by the market prices	_11_		3%		(31) Bibi Armanova, the book-keeper
(B) Alexander Novikov, singer and worker	The mediation on the market	Speculation	5 years	9%	1 3 (co)	82 Vladimir Chornig, the independent
Yuri Tolpegin, geologist(scientist)	Dealing with hard currency and international trade	Contraband	10 years	4%		(83) Ljubov Garajeva, the cashier
② Olga Shelepina, director of the caf (21) Boris Sitmikov, the builder	A A A	The state of the s	*			3 Oleg Efimov, the director of the collective farm
(2) Sergei Googadze, the building manager			v, V.Samikov	and other		S5) Elena Ribakova, the director of the
main building	39) Viktor Jackunov, the director of the ractory	of isoners, th	ie mine workers	1		(36.) Valerij Krasilnikov, the book-keeper
(24). Vladimir Kirilov. director or the	40) Gennadij Zakamennij, the businessman, 41) Vladimir Bekinskij, the director of	factory	5.Palij, the guar		~ J.	87 Valentina Kolomojetz, the housekeeper
7.5). Vladimir Blacher, the director of a	garages 42) Nikolaj Lobantzev, the manager	nousekeeper	ila Voskresensk	aja, the	MA	ම්වා <u>S: Gotkij A. Malsato</u> v, шабашный сригадир и директор
3. Vjacheslav Pryssakov	A3 Nail Hisamutdinov and other independent owners	(S7) Tamara Ar	ov, director of	the joint		(89) <u>Victor Kerov</u> , the director of the group of drivers
2. Viktor Myratov, the businessman,	44 Evgenij Leshchenko, director of the	enture		. ((90) Valerij Golovin, the director of the Venture
3.Nionila Melnik, the functionary	Factory	(59) Rafik Ry	stamov, the work	cer of the		(91) Rufat Mezinov, the building worker
(29) Leonid Shpigel, the building manager.	45. Sergej Bodagovskij, the worker responsible for the receiving of fish	(O)Anatolij	Zoga, dealer	with hard		(SZ) Yurij Bushmin, the independent owner
30 Vladimir Popov, the pig-tender	46) Valentin Akimov, functionary	Urrency	4	16		93) Petr Yudin, out of job
(32) Pavel Bulov, the driver	42) Stanislav Volkov, functionary	factory	Gutzova, the cash			Q4 Rustam Saburov, the trademan
33) Mark Sherman, the manager	Abujazit Ljanov, the worker responsible for the preparing of fruits and vegetables	62. Arsen owner	Sarkisyan, the	independent		95 Vasilij Rikun, the director of the repairing factory
(34) Georgi Chashchihin, the sexton	49) Aleksander Eremejev, Leonid Litvin,	63 Nikolaj for the re-	Leus, the worker	responsible)	(==	95) Boris Gontarenko, the director of the
	the trade manader, 50 Amangan Ihsanov, the trade manager	64 Anatol	ij Melnichuk, I the store-nouse	the deputy	12/	(97) Igor Izotenok, the shoe-marker
of the collective farm	SJ Gaksilak Toganbaev, the manager	65) Alexand	der Chabanov, the	7.8		38 Samuil Rombe, the jeweller
	(SP) Valentina Gladkova, the trade expert	builder 66 Gennadi	ij Ponyatov, the	engineer of	1/1/13	99 Alexander Glushkov, the independent owner
arm	33) Aleksander Sysigin, the manager	the sweet	lactory	1 *		(30) Tamara Ricak, the tamber



ЗАПЛІТИ ОСУЖДЕННИХ ХОЗЯИСТВЕНИКОВ И

ЭКОНОМИЧЕСКИХ

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 19

My action is falsificated by Magadan prosecute with the help of the director of the Institute of Gold Yemelyanov who didn't want to hear the criticism. I am 53, in 1983 I have become the doctor of geological sciences. I have discovered the gold deposit, have written more than 80 scientific works and have made 6 inventions. Economic usage from my

work in the period from 1981 till 1983 was 2.8 mln rubles.

I am working as a geologist for more than 30 years. I was fighting with different violation in the institute. That is why the director made a usual thing - he made a number of anonymous letters. As the result I was accused in the wrong distribution of salaries. All my arguments were left without attention, I even couldn't have a defense. I was in the prison during 2 years and 4 months. Then I've lost my favorite job and now I have to go all over the country trying to find a job. I know that I am not guilty but it is really impossible to prove it. I beg you to help me to rehabilitate myself."

(from the letter to M.Gorbachov, 1988)

" Dear people's deputy! I ask you to tell me about results of revising of my action. I don't want to believe that people's deputy are also indifferent to people's problems. I also would like to tell you that new society "For defense of convinced businessmen and economical freedoms" has appeared. Now we will fight together against evil made in our country by CPSU and it's "best" representatives.". (from the letter to V. Yudin, 20.08.1990)

YURIJ GRIGORYEVICH TOLPEGIN

in Kazan, Russian, was living in Magadan, higher education, doctor of geological sciences, was the director of the department in the Institute of Gold and Seldom Metals, married, has one child. Now he is living in Moscow, the deputy director of the firm "Yaspis", member of our society.

Was arrested on 17.01.1984, was sentenced on the 12.03 4 for 6 years The court of especially severe prisoning with confiscation of the property. The

complaints were left without attention.

