

рынок и вырамях и казыших калержател сейчас, тысячи визийственныем, вана которых была признана ветепорияй. Но так ин уж она бесспория в визнини изшего времени, когда мь вравили зашаем экономическую свободу



The VOICE

FOR THE DEFENSE OF IMPRISONED ENTREPRENEURS AND ECONOMIC FREEDOMS IN THE USSR

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Human Rights

On the Amnesty Bill
Special Report for IBHR by Viktor Sokirko, head of the
Society for Convicted Businessmen and Economic Freedom

On May 15, the Russian Parliament voted against granting amnesty to some 400,000 persons serving sentences, or undergoing non-prison punishments, in the Russian Federation. Russian Procurator General Stepankov said that there are currently 600,000 inmates in Russia's prisons, and another 500,000 persons serving their sentences outside of such institutions. Viktor Sokirko, a human rights activist who works on behalf of "economic dissidents," reports on the circumstances surrounding the rejection of the annesty bill.

The Russian Parliament began hearings on May 13 on a draft law granting amnesty to persons currently serving sentences in the Russian Federation, many of them so-called "economic criminals." Hundreds of thousands of individuals convicted under the communist regime have eagerly awaited such a move for a long time.

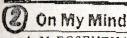
The first time that such a law was proposed was in the autumn of 1990, in accordance with the "500 Days" economic program. Expectations were raised after the election of Boris Yeltsin to the presidency the following summer as well, as people thought back to the Russian tradition of amnesties granted by rulers upon first coming to power.

Convicted Businessmen and Economic Freedom, the Human Rights Committee of the Russian Parliament started preparation of the amnesty law. After long negotiations, the cases of businessmen convicted of so-called "hard" crimes were excluded from consideration for amnesty. Only those persons serving sentences under three years were qualified. A draft of this limited scope was scheduled for parliamentary hearings in March of this year, but was postponed until this month.

In October of 1991, under the initiative of the Society of

On May 13, the draft of the amnesty law was presented by M. Mityukov, the chairman of the Legislation Committee of the Parliament. The law was sponsored by M. Molostov, from the Human Rights Committee. Its strongest opponent was the well-known communist deputy V. Isakov, who said that the Russian people would damn the parliament for allowing "thousands of beasts" to go free. V. Stepankov, the Russian Procurator General, spoke last in the debate. He reiterated his personal opposition to the bill, but at the same time said that some form of amnesty was necessary because of insufficient economic resources to sustain such a large prison population.

After Stepankov's speech, Parliamentary Chairman Ruslan Khasbulatov ended debate and called for a vote by the deputies. The bill was rejected by the parliament and sent back to the committees for "reconsideration." It is likely that it will be heard once again in a few weeks, but in an even more sharply circumscribed form. Those convicted of economic crimes can expect little benefit—the majority of the Russian parliament remains very conservative on this matter.



A. M. ROSENTHAL

Congress, Yeltsin and Prisoners

Boris Yeltsin and the American Congress have an opportunity, Immediate and glorious, to turn his visit to the United States into a richness far beyond ceremony and speeches.

They have the opportunity to help the heroes of the Soviet anti-Communist revolution, the men and women who endured years of imprisonment for Russia's freedom and so made this visit possible. Thousands of them, and their children, are now adrift, or in great want.

New York Times, 6/16/92

Mr. Gorbachev is asking for millions for his own foundation. Wouldn't it be lovely if Americans thinking of contributing to this personal comeback fund would instead send the checks to the I.R.C.: 366 Park Avenue South; New York, N.Y. 10016.

Now, the opportunity for Congress and Mr. Yelisin, To start, Congress can ask him about the 127,000 "economic" prisoners arrested during the Corbachev and Yelisin eras, under Soviet anti-capitalist laws. Most of the offenses of entrepreneurship would not be crimes at all in the free-market economy that is supposed to be Russia's goal.

There is talk of amnesty. When,

And then, Congress can legislate that a tiny portion of the funds that will eventually go to help Russia be used for political prisoners living in

wrote the truth about the vast political penitentiary that was the Soviet Union. Thus they prepared the way for the Yeltsins and the Gorbachevs.

Last year, legislation was passed in Moscow to give them a bit of assistance. But in Russia there is neither the money nor the organization to carry through.

In the West, the International Rescue Committee helps with medicine and supplies. It has raised \$74,000 for the former prisoners.

O COMPATRIOTS!

Back in August 1991, You came to the "White House" where the Russian Supreme Soviet was sitting to defend the freedom of expression and conscience from the partocrats that attempted a coup. Those days spelled the death sentence for the regime of political repression.

Today, we urge You to come to the Russian Parliament to protect the freedom of action and market from the retrenched nomenclatura that have changed their protective colors. In word, they swear allegiance to democracy and private entrepreneurship while, in deed, they ferociously resist the release of market-minded people from gloomy camps and brand them as thieves, bribe-takers and profiteers.

People from nomenclatura have passed a host of laws but allow freedom of business only for themselves and those who agree to give bribes and submit to racket. Those who resist are put in shackles and cells and are never offered fair competition.

For the second year running, deputies have been ignoring our demands for the fulfilment of the 500-day program provisions by which businessmen were to be released from prisons. Deep in dogma and self-seeking, these deputies impede economic freedom and competition, nip in the bud the growing market and lead the people to inaction and poverty. Money is printed for henchmen while the rest of the people are faced with rising prices that make their lives impossible. The minute a person attempts making money on his own, or using wasted raw materials, or credits, or starts a business relationship to produce lacking goods, the authorities chase him like a wild dog, use racket,

oppressive taxes, police threats, arrests, horrible prisons and camps. We are not spreading rumors, we know it from our own bitter experience. Our relatives, friends and defendants continue in preliminary detention, investigation cells and penitentiary institutions. How long are we to stay in the hands of Brezhnevite lawyers and Andropov-style investigators?

HOW LONG WILL THIS BE GOING ON?

We urge you to join us in our march to the Russian Supreme Soviet on January 13 and demand from the session participants:

- to grant immediate amnesty and rehabilitate all the imprisoned market-makers:

- to abolish penalties for the breach of socialist property monopoly; to abolish the practice by which business relationships are described as "bribe-taking," "speculation," illegal foreign-currency transactions, illegal trade, etc.;

- to abolish the socialist property police and other bodies of economic repression;

- to ban pre-trial arrests of businessmen and release people detained (preliminary detention cells and investigation institutions should be put under open control by relatives, the public and press);

- a more active work in the President-controlled Appeals Board; - to establish a parliamentary commission for the rehabilitation

of convicted businessmen and their release from camps; — to release from prisons all those who are not dangerous for

society and reform the penitentiary system.

Any labour, including in penitentiary institutions must be free!

WE SHOULD SECURE OUR SURVIVAL OURSELVES!

We must look for hard currency and business relationship and we have to feed our children and elders ourselves. The only thing we should require from authorities is to RESTRAIN REPRESSION, UNREASONABLE TAXATION, AND STOP THEIR INTERFERENCE IN OUR EFFORTS AIDING MARKET SURVIVAL.

WE CAN DO WITHOUT YOU! STOP YOUR PRESSURE, STOP MEDDLING WI TH OUR WORK OR LEAVE!

Compatriots, give us your support!

Come to meet us at the White House at 9.00 a.m. on January 13, 992.

The Committee of Wives and Mothers of Imprisoned Businessmen.

The Economic Freedoms Party The Society for the Defense of Convicted Businessmen and Economic Freedoms (SDCBEF)





MONDAY, FEBRUARY 24, 1992

the changes sometimes take a long time to reach the prisoners involved. In December, the Russian parliament abolished the death sentence for forgelign-currency speculation and assistance and lifted sanctions against private enterprise. But many of the 30,000 people convicted of breaking commercial laws are still imprisoned, according to those who have trying to have these cases reviewed.

IN

Victor Sokirko, chairman of a group that calls itself the Society for the Protection of Those Convicted of Economic Crime, said that as laws are erased from the books in Russia, it is up to the accused or their lawyers to ask for a review of their cases. Sokirko's group has been viewing cases involving about 300 people and has seen 28 released.

-4-



NEWS FROM THE UNION OF COUNCILS FOR SOVIET JEWS

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YELTSIN MUST END PROSECUTIONS OF ENTREPRENEURS

Washington, June 11, 1992 -- "On the eve of President Boris Yeltsin's visit to the United States to lobby for American aid to help transform Russia into a market economy, Russia has added one more victim to its long history of oppression of businessmen, human rights activists, and Jews," declared Micah Naftalin, National Director of the Union of Councils for Soviet Jews (UCSJ). On June 4th Mark Glizer was sentenced to five years of hard labor for allegedly arranging for the sale of a privately owned automobile for profit.

Glizer was sentenced under the provisions of a Soviet law that is no longer in effect in Russia. Investigations by the UCSJ's Russian-American Bureau for Human Rights and Rule of Law determined that Glizer did not receive any profit from the sale of the car. This conclusion was confirmed by testimony at the trial. Additionally, a witness called by the prosecution lacked credibility to such an extent that the prosecutor had to ask if he had a sound memory.

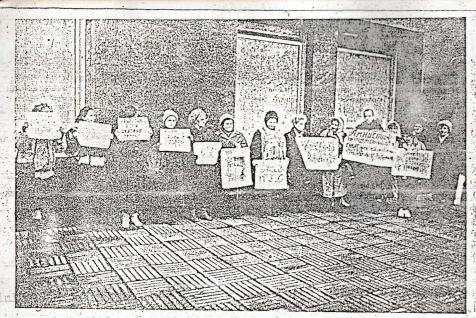
The investigation and sentencing in his wase also indicated that anti-Semitism remains strong within the Russian judicial system. Prosecution investigator Yaldin demonstrated his anti-Semitism in remarks made to Glizer and his wife. Additionally, the fact that Glizer received the same sentence as a Russian co-defendant who was convicted of receiving the profits from the sale indicate a tendency to punish Jewish defendants more harshly.

In testimony before a workshop sponsored by the UCSJ for human rights and democracy leaders, held in Moscow in late April, Victor Sokirko, Chairman of the Society for the Defense of Convicted Businessmen and Economic Freedoms, stated that about 120,009 people are in the labor camps for doing business that is legal today, with 1,200 of them imprisoned for speculation, the charge Glizer was convicted under. Sokirko declared that the people will not believe in a free economy and free market while businessmen remain in prison.

In October 1991, TV Inform reported that decrees had been prepared for the signatures of Soviet President Gorbachev and Russian President Yeltsin that would provide amnesty for the imprisoned businessmen. On May 15, 1992 the Russian parliament rejected a bill that would have granted amnesty to those serving sentences under three years for economic crimes, excluding hardened criminals. Russian Procurator General Stepankov joined the debate in opposition to the legislation.