His quilt due to the sentence: Working as the director of the department he made additions to the salary for people who had not to get it. Then the part of these money he took energy for himself: 2790 rubles he took for himself and 1170 - for other people.

As for our opinion, he didn't steal these money from the State. It was The real problem. the increasing of the salary for those who worked better than others. The results of his work were excellent. It is impossible to make conclusions about thefting from the State without regard to the results of the work. The work of the Group.

the complaint was sent to the Prosecute of the USSR. The negative answer is already received. The next complaint will be sent to the General Prosecutor of the USSR. General Prosecutor of the object.

BAURTH OCYMMEHRIX XOBARCTBERRROB R SKOROWANIECKRX, CBOEOU

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS " N 29

In 1987 I have been sentenced for 10 years of imprisonment. I was beginning my activity in the period when there wasn't the laws "About co-operation" and "About the lease". In that period authorities considered us potential criminals, we even couldn't lease machines or take money on credit...But after contacts with certain bureaucratic organizations it became possible (even in those conditions) to perform building work. During all the time we had a chance not to finish the work in time, because in each moment the representatives of certain organization could arrive and prohibit us to carry out the ordered job. They always could say that the law prohibits such kind of work.

To lease machines we had to get special documents from many organizations. Then it was necessary to visit the great number of other offices... If just one of these organizations broke it's obligations we couldn't make the further work. But exactly we were responsible for all results. And nobody desired to know what is the reason of each our trouble. They immediately began to look for the crime. In such cases the state organizations were not guilty because they are "STATE ORGANIZATIONS". Only we were responsible for all because the law doesn't defends us...

(from the letter to the Group from 13.03.1990)

LEONID TEODOROVICH SHPIGEL

Was born on the 8.05.1956 in Moscow, Jew, lived in Moscow, higher (not finished) education, the team-leader of builders, divorced, has one daughter. Address:

The court

Was arrested on the 30th of October 1986. On the 4.11.1987 he have been sentenced to 10 years of imprisonment with confiscation of the property. On the 16.05.1988 the period of imprisonment halfe been decreased to 8 years. All further complaints were left without attention The guilt due to the sentence:

During the period from 1984 till 1986 he with his team contracted to build houses and to bye building materials for organizations and private persons. But after getting of money he refused to carry out

the job and refused to give money back. Also he refused to pay maintenance for his daughter.

The real problem:

Spigel didn't recognize that he is guilty. He didn't deny that above said facts really took the place (he only denied the facts connected with the maintenance). In his excellent complaint written on 36 pages he described in details each case. He proves that he tried to

performed honestly his obligations, spent a part of given money for beginning of the work and finding of workers. But the absence of necessary materials and machines (mainly because of a customer) made performing of the job impossible. Nevertheless, the the work performed during three years makes 137500 rubles, while the work which wasn't carried out makes only 11850 (8,6%). Moreover, Spigel proved that he could make even the rest of the job if he not been arrested.

There are also many proves that different falsifications and breaking of the rules took place during the investigation. .

The work of the group;

In September of 1990 Spigel's cousin E.A.Lopuhova appealed to the Group. The complaint had been sent to the Prosecute of the USSR. Very soon we have received the negative answer.

During our visit to the author of the negative answer we couldn't make him change his mind. The author told us that Spigel's team had performed only 15% of the necessary job. For solving of this problem it is necessary to revise and analyze the action in all details. But we've got the negative answers for all complaints. That is why both our Group and E.A.Lopuhova hadn't the possibility to make it.

In May of 1991 the next complaint have been written to the Prosecute of the USSR. We asked them to analyze all Spigel's arguments. In June of 1991 it was given to the advisor of the General 29 Prosecutor of the USSR. The result is still unknown.



TRADEMEN ARE THERE IN THE USSR ??

10

127000

Of course, the answer on this question is to be received from Soviet police. Unfortunately, they don't do it and our attempts to get from them these extremely important for us data about number of people, majority of whom, as to our opinion, are living in the slavish conditions without guilty, are still without any success.

Conditions without guilty, are numbers in some other ways. That is why we have to get these numbers in some other ways. The base of our calculations is statistics of the Ministry of justice about the quantity of convicted and prisoned persons due to paragraphs of the criminal code used for businessmen and free paragraphs of the criminal code used for three years: 1980, 1986 and enterprices. We have taken statistics for three years: 1980, 1986 and 1989. It has helped us to make the rough conclusions about the dynamics of convictions for the independent business as for the economical crime. The data obtained are given in the following list.

COHOMICA		1980		1986		1989	
The num- tralarof model	The kind of the "crime"	con- victed	pri- soned	con- victed		con- victed	-
Art.88	Breaking of the rools co	nnected	d with	hard c	urrency	operati	ions
Art. Od	part 1.(3-8 years of prisoning), people	884	539	73;		247	46
	part 1 (5-15 years of	76 955	75 614	12 85	1 117 4 400	10 257	3 49
	prisoning), people (part of prisoned, %) (the dynamics for the 1980, %)		64	8	9 65		19 8
art.92e	mbezzlement of the state	privac	y by a	musing	of the	officia	stand
	lart 1(till 4 years of	1 000	1 1 2	1		6464	140
	prisoning), people part 2(till 7 years of		4516	25557	3322	5499	357
	prisoning), people	4136	3490	6360	4486	1911	648
* = *	prisoning), people	32767	960	49183	8719	13874	1145
a -	All together, people (part of prisoned, %) (the dynamics for the 1980, %)		20	15			12
	-1 Extremely large embe	zzlemer	it the	state p	rivacy		
art.93	(8-15 years of	235	2 229	4 406	8 3854	1323	
	prisoning), people (part of prisoned, % (the dynamics for the 1980, %)	3	9	17		55 58 56	81 47
	2-1 Distortion of the	reports	about	carryi	ngout	of the	planns
art.15	thill 3 years 0	f 66	4	658	3		12
	prisoning), people (part of prisoned, % (the dynamics for the 1980, %)) .		7 99	3	91 5	

	1960									
The	num-	The kind of t	he	198	30 г.	198	6 r.	.1989 г.		
	Bum- lerof graf	"crime"		con-	pri-	con- victed	nri-	con- victed	pri-	
153.	- F	ree_enterpris	e and	commerc	ial me	diation	4			
	part	1.Free enter (till 3 yea prisoning)	prise rs of	230	3	451		37	15	
	part atio	2.Commercial n (till 3 yea prisoning)	medi -	25.1	3	120		62	15	
	All to	ogether		483	6	571		99	30	
	(the	of prisoned, dynamics for 80, %)	%) the		1				30 500	
154.	S p	eculat	i o n							
	part 1	1.(till 3 yea prisoning)	rs of	6167	2512	12621	2706	6042	89	
	part 2	2.(3 -7 yea prisoning)	rs of	6669	2822	8844	2712	3275	329	
	part 3	3.(5-10 yea prisoning)	rs of	• • •	•••	2573	2064	77	380	
	All	together		12836	5334	24038	7482	10090	848	
	(par (the	t of prisoned dynamics for 1980, %)	d, %) r the		42	187	31 84		8 16	
156-	, 1	eaking of the cill 10 years prisoning) of prisoned,		rools		4452	21	1799	2	
162		bited indepe					0,5		0, 1	
1	enterp	rise 10 years of	endent				•	37		
170.	Amu (till	sing of the o	officia	l stand	ding	4925		1376		
	pris	oning) dynamics for 80, %)	the			142		40		
173.		iving of the								
		.(5-15 year prisoning)		578	320	1165	533	210	50	
	part 3	.(8-15 year prisoning)	sof	1044	923	1297	1156	233	134	
	All	together	90	1622	1243	2462	1689	443	184	
	(the	of prisoned, dynamics for 80, %)	%) the		77	325	68 136	24	42 16	
174.		g of the brib 15 years	es,	1967	846	3066	1307	473	136	
	(part (the d	of prisoned, dynamics for, 80, %)	%) the		43	156	43 155	24	29	
All t	togethe artic	er due to abo les	ve-	57117	19989	94277	20512	29827	3475	
X .	(part	t of prisoned	. %)		35		22		12	
	(the	dynamica for	the	(*)	٠	165	102	52	ر ان ₁₇	

The total number of prisoned is the number of convinced persons [4(89)] plus the average number of prisoned four last years multiplied by T - the average duration of the prisoning (if ti is less then 4 years). In the other case T is taken equal to 4 and the third item is added. It equals to the average number of prisoned from eight till four years before multiplied (T-4).

$$3(89)=[4(80) + 4(86)]/2 \times [T-4] + [4(86) + 4(89)]/2 \times [4] + [4(89)], T>4$$

 $3(89)=[4(86) + 4(89)]/2 \times [T] + [4(89)], T<4$

It is equivalent to the following expression:

$$3/K$$
 (1989) = $4(80)x[(T/2)-2] + 4(86)x(T/2) + 4(89)x3 = A + B + C$

The num- thalerof	५ (80)	4 (86)	4 (89)	Т	T/2	T/2-2	A	В	С	The sum
Ī	2	3	4	5	6	7	8	9	10	11
88, p. 1 p. 2	614 75 All to	400 117 ogether	257 3 due	5,5 10	2,75 5 88th	0,75 3 a artic	460 225 cle (fo	1100 551 or curi	147 9 cency)	1707 787 2492
92, p. 1 p. 2 p. 3 93-1.	1602 4516 3490 2294	911 3322 4486	140 357 648 1074	2.5 4 10,5 11,5	2 5, 25	0 3, 25 3, 75	0 0 11342 8602	1139 6644 23515 22161	420 471 1944 3222	1559 7115 36801 33985
	All to	gether	due	to the	92tl	n and '	93-1th	(for	theft)	79460
152-1 153, p. 1 p. 2	44 3 3	40 10 10	7 15 15	2 3 2	1 1,5 1	- -	0	40 15 10	21 45 45	61 60 55
All toget	her di	ue to	the 15 merce,	2-1th dist	and ortion	153rd n of re	(for the	ne inde	ependent	: 176
154, p. 1 p. 2 p. 3 156-3 All toget	2512 2822 -	2706 2712 2064 21	89 312 380 2	2 5 7,5 5,5	1 2, 5 3. 75 2, 75	- 0, 5 1, 75 0, 75	0 1411 0 0	2706 6780 7740 58	267 936 1140 6	2973 9127 8880 64
All toget	her di	ue to	the154	th and	1 156	-3rd (specula	ation)		21044
173, 4.1 4.2 4.3 174.)533 (? 533 1156)509 (? 509 134 136	5,5 10 11,5 8	2.75 5 5.75 4	0, 75 3 3, 75 2	240 960 3461 1692	1466 2665 6647 5228	150 150 402 408	1856 3775 10510 7328
All toge	her d	ue to	the 17	3rd an	nd 74	th (fo	r bribe	es)		23469
	A	LL TOG	ETHER	:						126577

The result is that 126,5 thousands of businessmen and trademen are prisoned in the country which is for already 5 years going to carry out the total economic reform. It can shock everyone and the first desire is to find mistakes.