The UCSJ urges Congress and the Administration to raise the issue of Russian enforcement of Soviet-era economic crimes with Mr. Yeltsin during his visit to the United States next week. Russia cannot both imprison businessmen at home and seek economic assistance abroad. "The implementation of human rights reforms, and rule of law, including freedom for Mark Glizer and his fellow entrepreneurs are essential to the transformation of Russia to a democratic market economy, and linkage of the two issues must be the guiding principle for United States assistance to Russia," Naftalin declared.

See the attached Prisoner Case Summary of the Glizer prosecution.



На снимке: никеты у "Белого дома"

6

THE COMMITTEE OF WIVES AND MOTHERS OF CONVICTED BUSINESSMEN

Distinguished President of Russia! Distinguished deputies of the RSFSR Supreme Soviet!

"We are the wives and mothers of those who suffered for being the pioneers of market reform. Dozens of thousands of businessmen have been dishonored by crooks and bribe-takers and, together with our husbands and children, are wasting away their lives in prisons and camps.

It is common knowledge that the current RSFSR Criminal Code is unkind toward private business and commerce and treats without mercy any entities or relations that have not been mentioned in official rules, describing the latter as theft and bribe-taking, thus putting barriers in the way of business and market laws that You are developing.

We do not understand Your indifference and demand to consider at the earliest date possible the following proposals:

1. To exclude from legal codes the criminal penalties for the breaches of foreign currency law; private business-making; intermediary operations; speculation; and unauthorized trading which allegedly contradict market reform;

- to suppress the concept of crimes against socialist property, and protect state property using penalties that the RSFSR Criminal Code applies to protect personal property;

 to abolish the practice of criminal penalties against businessmen for bribes and other administrative offenses.

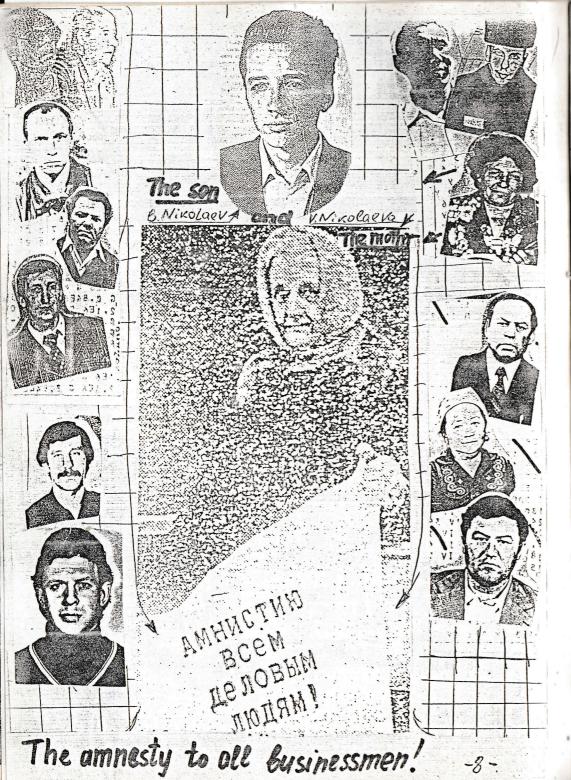
2. Care should be taken not to omit in the draft amnesty law the businessmen who are under investigation, stand as defendants or have been convicted under Articles 88, 89, 92, 93-1, 96, 152-156, 162, 170-175 of the RSFSR Criminal Code.

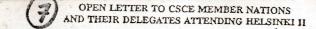
- 3. Boards should urgently be set up from People's Deputies of Various level and lawyers to review and identify falsification in previous court decisions, and immediately submit such cases for court scrutiny in order to return the businessmen concerned to normal life, reimburse material and moral damage and punish those responsible for misleading the investigation and courts.
- 4. To stop pre-trial arrests of suspected businessmen. To establish that in the period of preliminary detention, action against them could only include restriction to territorial limits or putting on hail.
- 5. To abolish the practice of search and expropriation of property without court awards and the practice of confiscation and suits brought to suppress private business.
- To institute at the earliest date possible the defendant's right to jury proceedings at his own expense.

Our husbands and children are not criminals. Every day in detention where they serve like slaves is a sin committed against us and the entire country. Our country can only survive if the arrested businessmen are released and never imprisoned again.

Adopted at the Constituent Assembly on 17 November 1991.







Despite Russia's considerable efforts toward economic reform, these reforms fail to include protections for independent businessmen who continue to be charged with violations of Soviet economic laws. In increasing numbers, the Union of Councils for Soviet Jews is being alerted to cases of Russian citizens being tried for economic "crimes" under Soviet law. Currently, it is impossible to begin a new business that does not violate former Soviet criminal codes or new Russian laws and regulations on privatization.

The Moscow-based Society for the Defense of Convicted Businessmen and Economic Freedoms has circulated an open letter, sent by two consisted husinessmen, to Russian President Rosis Yeltsin. In the letter, the two Russian economic "criminals" urge Yeltsin to undertake radical steps to end the vestiges of "economic totalitarianism" and accelerate the move toward a market economy.

Prisoners Evgeny Ogorodnikov and Alfred Sholenberg, both of Novosibirsk, call for an amnesty for all businessmen convicted of economic crimes, for legislation ensuring freedom for private enterprises and protection against official repression of commercial structures, and a radical restructuring of security, enforcement, and judicial organs of the Russian government.

Indeed, in October 1991, "TV Inform" reported that decrees on an amnesty for people imprisoned for "speculation" and "private entrepreneurship" — an estimated 127,000 people — had been prepared for the signatures of both the USSR president and Russian President Yeltsin. These people remain in camps and jails.

Ogorodnikov and Sholenberg claim that individuals engaged in commercial activity who do not come from the nomenklatura are subjected to persecution, including fabricated criminal cases. The Union of Councils for Soviet Jews and its Russian-American Bureau on Human Rights and Rule of Law have investigated a number of cases in which charges were pending against businessmen. In every case reviewed, the state had based its prosecution on Soviet criminal codes, which were rendered null and void with the creation of the Commonwealth of Independent States December 8, 1991.

The Union of Councils for Soviet Jews commends this violation of rule of law to the attention of CSCE member states, which includes in its membership the recently admitted Russian republic. It is of great concern that the newly democratic republic, while taking great strides at the behest of the IMF and other bodies, allows these activities to continue against its own citizens. The Russian republic should release all "economic prisoners," and its codes and regulations should be brought into full accord with a free market system.

May 1992

Union of Councils for Soviet Jews 1819 H Street, NW, Suite 230 Washington, DC 20006 (202) 775-9770

Soviet-American Bureau on Human Rights
Ulitsa Novoslobodskaya 14
Moscow
7-095-258-9467

SOCIETY FOR THE DEFENSE OF CONVICTED BUSINESSMEN AND ECONOMIC FREEDOMS

43-286, Guryanova St., 109388 Moscow, RSFSR Chairman: Viktor Sokirko Phone: 354-1321 Fax: (095) 354-1321

INFORMATION - 6 May 1992

SUPPORT THE PROPOSALS MADE BY TWO CONVICTED BUSINESSMEN FROM NOVOSIBIRSK, Yevgeni Ogorodnikov and Alfred Sholenberg

In their open letter to the RSFSR President Yeltsyn B.N. on 24 February 1992, they protest against the "campaign of repression launched by some law-enforcement officers in the prosecutor's offices and courts against the independent business entities who are not burdened by the load of previous nomenclatura careers. The most widespread method used to bring criminal action against them is to describe their business as theft of state and cooperative property, or bribe-taking or abuse of office. This method not only seeks to eliminate physically the most active reform-makers but to shape the public opinion and allow conditions for a new totalitarian regime.

In order to fight this ominous trend, the authors of the letter

suggest that the RSFSR President:

1. Adopt laws instituting freedom of business and ban the

repression of business entities;

2. Carry out a full and complete amnesty of imprisoned businessmen and economic leaders because the host of false "criminal cases" are impossible to review in a short time. The "cases" should later be studied for purposes of rehabilitation;

3. Carry out a drastic structural reform of the Russian lawenforcement bodies which should be based on respect for human rights."

The authors conclude: "Our intellect, professional knowledge, and leadership qualities should be put at the service of our homeland. We are confident that you, comrade President, would, with your customary decisiveness, restore legality and secure the rights and freedoms of people."

About the authors:

OGORODNIKOV YEVGENI FYODOROVICH, b.1958. Has two sons under eighteen years of age; formerly Deputy Director General of the Novosibirsk Industrial and Commercial Group. Sentenced by the Novosibirsk Regional Court on 8 October 1990 to 8 years of imprisonment under Article 173 (3) of the RSFSR Criminal Code. Ogorodnikov rejects the accusations as falsified. He insists that, the public interest would be better served if the action for which he is allegedly responsible (excessive cash payment for a shipment of fabric) be treated as a market transaction, not as a criminal bribe.

SHOLENBERG ALFRED EMANUILOVICH, b.1953. Married. Former President of the Progress Company and Deputy Chairman of the Soviet Germans Society, "Wiedergeburt." Arrested in October 1990 by KGB and convicted under Articles 93-1, 15-93-1, 15-78, 196 of the RSFSR Criminal Code for the theft of Siberian stag antlers, their smuggling, etc. The

review of his case by the experts of the Society did not reveal any apparent proof of criminal action. Sholenberg's case has been widely discussed by mass media. Nevertheless, in late April 1992 he was sentenced to a 7-year imprisonment term by the Novosibirsk Regional Court.

Taking into account the delays allowed by the Russian Parliament and the President in the amnesty of businessmen, Criminal Code review. changes in judicial practice, and procrastination with other legal reforms securing economic freedom, the Society for the Defense of Convicted Businessmen and Economic Freedoms asks Western human rights bodies to support this open letter, make it public and transfer it to government officials in respective countries concerned with human rights and respect for economic freedom. The Society asks them to employ all legal means possible to cause Russian authorities to be more decisive in the fight against economic totalitarian regime.

Chairman of the SDCBEF

Sokirko V.V.



The fate of Khaim "oiseyevich Olender, front-line soldier, twice sentenced to death for actually rationalization and highly useful activity, seems to be heroic now, when the society has realized the necessity to transfer to market and free economy. Olender's imprisonment is immoral nonsense. If the society strives for market and freedom. it cannot tolerate such people to be imprisoned. At last, Kh.M.Olender is 68 years old. 13 years of imprisonment left are to be treated as imprisonment for lifem extended sentence to death. We ask for taking it into consideration.

In the basis of the aforesaid we hereby approach you to make the protest in connection with the decision of the Court and to stop the case owing to lack of corpus delicti.