There are two main objections:

- 1) nothing is said about amnysties and earlier releasing to "chemistry";
- 2) among calculated persons there are correctly prisoned ones.
- To manage the first objection we can include these two kinds of people to the conception of "prisoned". Really, these persons are not free they just have not so rigorous conditions. It is also necessary to say that after releasing they can't work due to their profession, live in big towns.

 Also they have to pay great money almost till the end of their lifes. That is why the number 127 thousands is even much less then the rael one.

Let us discuss the dynamics. At first, the number of prisoning is urprisingly high. It is also necessary to take into account, that there are many articles for businessmen except above said ones. It means that there are hundreds of thousands of prisoners every year. Each of these problems is to be revised carefully for restoring of the justice.

We have some hope for the good changes of the situation because during the last 10 years the number of such prisoners reduces. But in 1986 it didn't mean the reduction of the total number of prisoners. At the beginning of the perestrojka prisons were too full. Anyway, today situation changes nevertheless the laws are still very rigorous to businessmen. The number of convicted has become 2 times less, and the number of prisoned became 6 times less. It means that economy releases step by step, but those who where prisoned earlier are still prisoned.

The general structure of the economical repression is given in the list 2.

	M N 101 201		F - 5 - 7 - 1			200	
Ст. УК	con-	pri- d soned	con-	86 d pri-	1989 con- d victe	pri	i-
88 "For currency" 92,93-1 "For t embezzlement 154,156-3 "For speculation 170,173,174 "For bribes" 152,153,162 "For commerce"	955 35119 12836 7060 1047	614 11902 5334 2089 50	854 53251 28490 10453 1231	400 12573 4501 2996 40	257 15197 11889 292 155	49 2219 850 320 37	
"For currency" "For embezzlement "For specuration of the specuration o	1, 7 61, 5 22, 5 12, 3 2, 0	3, 1 59, 5 26, 7 10, 5 0, 2	0, 9 56, 5 30, 2 11, 1	2, 0 61, 2 22, 0 14, 6 0, 2	51,0	1, 4 63, 9 24, 5 9, 2 1, 0	
All together: %	100	100	100	100	100	100	
	15-6-70		6.00	i i,;			

Statistics, as for our opinion, shows that the majority of enterprices were convinced in the thefts, majority of trademen - in speculation, majority of mediators - in speculation. They makes 98%. For other above said articles of the criminal code about 2% is left. But exactly they are to be broken by the Ministry of justice. One can see that it can't solve the problem.

2. The appropriate calculation of the number of convicted businessmen

Using the data from the list 1 we'll try to calculate how many businessmen has to be today in prisoning. We have to make the following simplifying for performing of such a rough calculation:

-- the dynamics of the number of prisoned due to above said articles of the criminal code in the intermediate years is appropriated by the values in 1980, 1986, 1989 years.

-- the average duration of the prisoning is calculated by the each part of the criminal code as the average of the lowest and highest durations. If the lowest duration is not given we take it equal to 1 year.

-- the average duration of the investigation is taken equal to 1 year, because it is usually very long for complex business problem (till 1,5 years).

the number of convinced persons in 1989 is taken equal to the number of prisoned; it makes the value lower, because the first value is, obviously, more then the last.

-33

The second objection even more serious. But it is possible to discuss it only after the great number of revision of such problems. Really, from the point of view of the old "justice" all prisoned businessmen are guilty, and some mistakes are doesn't matter because of the great number of hidden

crimes. So, we can say that all society consists from thefters and bribers. Market economy today offers us another point of view. We provide it during our revising of problems in the group and during writing of complaint for certain criminal actions. In some cases we refuse from help being in disagreement with the prisoner or being unable to argue well our point of view. In some other cases we couldn't say that the person is not guilty but there was no case when we were agree with the sentence. Always the punishment was not necessary or much more severe than it should be.

We have already revised more than thirty problems. It is not too much but we can do sertain conclusions. I am sure, that the number of problem we are dealing with will increase. With the help of different falsifications businessmen are often sentenced by almost all articles of the criminal code. I am sure that the further revising of such problem will show that there are hundreds of thousands of such people.

Without amnysty for such people free enterprise and free market economy

1990 - THE INCREASING OF THE ECONOMICAL REPRESSIONS

CHE ANALYSIS OF NEW STATISTICAL DATA GIVEN BY THE

The Bym	- The kind of the	1989		1990	1990/89 %		
The Bym	f "crime"	con- victed	pri- soned	con- p		on-	ori-
Art.88	Breaking of the rool: connected with ope- rations with hard currency	257	49 0, 19	322	83 0, 26	125%	169
P.1 Art.92 P.2 P.3	Part of prisoned Embezzlement of the state and social property by amusing with the official state All together Part of prisoned	6464 5499 1911 13874	140 357 648 1145 0,08	7339 6463 2108 15910	157 402 708 1267 0,08	114% 118% 110% 115%	112 113 109 111
Art.93-1	Extremely large embezzlements of the state and social	1323	0.81	1690	1433	128%	133
	Part of prisoned Mistakes in reports	5 6	0.12	41	0.02	73%	14
p:1 rt.153p.2	Part of prisoned Free enterprise Commercial mediation Part of prisoned Speculation	37 62 99	15 15 30 0, 30	42 76 118	=	114% 123% 119%	=======================================
rt.154 ^{p.1}	All together Part of prisoned	6042 3275 773 10090	89 329 380 848 0,08	7718 5798 1421 14937	122 487 541 1250 0.084	128% 175% 184% 148%	137 148 169 147
rt,.156-3	Breaking of the trade rools Part of prisoned	1799	0, 001	3264	0,002	181%	350
rt.162		37	-	37	-	100%	-
	ediation/bribes			25	3		9
t.173 p.2	etting of the bribe	210 233 443	50 134 184 0, 42	265 299 564	67 185 252 0, 45	126% 128% 127%	134 138 137
+ 174	diving of the bribe eart of prisoned	473	136 0.29	554	156 0, 26	117%	115
	All together Part of prisoned	28451	3475 0, 12	37462	4452 0, 12	1,32%	129



MEMORANDUM

ABOUT CHANGES IN THE CRIME LEGISLATION NECESSARY FOR SUCCESSFUL

TRANSITION OF THE NATIONAL PLANNED ECONOMY TO THE MARKET ECONOMY

The Program of the National Economy Transition to Free Market taken by Supreme Soviet of the USSR envisages; pressing alteration of criminal and other laws for lifting of all juridical business limitation and amnesty limitation for people convicted due to annulled articles of the Criminal Code (C.C.) Without this lifting of people's fear of criminal penalty for business, without defense of economic freedoms and rights of citizens the development of business activity, of competition and free market is impossible. Justice Minister of the RSFSR Fedorov introduced the project of the Law "About changes in the Criminal Code of RSFSR and in the Criminal Code of the USSR, about administrative breaking of the law". and project of the Resolution "About the way of application of the law" to Supreme Soviet of the RSFSR Committee. Unfortunately, suggestions kept there are insufficient for stimulation of free market activity and business. Besides, discussing of these projects of the law was suspended in connection with freezing of the program "500 Days" although these projects don't lost their actuality. Analysis of the Court practice shows that really all independent businessmen, mediators and dealers. sometimes have been imprisoned because of "misappropriation", "bribes" and "speculation". Refusal to discharge them is able to give rise to disappointment among active people and to distrust proclaimed purposes. Besides that preservation of a lot of "Stalin's" articles with too strict penalties for crimes against state property, which sometimes are more severe than those ones for crimes against human life, is able to reduce chances for stabilization of situation in the country. It seems to us, that it's necessary to make the following changes in the Criminal Code

Taking into account, that the number of Criminal Code chapters must reflect the hierarchy of defended by the law values, it's necessary to exclude a lot of "Stalin's" and "Khrushchov's" chapters [charter 2] "Crimes against the state property", entrusting charter 5 (now "Crimes against personal property) with socialist property defense. Chapter 5 stays after chapter "Crimes against life, health, freedom and dignity of a person" which defense values of high order. At the same time chapter 5 must be transformed in according with the principle of equality of different kinds of property, and must be supplemented with articles about punishments for real embezzlers of state and private property but not for honest businessmen.

2 Punishments for crimes against the life and personal freedom must be more strict, than those for crimes against property. That's why the death penalty must be excluded from the list of penalties except, may be, only those for crimes against life.

- 3. It's necessary to reconstruct chapter 6 of C.C. "Economic crimes" taking into account irrelevance nature of state regulation with the help of criminal penalties. Instead of interdictions on free economic activities these articles, from our point of view, must defense economic freedoms and personal rights, nature and national wealth. As a whole, the exception and disbandment of chapter 2 and 6 of C.C. will be the main step to the real emancipation of the independent business and trade for transformation our economy into free market.
- 4. It seems to us, that for appearance of the free market trade it's necessary to abolish the article about speculation in it's present wording. At the same time for transitional period, when hard currency and market competition are absent, it's necessary to create conditions for life of old people, invalids etc. and to have in C.C. strict sanctions for breaking of rules of this system.
- 5. Taking into account that in totalitarian economy illegal commercial mediation was qualified as "machinations", "bribes" and malfeasance, it's necessary to change the determination of conception of "functionary"* (annotation of clause 170 of C.C.) The determination must include only "people, which fulfill the duties of representative of power". The determination have not to include businessmen. At the same time penalty for this kind of crimes must be decreased to 5 years imprisonment.
- 6. Real market is impossible without real money, without hard currency. That's why it's necessary to exclude the clause about "Breaking of the currency operation rules" from the C.C.
- 7. It's necessary to include into the C.C. articles about defense of businessmen's, financier's, dealer's competition from private and state violence, racketeers and officials, from frauds and compulsory monopolistic agreements.
- 8. In connection with transition to free market, it's necessary to declare liberation from penalty people convinced with clauses which were excluded from the C.C., with the exception of people, whose crimes fall down under the action of new clauses. But penalty for crimes against property must be mitigated too.
- 9. Rehabilitated businessmen executives must be called victims of economic repressions. That's why they may enjoy all the rights and help, which enjoy other kinds of guiltiness convicted people.
- 10.It seems to us important to find the name of the document, clear for people. For example: "About the order of liberation from criminal amenability and rehabilitation of independent businessmen".
- 11. The Preamble of the document must be a declaration of final State refusal from violence in economic realm, of necessity to redoem it's guilt to lost and crushed bourgeoisie, of eternal guarantees to observe all economic freedoms and rights of citizens, of state refusal from "bread - winner and tutor of its own people" role and of bringing to minimum state interference to economy.