> V. V Sokirko signed

0 Russians +10.86

between two factories.

Those entrepreneurs who end up in prison find that business, in fact most work, is closed to them once they get out. ov, who was serving for hauling gravel ney get published this newspaper Last year, this newspal article about Payel Bulov

a 10-year prison term for hauling grave, between two collective farms in Ulyanovsk, and kilometers east of Moscow. Due to conditional, and a traine vocace.
send him back to the camps. After search-With his Bulov was freed. despite the clemency late efforts, remains

facts of Nikita Malakhov's cas the sweeping and dangerous power ussian police have over the nation' The

gone to trial gives him a hope for freedom, but it is a slim one. In many instances, critics charge, investigators simply-write a guilty verdict and judges go along, holding a brief show trial as a matter of course. Malakhov's case has

have to spend the next decade in a labor camp. If acquitted, he wants to return to his business, though his faith in Russia's future If Mr. Malakhov is found guilty, he will

"The first chance I get, I'll leave this country," Mr. Malakhov said. "If I can achieve something here under these inhuperhaps I conditions, is nearly gone. mane

Cutting the Deficit

-63 -

FRANKFURT

August and Russia initiated free

reforms, many expected an end to the persecution of business people that had been common in the Soviet. Union. But Russials, prisons are still filled with convicted entrepreneurs, with more-coming in.

An estimated 100,000 people are interned in the former U.S.S.R., the vast majority in Russia, many for practicing what would be normal commerce elsewhere.

Russian President Borns remaining a ministration may be vigorously building a ministration may and small-scale busibrutal Russian entrepreneurs still fear arrest and the b realities of an unreformed legal sys Despite talk of decriminalizing most the

ness practices, few expect laws and institu-

e. The government, while calling t economics, persecutes its entre-representing us as thieves and "What is being judged at my trial isn't my 'crime,' but the fact that I'm a representative of the 'new economy,'" Mr. Malakhov wrote to The Wall Street Journal to bi only guilty of believing and its laws and trying

RI518. V.SOKIRKO /Society for Defence of Convicted businessmen & Economic Freedom/.

Trial on Moscow businessmen.

At May 5, 1992 judge T.Savina send out of court's hall L.Malakhova and E.Dvorkina - mother and wife of defendants N.Malakhov and Y.Dvorkin for their attempts to give the defendants food in break-time of the court precess /the defendants as usial are getting very poor nutrition in the time of investigation and absolutely nothing in the time of trial/.

In February in the beginning of trial the judge order to close for public and media the hearing in the court. In March the hearing

was temporary open but in May it closed once again.

This is normal practice today to close hearings for public and media for so call 'economical criminals'.

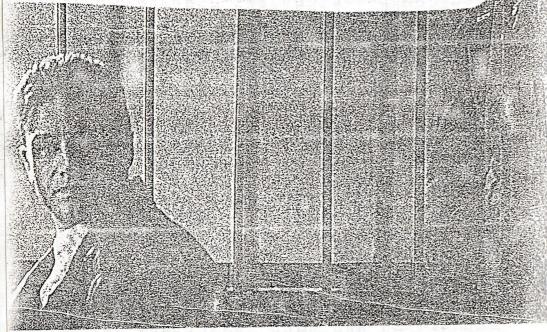
DEFENDANTS: N.Malakhov - director of the company 'PROTEX', Y. Dvorkin - director of the company 'TEMP', M. Vinogradov president assosiation 'SOUZPROM' are staying in cells one year and half. They are serious ill, especially Malakhov.

All attornies of defendants demanded to stop the criminal case due to lack of criminal basis in the case. It was supported by

-- More --

Society for Defence of Convicted Businessmen & Economic Freedom. All 'crimes' of the defendants are normal economical actions. ordinary usage of credit, getting cash from their legal accounts,

That juridical nonsence is a typical example of current practice in russian courts. It is clear repressions of independent businessmen.



ezed Sholenberg in Prison





Intervention in Working Group III J. Sherwood McGinnis United States Delegation REVENGE, RETRIBUTION, AND REHABILITATION: MAKING WRONGS RIGHT IN FORMER COMMUNIST COUNTRIES 14 May 1992

Mr. Chairman, during the past few years, several common themes have emerged in our human dimension discussions within CSCE meetings. Perhaps first and foremost, the subject of free and fair elections commanded our attention as voters marched to the polls in Europe and Central Asia, sometimes for the first time in decades, sometimes for the first time ever. Constitution-drafting has likewise emerged as a focal point of our interest, as countries struggle to find a coherent framework in which to anchor the rule of law. There is another theme which I would like to address today, one that has emerged in many countries and yet remains diverse in its specific manifestations. That is the process of making wrongs right in former communist countries.

It has been said that human rights can only be protected in a society where those who have violated the norms of society are brought to justice. And the desire to hold accountable those responsible for violating the inherent dignity of human beings is a deeply compelling force. Not surprisingly, then, from Central Europe to Central Asia, governments are confronted with the dilemma of trying to undo the wrongs of former repressive regimes on the one hand, without degenerating into a new cycle of revenge and hatred on the other. Clearly, what is needed is a balance between a legal system that protects society as a whole and, at the same time, protects the individuals which comprise it. Finding justice in these times of transition will be one of the greatest challenges facing many emerging democracies.

During a recent trip to Kazakhstan by the U.S. Helsinki Commission, for example, representatives of the local Helsinki Watch group described the plight of many people still imprisoned for economic crimes under old laws and according to old procedures, with sentences that would be considered unreasonable today. In fact, Kazakhstan is not alone in facing this problem. Just a few weeks ago, we read about the case of Nikita Malakhov, a Russian who was imprisoned in 1990 for arranging a corporate credit transaction--something which would be considered a normal business practice today. Another case is that of Mark Glizer of Moscow, who has been in investigative custody for ten months under charges of "speculation" -- in his case, helping to arrange the private sale of an automobile. According to Mr. Glizer's lawyer, he is being charged under a Soviet "speculation" statute going back to October 1990, even though "speculation" has been dropped from the Russian Criminal Code and article 11 of the Charter of the Commonwealth of Independent States rendered invalid the laws of the old Soviet

Union. In fact, there may be tens of thousands of people interned in the Republics of the former Soviet Union for such crimes.

Paying the price

BY JENNIFER GOULD

DZERZHINSKY — Inside the iron gates of a crumbling prison yard near Moscow walk hundreds of vomen. Three link arms and sing, their high-pitched voices sweet and desperate in the cold grey air. Others look down to their brown wool

look down to their brown wool tights, scarfs wrapped taut round the somber blue of their uniforms.

One of the women is Alevtina Gulyolova, a 51-year-old babushka with bright pink lips and a face stenciled in pain. Like the other 800 inmates at the Colony of Ordinary Regime No. 5. Gulyalow his com-Regime No. 5, Gulyolova has committed a crime. But trapped like a character in a Milan Kundera novel, Gulyolova is serving time for breaking a law that no longer exists.



should finish serving their sentences because they broke the oldlaw, oth-ers believe differently. Alexander Yakovlev, a legal spe-

cialist at the Institute of Law and Government, said prisoners jailed for former economic crimes should be freed immediately, since Yeltsin

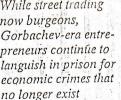
issued his Jan. 29 decree legalizing the buying and selling of most goods. "If they are still kept in prison, this is a direct violation of law, and a case for a prosecutor to deal with,"
Yakovlev said.

Until the situation is resolved, Gulyolova — and some 20 other women at prison No. 5 — will remain in jail. Knowing that the crimes they committed are no longer crimes has only intensified their pain.

"It's very upsetting for them to watch television and read letters," said deputy prison director Lydia Pustavoit. "They understand what's

Pustavoit. "They understand what's going on, and I personally think that if you give freedom, you should make steps towards it here too."
"Of course, I feel pity for them, but we can't do anything for them," Pustavoit added. "We can listen to them but we can't help them. We

While street trading now burgeons, preneurs continue to no longer exist





Irina Gulyaeva: living in prison is "just a big gap, Maybe something like fog."

body is selling openly — and the police are even guarding them and protecting them," she says. Tvatenkova, a furniture seller.

they do with most convicts, the police confiscated Tyatenkova's apartment and most of her possessions, includ-ing her car. TV and tape recorder.







Tamara Tyatenkova, 51

furniture seller. In 1990 Tyatenkova was sentenced in 1990 Lyatenkova was sentenced to six years in jail for selling three pairs of boots the bought in a state master. Her total practices the deal was 1990 robles. Tyatenhova's sentence, sarefar speculation, was recently reduced with three years.

In 1986, Gulyolova was caught selling 10 pairs of Yugoslavian underwear. Her profit, which she says was to belp send her daughters to pioneer camp, was 60 rubles. For that and similar deals, the courts found her guilty of speculation - a crime under Soviet law - and sentenced her to seven and a half years

The world has changed since Gulyolova was put behind bars. The country whose laws Gulyolova violated has been transformed. In late January, private trade was legalized. Kiosks have mushroomed across Moscow, and thousands of people are flocking to the streets to hawk their wares. Lost in the commercial frenzy are an estimated 27,000 people like Gulyolova, the forgotten vic-tims of the new freedoms and arbi-

tims of the new freedoms and arbitrary chaos of Russian President
Boris Yeltsin's reform government.
"They don't think about us,"
Gulyolova says grimly. "Nobody
cares that we are still sitting here."
Yeltsin has appointed a commission to investigate the situation, but
no one knows if, or when, such prisoners will be released, said St. Peters
burg Mayor Anatoly, Sobchak, who
recently discussed the issue with
Valtein, Sobchak is not a member of Yeltsin. Sobchak is not a member of

the commission.

"This question has come up a lot lately, and it will keep coming up." he said in an interview on Friday. While some say the prisoners

t help send their pellidons.

One chilly day last week, Gulyolova and some cell-mates gathered in the prison colony's best room to talk about their problems. The relaxation about their problems. The reinkatum room in the psychiatric building is surprisingly soothing. Filled with plants, theory ye flow curtakes and the methodic chirpling of capnel broat, the toom puts the supervisors' brown and yellow offices to shame.

and yellow offices to shanns.

The women sit around a wooden table; hair pulled back, their faces as freshly acrubbed as the barren floor. In a rush to tell their stories, eyes well and tears flow.

"The common people are sitting in jail for commerce that they're doing everywhere on the streets,"

Gulyolova cries.
Tamara Tyatenkova, 51, agrees. She is serving a three-year sentence for selling three pairs of boots for a profit of 390 rubles.

"I was sent a letter saying every-

ild she never expected to get arrested. But a woman who pretended to buy a pair of boots turned her in. As



Alevilna Gulyolova, 51

ambulance dispatcher.
In 1986 Gulyolova was caught selling ten pairs of Yugoslavian under-wear. Her profit, which she says was to help send her two daughters to pio-neer camp, was 60 rubles. Charged with speculation for that and similar deals, Gulyolova was sentenced for seven and a half years.



Alevtina Gulyolova: "I wasn't speculating. Speculation and commerce are two different things." .

tences as killers," she adds. "Isn't there any difference between killing a person and selling goods?"

Tyatenkova's sentence was recently reduced from six to three nars, although prisons officials had appel is would be thrown and sho

"We're not the possessment," and one local prison administrator, who did not word to be assered. "We try to help by he'ping with petitions, but that's all we condo." While this is Tyatenkova's first clash with police, Gulyolova, an ambulance, dispatcher, had been

warned about speculation a year before being arrested.

before being arrested.

"I went to sell goods at the market. But I didn't give any money to the police, so they arrested me,"
Gulyolova says, her voice raising, three gold teeth shining, "I brought personal things, shoes and my daughters dees." ter's dress."

"My husband was in the hospital and I wanted to send my girls to pio-neer camp," she says. "I wasn't spec-ulating. Speculation and commerce

are two different things."

Irina Gulyaeva, 42, is serving an even longer sentence — nine years for speculation and hard currency charges. A former Aeroflot stew-ardess, Culyaeva was investigated by the KG!: and arrested in 1985.

A review of Gulyaeva's dog-eared

but oils wise chillingly inconspicu-ous file was that she was charged og hard currency from ardesses and buying and other s omers argueses and ouying and selling, sand other goods for profit. According to the file, Gulyaeva was chaw the making a profit of 89,312 to the between 1977 and 1985.

"i was just investing my own mon y to buy I ard currency," she

says through sight tears.

Lest fall, Geganeva had a chance i's changing economto wincss Rus ic pol cies first and during a visit with her sister i Moscow. The visit



Irina Gulyaeva, 42, Aeronol slewardess

Culyares to service o Gudyaers is serving a time and a buf your sentence for visioning special lation and hard survey regulations. Gudyaers was charged in 1985 for buying hard currency from other stewardence, and buying and selling cars and other goods for a total profit of 89,312 rubles.

was part of a national experiment to give prisoners in six prison colonies a 12-day holiday each year.

"It was hard to see everything so new," Gulyaeva says. "I was confused so much — so many years weren't free."

Now, she says, living in prison is

"just a big gap. Maybe something like fog."

Local prison officials sympathize with these cases, and do what they can. That means helping Gulyaeva and others write petitions to the appropriate authorities. But while appropriate authornies. But while Pustavoit, the deputy prison director, said she supported Gulyaeva's peti-tion, the prison has yet to hear a response from an appeal written in October 1001

October 1991. "Of course I don't feel comfortable in front of them," said Pustavoit, in a military green prison uniform and high heeled boots. "We speak with lawyers and deputies to speed up the legislation, but we personally can't set people free. I don't know why they just don't make new laws."

Gulyolova says she doesn't know either. But there's one thing she is

sure of.

"A lot of families have been broken here," she said, "but I will fight for complete rehabilitation until the end of my life."

HEI.SINKI

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April 14, 1992

Nikolai Vasilyevich Fyodorov Minister of Justice 101434 Moscow Ulitsa Ermolovoy, 10a

Dear Mr. Fyodorov,

Helsinki Watch, an independent, non profit organization that monitors human rights, is deeply concerned about the fate of individuals serving prison terms under article 154 of the Russian Criminal Code, which deals with speculation. Since President Boris Yeltsin's decree of January 29 ("On Free Trading") fully sanctions buying and selling for profit, precisely the terms employed in article 154 to describe speculation, there is no substantive legal basis for the continued detention of these individuals. The acts for which they were convicted now enjoy full legality.

According to data kindly provided by the Ministry of Justice, at least 17,261 persons have been convicted since 1989 under article 154, including 5,463 in 1991. Unfortunately the Ministry could not specify how many individuals are currently serving prison terms or administrative penalties under article 154. We further learned that no individuals were released as a result of President Yeltsin's decree.

The Russian Criminal Code (article 6) and international human rights law recognize the retroactive effect of a law establishing a criminal penalty that is less severe than a corresponding law preceding it. The January 29 decree, which has the full force of law, does not reduce a penalty, but rather legalizes activity that previously was subject to criminal or administrative punishment. The fact that the Russian Criminal Code has not yet been amended to take this decree into account does not remove the Russian government's responsibility to respect the decree's retroactive force. It is therefore the duty of the Russian government to uphold Russian and international human rights law and to release individuals detained or serving administrative punishments under article 154. Their continued detention is a violation of their rights guaranteed by both Russian and international law. It is an outrage that their freedom depends on the amending of the Russian Criminal Code, a process whose duration is, at best, unforeseeable.

We urge in the strongest terms the speedy and complete release from criminal and administrative punishment of those individuals convicted under only article 154.

Yours sincerely,

gisi dasin

Jeri Laber

Executive Director

Helsinkl Watch is an affiliate of Human Rights Watch Robert L. Bernstein, Chairman * Adrian W. DeWind, Vice Chairman * Arjeh Neier, Executive Director Kenneth Roth, Deputy Director * Holly J. Burkhaher, Washington Director Helsinki Watch is a member of the International Helsinki Federation for Human Right

-16-



BAILINTH ОСУЖДЕННЫХ! хозяиствеников и 3KOHOLETTECKICK

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

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

TO THE HEADS OF THE GOVERNMENTS OF THE

FEDERAL REPUBLIC OF GERMANY. UNITED STATES AMERICA. AUSTRIA BELGIUM BULGARIA, CANADA, CYPRUS, DENMARK SPAIN. FINLAND, FRANCE, GREAT BRITAIN , GREEGE, 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 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

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.

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DOCUMENT OF THE BONN CONFERENCE ONIC CO-OPERATION IN EUROPE CONVENED IN ACCORDANCE WITH THE RELEVANT PROVISIONS OF THE CONCLUDING DOCUMENT OF THE VIENNA MEETING OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE

The representatives of the participating States of the Conference on Security and Co-operation in Europe (CSCE), Austria, Belgium, Bulgaria, Canada, Cyprus, Czechoslovakia, Denmark, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Spain, Sweden, Switzerland, Turkey, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia met in Bonn from 19 March to 11 April 1990, in accordance with the provisions relating to the Conference on Economic Co-operation in Europe contained in the Concluding Document of the Vienna Follow-up Meeting of the CSCE. Delegations included members of the business community.

The Conference was opened and closed by the Minister of Economics of the Federal Republic of Germany.

The President, the Chancellor and the Deputy Chancellor and Minister for Foreign Affairs of the Federal Republic of Germany addressed the Conference.

At the opening and concluding plenary meetings statements were made by delegates of the participating States, among them Prime Ministers. Vice Prime Ministers, Ministers, State Secretaries and the Vice-President of the Commission of the European Communities. Contributions were made by the Executive Secretary of the United Nations Economic Commission for Europe (ECE) and the Secretary General of the International Chamber of Commerce (ICC).

The participating States welcome the fact that members of the business community gave the Conference the benefit of their practical experience, thus contributing to its success.

Having in mind the aim of the Conference to provide new impulses for economic relations between participating States, in particular by improving business conditions for commercial exchanges and industrial co-operation and by considering new possibilities for, and ways of, economic co-operation;

Meeting at a time of profound and rapid change.

The participating States,

Confirm their intention to shape a new order of peace, stability and prosperity in Europe based on the comprehensive and balanced concept set out in the Helsinki Final Act and the subsequent documents of the CSCE, and resolve to respect all the principles of the Final Act and to implement all the provisions of the CSCE documents;

Reaffirm the fundamental role of the CSCE in the future of Europe;

Recognize that democratic institutions and economic freedom foster economic and social progress;

Share the common objectives of sustainable economic growth, a striking standard of living, an improved quality of life, expanding employment, efficient use of economic resources and protection of the environment;

Believe that co-operation in the field of economics, science and technology and the environment is an essential element in their overall relations, and that it should become even more prominent in the future;

Resolve to work together to expand their co-operation in that field . and to enhance the growth of their economies;

Believe that the success of their co-operation will depend in large measure on prevailing political and economic conditions;

Stress the importance of the political and economic reforms taking place, and of a supportive international economic environment, recognize the particular economic interests and concerns of countries as they achieve a market economy, and acknowledge other difficulties, such as indebtedness, which are to be dealt with in the competent fora;

Consider that the process of economic reform and structural adjustment, with increased reliance on market forces, will enhance economic performance, improve efficiency of the public sector, respond better to the needs and wishes of consumers, improve the conditions for closer co-operation and contribute to a more open world trading system;

Believe that increased integration of all participating countries into the international economic and financial system, in accordance with the internationally recognized rules and involving the acceptance of disciplines as well as benefits, will also facilitate economic cooperation;

Value the important roles of existing multilateral economic institutions and mechanisms;

Consider that increased emphasis on economic co-operation within the CSCE process should take into account the interests of participating States that are developing from an economic point of view and should not detract from development co-operation with, including assistance to, concerns redeveloping countries;

Recognize that the performance of market-based economies relies primarily on the freedom of individual enterprise and the consequent economic growth;

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Believe that economic freedom for the individual includes the right freely to own, buy, sell and otherwise utilize property;

Confirm that, while governments provide the overall framework for economic activity, business partners make their own decisions;

Consider that the progressive convergence of economic policies among the participating States opens new long-term perspectives for the strengthening of their economic relations.

Accordingly the participating States,

Recognizing the relationship between political pluralism and market economies, and being committed to the principles concerning:

- Hultiparty democracy based on free, periodic and genuine elections;
- The rule of law and equal protection under the law for all, based on respect for human rights and effective, accessible and just legal systems;
- Economic activity that accordingly upholds human dignity and is free from forced labour, discrimination against workers on grounds of race, sex, language, political opinion or religion, or denial of the rights of workers freely to establish or join independent trade unions,

Will endeavour to achieve or maintain the following:

 Fiscal and monetary policies that promote balanced, sustainable economic growth and enhance the ability of markets to function efficiently;

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-22 -

- International and domestic policies aimed at expanding the free flow of trade, capital, investment and repatriation of profits in convertible currencies;
- Free and competitive market economies where prices are based on supply and demand;
- Policies that promote social justice and improve living and working conditions:
- Environmentally sustainable economic growth and development;
- Full recognition and protection of all types of property including private property, and the right of citizens to own and use them.
 as well as intellectual property rights;
- The right to prompt, just and effective compensation in the event private property is taken for public use;
- 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,

Have come to the following conclusions:

- A. Development and diversification of economic relations
- 1. The participating States wish to create favourable conditions for a harmonious development and diversification of their economic relations based on internationally agreed rules and practices. They therefore agree to improve business conditions, facilities and practices for each other's firms in their respective markets, based on freedom of establishment. They agree to permit and encourage direct contacts

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between businessmen at all levels of commerce and stages of industry and end-users. To that end they will, in accordance with their relevant commitments undertaken in the CSCE process, facilitate the prompt entry, stay and free movement of businessmen in their territory; the participating States will facilitate, on a non-discriminatory basis, the establishment and operation of business offices and firms in their territory, including the renting and purchasing of commercial premises and housing, the acquisition of equipment and transport facilities, access to telecommunications, utilities and social services, the carrying out of audits as well as the unhindered recruitment of local staff required by firms. They encourage direct contacts between representatives of commercial and business organizations and economic institutions. The participating States stress that expeditious processing/treatment of goods and persons at international borders stimulates international trade and they will therefore make their borders more open for that purpose. They also stress the importance of trade facilitation and electronic data interchange for their trade relations.