O B III E C T B O

Зашити осужпенних хозяиствеников и ЭКОНОМИЧЕСКИХ

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

"THE VOICE OF VICTIMS OF ECONOMICAL REPRESSIONS

Repressions of the 30th are often compared with lawlessness of the 70th. I am one of the victims of the last one. It is very hard to serve my sentence when I am sure that I was working honestly and

wasn't breaking the law.

During working as an engineer I dealed with marketing and was awarded a premium for a good work for many times. I have been for several times elected to the board of the directors of the trade-union. I was the deputy director of the Society of Inventors, the people's deputy of the district. But now I am the next victim of the investigator Bogomolov who had been compromised in the Prosecute but have been saved by very well-connected relatives. After I'd refused to "help to the investigation", he have threaten me: " There are enough dregs in your factory. If you not slander them, they will slander you. You will regret about it!". When I was crying that I will make complaints he answered we with a smile: " It will be impossible you will be shot". Really, during the court he demanded the death penalty for me but thieves who "helped to the investigation" and slandered everybody were imprisoned for only 8 years. My advocate tried to help me, but he could do nothing with such well-connected people as investigator Bogomolov, judge Adimbekov and their relatives..."

(from the letter to the "Memorial" to A.D.Sakharov)

Help me! My complaints are going to the chasm. One jurist have explained me that nobody wants to put his signature under the sentence "You are imprisoned correctly". That is why I have a hope for some changes.

(from the letter to the Group)

RAMIZ SAFAR OGLY SHABANOV

He was born on 1949 in Baku, Azerbaidgan. The address of the family:

Secondary

technical education, was working as the engineer-technologist in the factory, member of the CPSU, now is imprisoned. His address

The court He have been arrested on the 9.10.1985. On the 31.07.1987 have been sentenced for 15 years of imprisonment with the confiscation of the property.

His quilt due to the sentence:

extremely large embezzlement of the state property (for 698615 rubles). Shabanov produced small carpets from the state materials and then sold them without writing of the report. The part of money obtained in such way Shabanov and his companions took for themselves, and the rest they used for their criminal activity and giving of bribes.

The real problem:

From the 70th the illegal workshops have existed in that factory. The complex system of "state taxes" have been established. In periods of changing in the government of the Azerbaidgan the attempts were made to break this system. The repressions against the workers of those workshops were also used. The period from 1983 till 1984 was one of such periods. Five companions were arrested: R.Shabanov, M.Shabanov, A.Rzajev, S.Arzumanov and D.Safarov and also three workers: Alieva,

Kochetkova, Gurbanov.

The accusation included only the period from 1983 till 1985 (the activity of the "firm" have began much earlier). The capital of the firm equaled 100 000 rubles. The profit (approximately 100% yearly) was divided between companions, but till the 80% have been spent for different "taxes" to authorities. For example: 4 000 rubles were paid to police monthly, 2 000 rubles were paid to the director of the factory, 50 rubles were paid to the chairman of the trade union and so on. All that was later considered bribes. The talented rationalization and carefully performed machines made possible the production of goods independently from the state. These goods have been done from the less material than it considered necessary but they had even better quality than that of the state.

This system was very useful for demanders, suppliers, state and

workers. It is necessary to analyze carefully it's work.

The above said embezzlements after detailed investigation were not found in the factory. All evidences have been falsificated because of the pressing of the investigators. Shabanov didn't take part in the criminal activity. There are no obvious proves of his guilt. The action is to be revised. Shabanov didn't recognize his guiltiness.

The work of the Group:

The letter from Shabanov has been given to the Group in the November of 1989. In the January the public jury has been carried out. The majority of the participants (10 from 14) have decided that he is not guilty. He was useful for our society. Even those four participants who decided that he has some guilty told that had only deceived buyers and gave bribes instead of taxes (it is necessary to note, that in that time it was impossible to pay legal taxes for such business). In April of 1990 the newspaper "Commersant" published the information about our work connected with Shabanov's action. In May the Group have told about Shabanov's action to the Department of the Right of a Person of the Supreme Soviet of the USSR. After that the positive article about Shabanov have been published in the newspaper

"Izvestiya". All answers of the prosecute for our complaints were negative. But the deputy director Korenevsky told us that Shabanov's action is now studied and discussed. In November of 1990 the next complaint have been sent to the new prosecutor of the Azerbaidgan I. Gaibov.



Videogame "Verdict" auther Victor Sokirko

director U.Chochlov editor A. Karpov

Annauncer

"The Defensive Society for Sentenced Business Managers and for Economic Liberty" (DSBMEL) has been registered last year, October. The subject of the defence is as unambiguous in public opinion as in the sense of the law. For some it is the defence of various range plunderers, profiteers and shadow dealers. But for others it is the defence of civilized marketing and businessmen, those who were able to make something concrete and usefull for the common good but had been interrupted "in time".

The Assembly Hall of the Institute of the State and the Law

The Trial

The Judge :

This case will get a fair trial by jury. The Jury will have to bring in a verdict as to whether the accused is guilty or not. If the accused is guilty the president and the rest of the jury will make a decision about punishment. If not - the accused must be immediately released and the trial must be finished. Now we must -39--39 -

form a jury from 12 persons. The counsel for the defence may reject 3 of them without cause.