- 2. The participating States resolve to publish and make available comprehensive, comparable and timely economic, commercial and demographic information as a basis for economic research, co-operation and efficient conduct of business relations. To that effect they will provide the United Nations Trade Data Bank (COMTRADE) with up-to-date trade figures to at least the three-digit level of the United Nations product classification (SITC-Rev.2). They will also publish detailed, comparable and up-to-date data on balance of payments and gross national product statistics on at least an annual basis as a step towards their integration in international economic activities. They stress the need for national statistics and accounting systems to conform with international standards.
- 3. The participating States will, in order to facilitate and promote economic co-operation, undertake comprehensive co-operation between their respective statistical services in the bilateral and multilateral

-74-

context. The priority areas for such co-operation are the statistics on external trade, capital movements, employment, transport, foreign tourism, environment, energy and other raw materials such as forestry and mineral products and industrial production in addition to other major components of national production and national income accounting. The object of this co-operation is to exchange detailed and complete information on relevant statistical elements available and the techniques and methodology employed, and to correlate statistical data with the aim of achieving comparability of such statistics among participating States. In view of this aim, the participating States welcome a further development of the work of relevant organizations, notably the ECE, regarding statistics.

- 4. The participating States recognize the particular importance of small and medium-sized enterprises in their economic co-operation.

 These enterprises will benefit particularly from improvements in the business environment and the strengthening of market forces.

 Participating States will therefore pay special attention to the creation of a competitive business environment conducive to the development of SMEs. To that end they will endeavour to provide the appropriate economic, legal, banking and fiscal conditions that take account of the specific requirements of SMEs. They will strengthen information channels and networks and encourage dialogue and the exchange of expertise between the interested parties, including public authorities, representatives of business and other public and private; agencies providing services to business.
- 5. The participating States are prepared, insofar as the appropriate conditions exist, to provide support for the SME sector by promoting: business co-operation networks, which facilitate the search for business partners; access to information services, including publications and databanks; management and expert training and information on availability of technical know-how and innovations.

- 6. The participating States confirm the importance they attach to marketing and product promotion as a means of developing trade and industrial and economic to operation among themselves. They will therefore encourage trade promotion activities including advertising, consulting, factoring and other business services, and the organization of seminars, fairs and exhibitions. They favour the conduct of market research and other marketing activities by both domestic and foreign firms on their respective territories.
- 7. The participating States recognize the importance, for the economic process, of the development of the human potential. They therefore recognize the value of co-operation in training programmes for managers and specialists in marketing, product promotion and other fields. Insofar as the appropriate conditions exist, such programmes will be held both in host countries and in countries of origin, and under the aegis of vocational training establishments or of companies either in the context of industrial co-operation projects or within ad hoc programmes. They express the view that the operation of relevant bodies, e.g. the European Training Foundation, can contribute to improved co-operation in this field.

B. Industrial co-operation

1. The participating States note that the economic, fiscal, legal and social infrastructure and the political conditions in their countries determine the extent to which the various forms of industrial cooperation including joint ventures and other means of direct foreign investment can be envisaged. Each participating State will assess its possibilities and interests with a view to creating favourable conditions for industrial co-operation. They are aware that such cooperation, based on freedom of establishment and non-discriminatory treatment of different types of ownership including private property,

will have a positive influence on managerial and technical know-how, the extent of investments, the quality of production, the exchange and application of technology and marketing opportunities.

- 2. The participating States recognize the importance of protecting industrial, commercial and intellectual property rights for their cooperation in both trade- and research-related aspects. They will ensure adequate and effective protection and enforcement of industrial, commercial and intellectual property rights, including by fully observing international commitments, and will encourage appropriate arrangements among themselves. They will provide natural and legal persons of other States with guarantees of these rights, including non-discriminatory procedures for their acquisition and access to their courts and appropriate administrative bodies.
- 3. Among the conditions for the development of industrial co-operation the participating States emphasize the need for market-oriented and stable economic policies, an appropriate and reliable legal and administrative framework, consisting of such elements as: fiscal, competition, bankruptcy, and insolvency legislation; company laws; arbitration procedures (taking due account of the UNCITRAL model law and other relevant arrangements); protection of industrial and intellectual property rights; investment protection in nationallegislation as well as in the framework of multilateral and bilateral agreements; free transfer of capital and profits in foreign currency; accounting systems; a free flow of economic data and market information; business facilities; and entrepreneurial autonomy.
- 4. Possible forms of industrial co-operation, such as co-production, specialization, subcontracting, licensing agreements, joint ventures and other forms of investment, will be decided by firms according to the conditions existing and the nature and the objectives of the co-operation.

- 5. The participating States recognize the importance of comprehensive information on all legal provisions of host countries for foreign investment, joint ventures and other forms of co-operation, including those concerning foreign staff. They encourage host countries to make this information readily and widely available in an up-to-date form.
- 6. The participating States are prepared, insofar as the appropriate conditions exist, to foster a favourable climate for investment and the different forms of industrial co-operation, on a non-discriminatory basis, notably by concluding further agreements on avoidance of double taxation and bilateral and multilateral arrangements for investment promotion and protection, with particular reference to the transfer of profits and repatriation of invested capital. In this respect the establishment of measures to support economic development through investment (e.g. industrial parks developed by the host country, tax policies and practical assistance) may be of interest. They encourage a greater exchange of information on industrial co-operation opportunities for interested parties by such means as the holding of business weeks. The participating States agree on the importance of standardization and certification in improving their economic relations; to this end they envisage mutual exchange of information, greater co-operation within existing multilateral organizations and, where appropriate, technical assistance.

C. Co-operation in specific areas

- 1. The participating States, while acknowledging the role of governments in creating favourable framework conditions, recognize that the initiative of the enterprises directly concerned is of paramount importance in bringing about co-operation in the specific areas covered by this chapter.
- 2. The participating States consider that they should extend and deepen their co-operation in the field of energy and raw material saving techniques. To that end they favour the marketing of energy conservation and raw material saving technologies and will promote

increased energy efficiency. The participating States will also cooperate bilaterally and multilaterally in the field of hydrocarbon
technologies, solid fuels and renewable energies and processes for the
separation of waste components and their recycling and upgrading. They
will also co-operate, e.g. through the International Atomic Energy
Agency, in the field of nuclear energy and of the safety of nuclear
installations in accordance with their energy policies.

- 3. The participating States are prepared to exchange information on energy and raw material saving techniques and, insofar as the appropriate conditions exist, to co-operate in the establishment, operation and utilization of European databases in the field of energy, to undertake joint projects to measure energy-combustion-related environmental pollution, to enhance energy efficiency by means of substitution of energy products and to promote professional training in energy-saving techniques.
- 4. The participating States note the increasing importance of environmental issues in the context of their economic co-operation. They recognize that it is vital to ensure the environmental sustainability of economic development. They acknowledge the significance of international economic co-operation aimed at securing amore efficient use of energy and raw materials. They will also endeavour to strengthen co-operation in the field of environmentally sound technology.
- States agreed on the enhancement of scientific and technological cooperation, including the enorange of information on best available
 technologies for improved environmental protection, industrial safety
 and emergency response. The participating States consider that among
 the areas for co-operation are pollution monitoring, major technological
 hazard and accident prevention, assessment of chemicals, treatment and
 disposal of toxic and dangerous waste, as well as prevention and
 reduction of air and water pollution, especially that of transboundary

watercourses and international lakes, and transboundary pollution caused by energy production, conversion and consumption. The participating States recognize the importance of the ECE and UNEP for the promotion of co-operation in the field of the environment.

- 6. The participating States are prepared, insofar as the appropriate conditions exist, to take the necessary steps in order to stimulate the exchange of know-how, to promote the wider adoption of environmentally sound technologies and to create demonstration projects in the field of environment. Subsequent co-operation in environmental technology should, in principle, be carried out on a commercial basis. Governments should encourage the application of such technology and set adequate emission standards and promote public awareness. The participating States would welcome improved arrangements for gathering and disseminating information on cleaner technologies. They note the important role which information networks for environmental technology transfer could play in promoting the development and application of environmental forecasting techniques and the exchange of information on the best technology available for preventing damage to the environment, the possibilities of overcoming hazards due to accidents in industrial works and the rational use of natural resources without disturbing the ecological balance. In this context they recognize the valuable contributions of global and regional organizations such as UNEP, ECE and the European Environment Agency.
- 7. With a view to improving the quality of life the participating States attach priority to techniques designed to promote the health and safety of their populations. They intend to co-operate in assessing the impact of environmental stress on the population by exchanging relevant data on the effects of environmental pollution. They also consider it important to create the conditions enabling the various elements which contribute to an improved quality of life to be developed.
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- 8. The participating States affirm the importance of co-operation in agro-industry and food processing, including natural food production, and welcome increased commercial relations in this field. They will facilitate joint research, training and exchange of know-how as well as the promotion of contacts between potential partners, especially small and medium-sized enterprises.
- 9. The participating States welcome efforts to promote co-operation among business enterprises producing machinery for the production of consumer goods as a means of responding to the needs of consumers. They stress the importance of increasing co-operation in the consumer goods sector and will encourage greater access to potential consumers of products. In this context, they note that conversion from military to consumer production may give rise to new business opportunities.

10. The participating States recognize that effective town planning can help to redress urban problems causing a substantial deterioration in the quality of life by striking a balance between economic development and environmental protection as well as ensuring the possibility of citizens to freely take part in economic, political, social and cultural life. They will promote closer co-operation, and encourage the exchange of information on town planning, including infrastructure (e.g. transport), housing construction, protection of monuments and restoration of the architectural heritage. They will also encourage the exchange of information on, and new approaches to, the economic adaptation of structurally weak regions and the alleviation of environmental damage in urban areas.

D. Monetary and financial aspects

1. The participating States consider that the introduction of undistorted internal pricing is essential to economic reform and a necessary step to currency convertibility. They recognize that both are important for economic development and for increased economic cooperation. They agree that progress towards full convertibility and efficient allocation of resources requires a functioning price mechanism which reflects market-determined and undistorted domestic costs. —31—

hou use the place (consumer preferences and international prices. The participating States affirm that currency convertibility forges an efficient link between domestic and foreign price systems capable of transmitting adequate price signals for the allocation of resources inside and outside the country, reflecting international competitiveness. Special attention will thus have to be given to the appropriate level of exchange rates in terms of market-determined prices and other convertible currencies. The success of currency convertibility depends largely on the timely and coherent implementation of measures aimed at developing a market economy which should be underpinned by sound fiscal and monetary policies.

- 2. The participating States are prepared, insofar as the appropriate conditions exist, to co-operate in establishing conditions for an efficient price mechanism and for progress towards convertibility. This could involve fields such as reform of the banking system, introducing a money market, reform of the investment laws, transformation of public enterprises, taxation, structural adjustment policy, organization of a labour and capital market as well as a foreign exchange market and setting up of the legal framework for introducing convertibility. It could also embrace the establishment of statistics which are essential for creating and maintaining stable monetary and financial conditions and for guiding economic policy.
- The participating States acknowledge that a market-oriented financial system facilitates the expansion of economic co-operation and that financial instruments play an important role in that context.

 While, in the period of transition to a market economy, public financial support to well-defined projects can serve as a multiplier in the framework of economic reforms, such intervention should not distort the emerging market mechanisms. The participating States agree that capital from private sources will progressively become the principal source of external finance.
- 4. The participating States look forward to the successful conclusion of negotiations to establish the European Bank for Reconstruction and Development (EBRD). They are prepared, insofar as the appropriate conditions exist, to co-operate through the EBRD and other multilateral financial institutions. Furthermore, they agree to foster a favourable climate for investment, notably by bilateral and multilateral arrangements for investment promotion and protection. They also agree to facilitate the provision of technical advice and expert training in improving management skills and setting up market-based financial mechanisms and credit rating systems.

In view of the profound and rapid changes taking place in Europe, and wishing to maintain the valuable momentum built up at the present Conference, the participating States are of the opinion that further ways to strengthen their co-operation in the field of economics, of science and technology and of the environment should be considered. They suggest that the next follow-up meeting or any other main CSCE meeting at the appropriate level examines the possibilities for expanding and intensifying economic co-operation, including through meetings within the CSCE aimed at periodic review of progress and providing new impulses for economic relations among participating States.

Furthermore, the participating States recognize the increasing importance of the different existing international economic institutions in promoting economic co-operation in their fields of competence. In this respect they see a need for discussion of the specificities and longer-term issues of economic changes and reforms in the participating States and related problems of co-operation among them and to share experiences. To this end, they invite the ECE, in view of its annual session, to develop practical measures in priority areas. They invite the OECD to consider hosting meetings of experts from the CSCE participating. States and OECD member States to promote the process of economic reform. They recommend that the objective of such undertakings is full integration of the reforming countries into the international economic system. They also consider it important that the expertise and experience of the ICC be fully utilized. The participating States suggest co-ordination among the different existing international economic institutions to avoid duplication and to ensure the maximum effectiveness of their work.

As set out in the Concluding Document of the CSCE Vienna Meeting, the Conference on Economic Co-operation in Europe has been attended by representatives of the participating States and of the business community. The informal discussions held in the course of the Conference have led to comments and suggestions by representatives of the business community. A summary of these comments and suggestions is to be found in the Journal of the day.

The representatives of the participating States express their profound gratitude to the Government of the Federal Republic of Germany for the excellent organization of the Conference and the warm hospitality extended to the delegations which participated in the Conference.

OCTAPLIN AUCCUAEHT 50P03ALI HE UCHOPTUT

ыкаил КРУШИНСКИЙ, адимир СВАРЦЕВИЧ, ото), «Известия»

За пять дней голодовки предедатель Общества защиты осуценных хозяйственников и кономических слобод Виктор мадимирович Сокирко сделал ва наблюдения: 1) большинстграждан, проходящих мимо оссийскоге Белого дома, соувствуют идеям иемедленной спистни осужденным в разные

Mr. Sergei Kovalyev Member of Parliament The White House Moscou, Russia

Dear Mr. Kovalyev:



We respectfully request that you forward the following message to Victor Sckirko who has been at his "Post Sovesty" cutside the Russian Parliament building.

victor Vladimirovich Sokirko

The Union of Councils for Soviet Jews, its 100,000 members in the United States and its Moscow-based International Bureau on Human Rights, wish to convey their solidarity with you in your struggle for freedom are ammesty for those convicted of economic crimes under laws that are no longer unheld.

Although we are many miles away, we stand with you in your weekslong humper strike and vigil on behalf of those accused on the basis of antir ated, anti-free market legislation from the era of stagnation and your efforts to secure their release.

We support your brave activism and your work toward advancing real free market economic reform and democracy in Russia and the other states which formerly comprised the Soviet Union.

Pamela Braun Cohen Netional President

Micen H. Naftalin Natio al Director

Leonid Stonov Chairman, International Bureau on Human Rights

Dime Kalmanson Director, Internatioal Bureau on Human Rights

CC: Irina Rombe, Committee of Wives and Mothers of Arrested Businesspeople
A.F. Vladyshevsky, Cociety for the Defense of Convicted

(17) The Party Economic Freedom

Ladies and Gentlemen!

The entrepreneurs of Russia have proceeded to create The Party of Economic Freedom.

1. Economic freedom of all the citizens;

2. The transfer of property from the State to its citizens;

3. Just forms of transfer of property from the State to its citizens, creating equal initial possibilities for all citizens;

4. Economic and political stability:

5. National harmony;

6. Social ensurance of citizens:

7. The priority of new efficient economy.

The social basis of the party are citizens of new economy farmers, entrepreneurs, employees of commercial, private and joint stock companies, intelligentzia, as well development of the independent market economy.

The Party's nearest objectives are:

 Creation of highly professional staff structure of the Party in Moscow and in all the regions of the country:

2. Establishment of regional branche's councils, consisting of entrepreneurs, financing the Party's activities, public figures, economists and lawers. The objectives of the councils will include the managing of the regional branches of the Party;

3. Attraction of supporters of The Party by means of propaganda of the ideas of economic freedom of citizens and The Party's program;

4. Preparation for local and governmental elections Selection, nomination, preparation and support of The Party's candidates;

5. Organization of collections of financial means for The . Party's activities:

6. Propaganda of ideas of The Party of Economic Freedom by means of mass media and by holding training and information seminars, humanitarian actions.

Assistance by experience in political activities as well as financial support for The Party of Economic Freedom would be much appreciated.

If You are willing to render financial support only to humanitarian, informational and training activities money should be remitted to the Fund of Economic Freedom.

The Party of Economic Freedom:

To account N 01-00782-001-00 of IBEC in CRED LYONNAIS. NEW YORK in favour of Russia's National Commercial Bank for A/O "Fact", for Party of Economic Freedom.

The Fund of Economic Freedom:

To account N 01-00782-001-00 of OBEC in CRED LYONNAIS. NEW YORK in favour of Russia's National Commercial Banc for A/O "Fact". for Fond of Economic Freedom.

CHAIRMAN of The Party

K. BOROVOY

The Party of Economic Freedom contact telephones: 262-24-01, 262-98-36.

fax 923-13-42

-35-

CRIME AND PUNISHMENT



He served five years and was pardoned only a few days ago thanks to solicitations by his relatives and the Society in Defence of Convicted Economic Managers headed by Viktor Sokirko. Leonid at 35 already has gray hair and is still considered an especially dangerous criminal. Sitting in front of me was a person whom the country had isolated for so long. For what crime?

ROYAL HUNT

Once upon a time there lived an ordinary person. He graduated from an institute and worked, but felt uncomfortable with his inability to provide properly for his family. When on leave, he would join a team of moonshiners tomake a little extra money.

That was the way he lived until he came to a sudden understanding that it was no longer possible for either him or us to live that way. He formed a team of construction workers and started building roads and private summer cottages.

romed a team of construction workers are started building roads and private summer cottages.

By the time Leonid Shpigel turned 29, his team had earned their first million. Leonid drove a small Zaporozhets (the cheapest model of Soviet-made cars—Ed.), though he was in a position to buy a Mercedes. He lived in a shabby flat and spent money on expanding his business, reluctant to be a fakir for an hour.

No matter what construction project he began, its first visitors were people from the Socialist Property Embezzlement Investigation Department, and each time they were struck by Shpigel's meticulous accountability for every nail, for every brick laid in the foundation, and for every rouble he had spent. Order prevailed among his workers. Drinkers went on the wagon because even they came to understand that their time was money. Workers bought cars, their families purchased apartments, and their customers held housewarmings in their new summer cottages.

tomers held housewarmings in their new summer cottages.

The team built nine kilometres of roads and 100 summer cottages. The state added an enormous amount of money to its treasury by levying a 13-per-cent tax on their earnings. However, the hunt for Shpigel went on—a truly royal hunt. For in this country those who live a comfortable life on the backs of the people do not like to see others achieving prosperity by different means—least of all through hard labour. Only very pure communists should be graced with material rewards. They were real watchdogs, guarding their monopoly right to permit others to work, prosper and live a better life. The trespassers of this convention were in for beating from the entire repressive machinery.

To begin with, a nationwide search was announced for Shpigel, alleging evasion of alimony payments. Leonid had been divorced and, by mutual agreement, from time to time sent considerable sums through his driver to his family Yet they were not registered anywhere and the investigation bodies made his ex-wife take the matter to court.

To shed light on the situation, Shpigel went to

investigation bodies made his ex-wife take the matter to court.

To shed light on the situation, Shpigel went to the police of his own free will and was immediately arrested on fraud charges under Articles 93-1 and 147 of the Russian Federation's Criminal Code. The indictment said Shpigel was guilty of "Concluding contracts for construction with summer-cottage cooperatives and other organizations, and not fulfilling them, claiming a shortage of building materials, and not returning the advanced money, claiming it had been used to pay workers and for other production expenses, which is large-scale embezzlement carried out through deceipt and fraud."

WOOZLES

Leonid was astonished at the charge. He took and did not return? But what about the nine kilometres of road and where were the 100 cottages he had built? Yet even more he was struck by the Butyrskaya prison, commonly known as Butyrki, two-thirds of whose occupants were also business executives, who had suffered through no fault of their own. They were known as "woozles" among common criminals: directors of hotels and factories, providers and traders. Leonid's cell-mate was accused of receiving a large bribe though neither the briber nor the time or place of its receipt had been established. A group of woozles from the Izmailovo Hotel Complex were under examination at Butyrki for three years and ultimately released because the charges fell apart during the trial. Ordinary gifts from a fountain pen to a lighter turned into bribes running to millions.