The Jury is taking its place

Announcer

While the jury is forming let me give you some explanations. Yes, we are really attending the fair trial by jury which organized by DSBMEL in the assembly hall of the Institute of the State and the Law. But still it is not a real trial by jury — it is a public trial with active participation by professional lawyers, a sort of business game. Decisions of this trial have only (as pointed cut in the bulletin of DSBMEL) recommending and moral significance. The shorthand record of the trial will be sent to the USSR Procurator's office for the maintenance of the truth in this case and correcting injustice in the order of the law.

In the break of the trial correspondent speaks with cheefs of the DSBMEL

Correspondent :

Today the trial by jury is being carried out here. It is clear in general that the verdict "not guilty" will not be followed by release of the defendant. What is happening ? Is it a game ? Is it a performance ? What is the significance of it for us and our life?

O.Sokolsky :_

You see, the problem of fair trial by jury has been raised by progressive lawyers from the very beginning of "reconstruction". This problem was forbidden before "reconstruction" in general, though such form of trial has been known from the thirteenth century. This is the first point. And the second is the well known fact which is now officially recognized: there are many serious trial mistakes in cases of business managers. In all these cases we can see the contradiction between formal methods of lawyers using old. Soviet trial law and real life.

The trial by jury permits us to make an accomodation between reality and law.At the same time anybody can theoretically argue that our people are not ready to judge business cases this way because of the professional incompetence. In contrast murder cases can be judged by a jury because of their origin from everyday life.

I and lawyers Igor Leonidovich Petrukhin and Tamara Georgievna Marshakova want to say that the trial by jury is suitable for business manager cases. Moreover it is preferable because of the necessity to save such workers in conditions of our country.

It is a pity that this innovation can be removed at any time by public opinion and especially by old-fashioned state structures.

As we can see from our experience, different decrees and orders create hostages in political strugle from defendants in such cases. Maybe they need additional guarantees.

The right of appeal to trial by jury is one of the most

-41-

important legal guarantees for persons accused of business crimes.

V.V.Sokirko

I take it as a public trial. Such experience is most significant, as the attempt to investigate some business cases not by lawyers but by ordinary people, in spite of the result of the trial and its influence on the final sentence.

As to the real people they want such trials and ask us to organize them. In their letters they show human interest in the problem irrespective to the final result of each trial — imprisonment or release of defendants.

Correspondent :

So is it enough for you ? You do not want some imrovement ?

V.V.Sokirko:

when the shorthand transcript of the trial by jury Sherman case was referred to the procurator's office. The assistent of the general prosecuterf after investigating the documents said that they are convincing.

It is very positive that we find common understanding with some workers of the state procurator's office. They brought appeals in behalf of business managers but in vain. The Plenum of the Supreme Court of Justice has declined many of then for political reasons.

This is unfortunately a step back !

/noise/

/conversation/

session of the court

the trial by jury

the judge is reading

the text of the oath :

I shall use all the strength of my mind for careful investigated of all circumstances for the defendant and against him. I shall give my voice firmly in accordance with the investigation, not to acquit the guilty and not to blame the innocent.

/pause/

members of jury

are taking on oath :

- Tkachenki. I swear.
- Bikova. I swear.
- Poltoratsky. I swear.
- Soloviova. I swear.
- Sulimov. I swear.
- Artiukhov. I swear.
- Bashtaiev. I swear by Allakh.
- Tolkunov. I swear.

So, members of the jury have taken on oath and we can begin the trial .

-40;

The prosecutor's speech

Prosecutor:

In the haberdasher's factory a large organized group of plunderers of government property operated .

Stairs.Convoy leads
the defendants down and
upstairs

Announcer :

The case of Shabanov, Ramis Safar Ogli, will get a fair trial by jury. On july 31, 1987, the Baku City Court of Justice sentenced Shabanov to 15 years of imprisonment with confiscation of his property. Now Ramis Shabanov serve(in the Reformatory Labour Colony (RLC) of intensified regime. The essence of his guilt according the sentence is: the plundering of state property of particularly large size by unaccounted production of bath carpets in the Baku haberdasher's factory. Shabanov and his companions took part of the profit and the rest they used for bribery. It seems at first sight to be such a clear case.

In the same time DSBMBL finds out that additional production was achieved as a result of talented rationalization and careful regulation of the equipment. This good quality production is in great demand and that is why it has been hitted from the state and then solved with great success, in spite of a lack of raw material in it.

As you can see the case is very complicated to understand.

-44

Further conversation in the recess of the trial

/noise/
/movement, steps/

Sokirko:

Now we have the list of 80 names of persons which we call "victims of economic repressions". Here they are...

According to our considerations and to the Ministry of

Justice statistics the quantity of those sentenced in prisons is near

120 thousands.

Correspondent :

Economic cases ?

Sokirko :

Yes, economic.Exactly those which we investigate. And in every case we have drawn the conclusion, also by means of trial by jury, that people were either not guilty or only partially guilti, and the punishments were too hard. At least they must be releas

Basically we came to this opinion in all such cases. As far as we consider the situation theoretically we come to the requirment for free pardon to business managers.

In the "500 days" program such good and radical actions had been announced, but this program was abolished. As a consequence tens of thousands of people, businessmen and business managers are still in prison.

Correspondent :

What about the second part of the name of your Society:
economic liberties. How do you evaluate the situation? Does
anything change? Evaluate, please, the general situation.