BACK FROM LABOUR CAMP

Leonid Shpigel's grandfather was a professional revolutionary, and his father was a military pilot who fought in the last war. At the age of 19, Leonid quite consciously became a member of the Communist Party and went to build the Baikal-Amur Railroad. At 29 he earned his first million roubles. At 30 he was sentenced to ten years' imprisonment.



Photo by Andrei ABRASHITOV

The party, which had led the country into an impasse, blamed economic collapse on business executives. The country was gripped with an anti-capitalist campaign on a smaller scale than in 1937 but following the same pattern. Investigators "set up" cases involving millions of roubles, and judges habitually and easily sentenced people to ten years in prison, In jail there was gossip about a judge nicknamed Zinka-Tchervonetz whose sentences for business executives never varied. To get to her meant just one thing—ten years.

executives never varied. To get to her meant just one thing—ten years.

The cell taught Leonid Shpigel to become a refusenik. He did not confess to the charges during the investigation or at the trial. He persisted in saying, truthfully, that under the latest contracts alone he had completed 136,500 roubles worth of labour, whereas the incompleted portion amounted to 11,850 roubles. A mere 8.6 per cent of unfinished work, due to difficulties in securing equipment, could not serve as a pretext for instituting criminal proceedings. The customers' claims amounted to a civil-legal case, but by no means criminal-repressive proceedings.

It was all in vain. There were no malfunctions in the repressive machine set in motion by ideology: the shortage of facts was compensated with information from squealers whom the investiga-

tors had no shortage of. Witnesses were threatened with administrative and party sanctions, and thus the desired testimonies were obtained. There were backfires, it is true. A case concerning the former-prorector of the Plekhanov Institute crumbled overnight when all 40 witnesses at trial repudiated their testimonies as having been obtained under duress.

Yet those were isolated instances, and despite helibrate concluding remarks Leonid Shoisel

Yet those were isolated instances, and despite his brilliant concluding remarks Leonid Shpigel got ten years, shortened to eight just two days later. His speech in his own defence is still a legend. A stutterer from childhood, he articulated his speech day after day, while cell-mates "stage-managed" his conduct.

At Butyrki he lost 40 kilos and was nearly dystrophic as he was transported to the prison.

RAISE THE FLAG OF RUSSIAN DEMOCRACY

Leonid Shpigel's story is indicative of how extraordinary people are still languishing in cap-tivity. Even there, in the labour camp, jointly with another convict, Vasily Shevchenko, he managed to receive two certificates of recogni-tion for an invention which modified the design

punching presses and saved supplies.

The meaning of "community" for the business

people at the prison camp is very different from thieves' definition of the word. "Community" is a means to survive in fraternity and camaraderic. In the days of the putsch it was their community that secretly sewed a Russian national flag out of swatches and hoisted it over prizon zone OR-731 in the Kurgan Region. An investigation was started and did not end even after the putsch failed. The case was ended only after inmate managed to smuggle a letter to the newspaper Sovetskoye Zauralye and the camp was visited by journalists.

Yeltsin's name was associated in the zone with the word "freedom". Release was awaited as a foregone conclusion. The country needed efficient and wise people who were well versed in business. The country had run off the rails alleged to lead to communism and was going to live by the rules accepted all over the world where entre-preneurship was the norm, not a deviation.

But expectations still failed to come true. Selective pardons were given without logic or substantiation. Only to those whose cases had received broad publicity in the press thanks to the Society in Detence of Convicted Economic Managers. Viktor Sokirko, who had received minimal authority from the RSFSR Supreme Soviet; was now allowed to visit some of the prison camps. He was permitted to meet some of the prison camps. He was permitted to meet some of the prisoners. And how could he and his committee possibly meet with all 127,000 prisoners scattered all over the country?

As early as a year ago Leonid Shpigel was fully and the service of the prison camps.

meet with all 127,000 prisoners scattered an over the country?

As early as a year ago Leonid Shpigel was fully acquitted by a jury consisting of clite lawyers. Regrettably, that trial took place in Viktor Sokirko's apartment, the then headquarters of the Society in Defence of Convicted Economic Managers, and its decision was not legally binding

Sokirko's apartment, the then headquarters of the Society in Defence of Convicted Economic Managers, and its decision was not legally binding.

In 1991 Leonid Shpigel had an unexpected bit of luck. He was unexpectedly permitted to write an appeal for his pardon. He wrote a manifesto demanding repentance vis-à-vis those who had become trailbiazers in advancing the new way of life. Pioneers and victims. It was logical to consider them the victims of the democracy proclaimed or otherwise declared today. Their destines are as yet undecided. And that is who was a consider them the victims of the democracy proclaimed or otherwise declared today. Their destines are as yet undecided, And that is who was a consideration, turning down a number of brilliant business offers. Today he works as executive secretary of the Society in Defence of Convicted Economic Managers and Economic Liberties.

As far as housing is concerned... at the police station he was forced to fill out an application requesting a residential permit, but informed even before submitting the document that the request would not be granted. The District Executive Committee promised to issue him a "guest visa" for 47 days. As before, he is a prisoner stripped of all rights, but permitted to move around without guards.

We had already spoken for five hours. I asked him if he was tired.

"By no means, I have waited for this five years, and not only for myself... believe me. For all those who still remain in the prison. I waite to tell the truth about them to the government to look into the eyes of every new entrepreneum who can sleep peacefully, knowing that those who were the first in their fields are still behine barbed wire. Don't expect them to write appeals for elemency. They are not guilty of anything Repentance is needed from everyone who waindifferent to their fate. Tens have been released while thousands are still there. And why haven' any of the newly-emerged millionaters, squandering money on various spectacles, given ever a kopek to the Society in

We have robbed Leonid Shpigel of five years of freedom, and yet he is still not inflamed with hatred for us. He is burning with interadicable anger for the centuries of imprisonment which is proposed with have to serve, being occupie in prison with work which is far below their tale in prison with work which is far below their tale from the foreign of every one of them has one year to serve this adds up to 127,000 years which are lost to use and if it is five or ten years.

I no longer speak about repentance, which long overdue, but of our advance towards it market without the people who first stepped over the blockade of red flags.

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INDEX 5007



Society for the defence of convicted businessmen and economic freedoms.

109388, Moscow, Guryanova st. 43-286, Russia Chairman Victor Sokirko. Phone: 354-1321, Fax: (095)354-1321

9/06/92

Information N 6

On the 28th of May 1992, Massover Juriy Lvovish, a psyshiatrist left teh Chistopol prison. His number in the list of those repressed drawn up by convicted businessmen and economic freedoms Society was 3. Many other law protection organizations participated in his fate too.

He attracted public opinion for the first time in autumn of 1989. It was the result of his heroic struggle with the camp's administration for observing prisoners human rights — after which his health got dangerously exhausted. He was saved thanks to academician Sakharov who had received his report on the state of affairs in the camps, ferocity and oddity of modern GULAG.

The information on Massover excited the storm of protests in the West. Many foreign people and organizations demanded that his case should be reconsidered to release him. A great role in receiving and spreading the information played the Soviet-American Bureau on Human Rights. It organized his being visited by the active member of the movement "The Christian help of West to East", the holland priest Andrew Selen in camp in the town of Vyazniki and in the Chistopol prison. American lawyer David Leopold claimed chief Prosecutor of the USSR Trubin to reconsider the sentence. A lot of international human rights conference spoke in support of Massover.

He was released exactly 3 years to his imprisonment term (which was 9 years), in spite of the fact that under the labour — work camp's regulations he was not to be set free beforehand. His conflict with the prison administration resulted in that 5 years of imprisonment consummated so: 300 days in crazy house, a year in PTK, a year in prison, his imprisonment place changed repeatedly (Mordovia, Tatarstan, Ryazan, Perm, Vladimir districts).

Massover used to refuse point blank to appeal his pardon because he didn't plead guilty

Under public opinion pressure Moscow Court made some formal encessions in the way of cutting his term to evade the fair solution of his case.

The view points of public opinion and official organs of justice are opposite. Massover's case was conducted by KGB services with the help of Moscow Court. It was much described by the Soviet Media, which activity was aimed to refute any use of official psychiatry in political purposes.

Massover who was in charge of a criminal-psychiatrist expert commission was accused of bribery for wrong diagnosis. The main witness for the prosecution Rabinovich withdrew his testimony. He said that he had been forced to give false testimony. Society for the defence of convicted businessmen claimed prosecution atuff in connection with Massover case. Society did his best to have an answer concerning the defence argument. The problem was that chief accusation of Massover had been based on a single witness testimony only, which he withdrew later. But the Society never got any answer.

Unfortunately Russia's Prosecution stuff position towards Massover case is like former Soviet Union one. Many claims to defend Massover

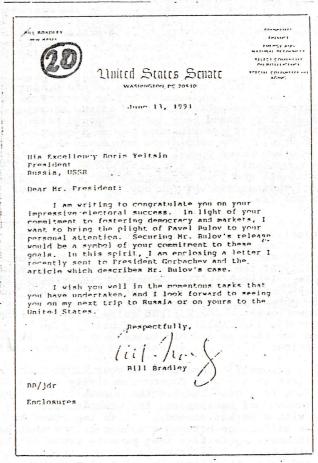
by law protection organizations from March to April 1992 were answered formally to get rid of problem. In this line one should remark that Russian Justice organs' ignoring

In this line one should remark that Russian Justice organs' ignoring the human rights observations is pregnant with the absent of keeping law in the country.

But there are a lot of such sentences in Russia! What should the representatives of prisoners relatives Association "Vozrozhdenie" ("Rebirth"), who were demanding the reconsideration of their relatives's sentences at Russian White House on the 4 and 5 of June 1992 hope?

Society Chairman

Sokirko V.V



ку Ельцину в защиту осужденого хозяйственника Павля Булова.



United States Senate WASHINGTON, DC 20510-3001

FINANCE
ENERGY AND
NATURAL RESOURCE
SELECT COMMITTEE
ON INTELLIGENCE
SPECIAL COMMITTEE
AGING

July 11, 1991

Victor Sokirko, Chairman
Lidia Tkachenko, Secretary
Society for the Defense of Convicted
Businessmen and Economic Freedoms
Guryanova 43 Apt. 286
109388 Moscow, USSR

Dear Friends:

Thank you for sharing the materials on the Society for the Defense of Convicted Businessmen and Economic Freedoms with my staff. By documenting the tens of thousands of citizens who are imprisoned because of economic crimes, you are making an important contribution to the process of change in the Soviet Union. The people you represent are individuals who are brave enough and smart enough to take advantage of opportunities in a society where the state controls almost all economic activity. They are not big, well-connected businessmen who can buy their way out of trouble with the law.