Sokirko :

The picture is sad. Economic liberty is diminishing. It is obvious when you look at the contingent of defendants and at the statistics.

Correspondent:

And what about the announced market ?

Sokirko :

The announced market is only announced..

The only way to build a market economy is to help enterprising people produce, buy and sell goods which are in demand. It is simply unimportant whether they come from the black market or not. Society must support them at the first stage, not repress them. Such repression destroys relations between "firms" and weaken an interest in producing goods. Instead they begin to focus on money because it is more profitable in the situation of increasing inflation and "anything goes". They carry out swindles with state plan orders, produce nothing useful, and make

It is clear that we see the destruction of those embryonic market structurs which have been attacked in shadow economics. Instead of supporting them and regulating their growth, the government tries to rule them by repressive mesures on the basis of obsolete laws, punishments and confiscations. Withought money and freedom the enterprising people cannot make a progress towards a market economy.

The State accepts "market" laws not having no financial or executive basis. Such laws become a fraud.

All announced market laws will be false, since money and people are not released.

Now we have a very impressive fact in the last statistical data on plunder and speculation crimes. In the last two years 1989 -1990, imprisonment for speculation showed 47% growth and for plundering - 20% more. Repression becomes more strict.

.-47--

/noise/

The speech of lawyer .

Lawyer :

Has the haberdasher's factory production group caused material damage to the state? No, I confirm. Why? The planned production have been achieved. Income from comdletion of production has come to the state treasury in the planned amount. In this sense the state has not been damaged.

One unusial fact is particular to this plundering case. The factory has not presented any civil action for compensation due to the damage from the sentenced persons which produced the illegal production.

I ask you to pay attention to this fact. What kind of acti-

Useful or not was it ? Did they add goods in demand in our ever empty consumer market or not ?

Can we decide, which is also important, that while they added they also deceived consumers ?

I think not . When a consumer buys something he or she alone decides wether this thing is suitable for this price or not. It is the consumer's right.

If we speak about free prices it is especially clear.

Summarizing. During the whole iquiry process the defendant Ramis Shabanov denied his guilt in plundering and giving bribes. I consider that Ramis Shabanov's guilt is not confirmed by the evidence.

-4B -

/noise/

Sokolsky :

Now there are many new forms of economic crimes which appear in the process of privatization and marketing. These crimes stay beyond of the attention of justice organs.

The lack of laws about dishonest competition results in ugly privatization which becomes genuine swingle and plunder.

At first they create government property by administrative operations (naturally the administration has priority) then they convert it into cooperative or shareholder forms, and then into private forms. Priorities are however saved.

At the same moment justice organs and the government fight with speculators and others in order to control the distribution. This is not the main problem. It is not enaugh for report. They have more serious task: to modify the code of laws and to find really dangerous criminals.

They wish to establish their monopoly by violence; not only by violence, with the help of state structures.

/speak together/

Sokirko:

I want to add one more thing . Last year in Bonn the Helsinki conference devoted to the second, economic

-49-

basket was hold. Our country together with others pledged itself to promote the transition to a market economy and to guarantee economic liberties of the individuais.

Not long ago we received this document in Russian. It is not very popular here.

Correspondent :

Nobody knows about it.

Sokirko :

Yes, nobody knows. It has been accepted and forgotten. But it is exists now here. On its basis we prepared the address to heads of governments and to the public opinion all over the world.

Only with support of public opinion, which is taken into account here we shall be able to correct our system of justice.

Now the system is still acting according to the same old dogmas just as in the times of Stalin or Breznev.

The jury after hearing the opinions of the prosecutor and the defender in the presence of the judge in its meeting brought in a verdict of not quilty on all points of accusation of Ramis Shabanov. On the basis of this verdict the judge has made a decision about justification of Shabanov and the necessity of his release from prison.

public center to assist the humanisation of the penitential system U.S.S.R The Public centre is created at the International fund survive and progress of humanity, and has a programm, the Project group of the man's rights.

of the penitential system and criminal the real possibilities for controlling the legality egislation for their further humanisation and effectivity,

One of the main directions of the Centre's activity is the to solve all the problems connected with the conditions of ers and people who is liberated from prisons. the places of deprivation of freedom,

structures at the places of deprivation of freedom, the projects in the field of criminal and criminal-executive legislation. Such work gives a possibility to define the most actual problems in that field, of help to the prisoners, to improve the egislation and to formulate the public opinion about the conditions studies the penitential policy and practice, to elaborate the programs of prisoners.

The Centre tries ti give all the possible material, medical and moral help.

projects. It will collaborate with juridical organs, state and public part in international The information about the main The Centre will also assist the creation of analogous public direction of the Centre's activity are in enclosed documents. organisation in the USSR and abroad.

to assist the humanisation of the penitential system The main directions

penitential politic and Some research projects are elaborated for two years. practice, and first of all with defending of the with the most important questions of 1. The research work.

2. The public activity, which forms a public opinion

ibout the conditions of the prisoners.

the collections

publications, does TV and radio different conferences and projects.

The Group publishes

4. The practical help to the prisoners (moral,

collects the information.

medical and juridical) and to their relations. So the structure of the Centre is divided

The public center to assist the humanisation of the

U.S.S.R

an organization group (technical and information);

b) an editional group;

penitential system

This direction co-ordinates the directions of the work of the Centre, the connections with different organizations and

3. Organization and technical work.

-50-