I strongly support your efforts to free citizens who have been unjustly jailed for their economic activities. I have written letters to Presidents Gorbachev and Yeltsin asking that they reconsider the sentence of Pavel Bulov, who was found guilty of the crime of competing effectively with a state monopoly. In your series "Voices of the Victims of Economic Repressions," you chronicle other cases that would border on the absurd if they were not real tragedies, like Valeriy Vlasov, serving time for the crime of selling shoes that he bought for 170 rubles for 300 rubles. I am encouraged to see that he and his colleagues have a whole group of champions in the Soviet Union in your organization.

I am also strongly suppportive of your larger goal of changing the laws that govern economic activity in the Soviet Union. The laws that give the KGB the unrestricted right to inspect the records of businesses, for example, are incompatible with a market economy. It is important to understand the difference between economic crimes that harm society and economic activities that promote productivity and individual initiative. I believe, as you do, that real change will come from the bottom up, through the seemingly

July 11, 1991 Page 2

trivial actions of many individuals. Economic initiative must take place in a truly free market -- not just among the established elites and former Party functionaries who are new converts to the "regulated market."

Without these changes, there can never be true political reforms and human rights in the Soviet Union. Your organization can be instrumental in educating the citizens of the Soviet Union about this issue, as well as educating Americans about the situation in the Soviet Union. As you rightfully point out, "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."

Again, I commend your efforts and support your goals. If there is anything I or my office can do, please do not hesitate to get in touch with us. I wish you all the best.

Sincerely,

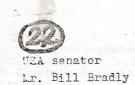
Bie Gradley

Bill Bradley

BB:tb



Olender Khaim Moyseyevich.



Dear Mr. Bill Bradly,

I have read your letter of July 11, 1991 addressed to Sokirko Victor Vladimirovich and published in the collection VOICE OF CONVICTED BUSINESSMEN, No 4, January 1992.

This very fact suggested to address to you with the gratitude for your being attentive to the life of convicted businessmen. In the former Soviet Union they were called businessmen (in bad sense), were persecuted the fact being the violation even of the laws of this country of tyranny and lack of rights. They were sentenced to 10-15 years of so-called labour reformatories which were as a matter of fact camps of death, such camps were in Hitler Germany; very often businessmen were sentenced to death and executed, as the judges would say, according to the ideas of K.Marx, Lenin, Stalin. And the events took place in the country which was the homeland for my family and me, the country where even signs of freedom were strangled. And what country may exist without freedom? The result was economic bankruptcy of the Union.

Your letter moved me to the bottom of my soul. It was you, Senator first in the USA, who understood the disease of my country. Having such disease the country would never be free, democratic, legal one, would never have free mrket, its economy would never become healthy.

The parson having 30-year length of service in industry appeals to you. I am experienced in commercial and production activity at enterprises, have an experience of their organiza-

tion, of teaching people to work at the enterprises.

My production and commercial activity yielded hundreds of millions of clear profit to the state.

To rob my family and me I was called monopolist having created monopoly production all over the country and in 1964. I was sentenced to be shot. It was sheer political accusation. My house was confiscated. My wife, two children and old mother-in-law were made homeless. Confiscated house became a preventorium of Central Committee of the Communist Party of Uzbekskaya SSR, then the Minister of Internal Affairs moved in the house.

To sentence me to be shot I was considered to blame for understating of useful output at the enterprise I headed and stealing 329 thousand roubles. That is the profit could be more than it was said.

This accusation contained the forgery which made it possible to apply the Law of May 5, 1961 and according to the Clause 119° of the Criminal Code of Uzsar the Law foresaw shooting.

Taking into consideration the fact that I was among first volunteers who left Tashkent in 1941 to defend my Motherland I was pardoned. Shooting was substituted for 15 years of stay in reformatory of special regime. And they ignored the fact that I had never been convicted in court.

Many years later as a result of USSR Supreme Court protest Supreme Court of Uzbek SSR exonerated me from understating of production output, i.e. from stealing of 329 thousand roubles, I was not informed of new accusation neither during preliminary investigation, nor during the session in 1964. That is the Code of Criminal Procedure of USSR was grossly infringed and I remained a person sentenced to death. I was monopolist; you call such people businessmen, and here in the Soviet Union they

consider them capitalists, i.e. adversaries of Soviet System of production.

So, I was detained in a death cell for 1,5 year, and a person sentenced to death for more than 10 years.

My family was robbed and ruined. My honest labour connected with organization of production they considered as creation of ronopoly in the USSR.

During the inquiry and court session the accusation was based on the following facts:

As far back as 1949 I suggested to make technical and household brushes of the roots called by Uzbek Academy of Sciences Dzhuntarskiy iris. According to the Decree of the Council of Linisters of Uzski I was charged to carry out the whole of the technical papers and technology of processing of aforesaid roots, as well as to organize their stocking up, conversion into articles and to introduce in the industry of the country.

Years of very hard work passed and in practice the roots replaced bristles and hair (raw material of acute deficit), mexican grass bought for foreign currency in Mexico.

I made and installed in the enterprises of the country more than 600 types of technical and household brushes. We delivered them to 56 industrial centres of the country. The delivery was in time. according to contracts. Other producers were not able to deliver better and cheapper articles, had problems with bulk purchase of their articles. So, their enterprises died or they had to appeal to me for aid.

My accurate work with consumers sponsored the idea of making me monopolist and condemning to death.

Dear Mr. senator. I think not a single democratic or capitalist state would permit such wild fact, but the fact took place in the country.building communism.

And sufferings of my family and my sufferings did not end with these events.

In 1974 I was discharged and returned to my ruined family. I started working, created consumer goods production.

New minister of Internal Affairs of "zbekistan liked my house which had been confiscated, repair was started in the house which was planned for minister family. Having got to know that I was alive and being afraid that I would claim my confiscated property he ordered the head of the Department dealing with the eliminating of misappropriation of Socialist property (ORKHSS) of Uzbek SSR in any way possible to lock me up.

When I got to know th plans I quitted and my spouse and I left for Rostov-na-Donu.

And here, in hostov-na-Donu, I also met with punishing hand of illegality.

I was busy with commercial activity and was an agent in raw material delivery to many organizations. I was accused of misappropriation on a large scale. It was the case of Khan Eduard in Khar'kov city. I was sentenced to be shot And in the years of perestroika capital punishment was changed for 20 years of imprisonment of special regime. Tyranny was more awful than it was in 1964.

I did not live in Khar'kov. knew nobody, did not work there In my case there is not a single deposition concerning misappropriation I ostensibly committed or any sum I ostensibly got.

If any lawyer read the sentence he would see absurdity of the accusation of its grounds. It is written that Olender Kh.M. got considerable sums from other participants of misappropria-

tion. There were no other persons except those in connection with whose case I was charged with. So, in the sentence there were no concrete persons, there was only general russian expression:

AND OTHER PERSONS.

Though there were no grounds for accusing me they wrote in the sentence: Taking into consideration the scales of Tlender Kh is criminal activity in the past he could have committed the present crime". (they mean the sentence concerning roots case of 1964) a I was again ruined and robbed according to the sentence of Khar'kov Province Court.

In more that 7 years I have not been able to achieve the laws of my country to be a plied to me, to say nothing about international law.

I hereby approach you to render me assistance in my grief.
May be you will be able to read various conclusions concerning
my innocence of the crime.

I am old man. I am ill, 2-group War invalid. I wish I began to live new life and worked in industry, I would take the path of commercial activity, which you protected in your letter addressed to Sokirko V.

To be honest when saying about the idea of business I should draw your attention to the fact that in our country the Code of Criminal Procedure is in force now. The Code permits to call any businessman to account at any moment, to confire, even to execute him. I think businessmen of other countries should be very cautious when cooperating with citizens of our country, save their capital lest they should be called monopolists in my country.

I offer my appologies for taking your time.

Now I am in the establishment VL-315/47, Sokal' t., L'vov-

skaya province, Ukraine.

I continue to believe that President of Ukraine L Kravchuk having democratic convictions will help me in restoration of legality.

Here at the place of confinement in Lacour Reformatory

(Ukraine, 1/b 292222, Sokal' t., L'vovskaya pr., establishment

VL-315/47, detachment No 11) I regularly receive medical aid,

do not experience humiliation or insults in connection with

my nationality. The executives of the Reformatory do their best

to follow the Law of imprisonment. The fact instils hope that

I am able to live to the repeal of false sentence.

Truly yours

Olender Khaim Moyseyevich born in 1923

If you have got interested in my fate and you are able to help
ne to break away from the terture-chamber, you may contact in any
question my daughter Anna Clender (Bukhwis) and sen-in-law sukhwis
Grigoriy. They have the whole of the naterial of the case.
Their address: Mepullic Unbekistan, Tashkent, 700052,
ul. Neve- oskovskaya, d. 30a, kv.7. Home tel. (3712) 35-31-76
Tou may also contact my attorney Mechiporenko Soris Yevgen'yevich.
His address: Depublic Ukraine, Miyev, 252021, ul. Kirova, d. 28/2,
Legal advice Bureau No 1 in and for recherskiy district.
Tel.: office (144) 293-5242; 272-3715; 517-1617
home (144) 517-3664

-48-

Society for the Defence of Convicted Businessmen and Economic Freedoms

109388, Moscow, ul. Gur'yanova, d.43, kv.286, tel.3541321 Chairman of the Society Sokirko Victor Vladimirovich 109388, Fax: (095) 3541321



COMMON JURY on the case of OLENDER Kh.M. (January 10, 1992)

Chairman of the Court

Secretary of the Court

Participants of the sides:

Prosecutor

Counsel for the Defence

Members of Jury:

Public Counsel for the Defence

Sokirko Y. V.

Vladyshevskaya T.V.

Vladyshevskiy A.F.

Shpigel' L.T.

Tkachenko L.N.

Akimov V.A., Bashtanova N.I., Vatel' M.N., Volkov S.G., Dobronravova L.A., Kashaganova G.N., Kuznetzov F.Ye., Kuznetzova S.V., Levinskaya I.S., Lisovskaya R.G., Lisovskiy Ya.I., Lykov A.A., Moskayeva A.S., Nadya - student of Law Faculty, Sasha - student of Iaw Faculty, Tokmakova Ye.G.

Debates of the sides

The prosecutor stated the plot of the verdict of guilty of Olender according to the Sentence given by the Court of Khar'kov Province in 1986.

Olender Khaim Moiseyevich, born in 1923, residing in Rostov-na-Donu town, was not working at the moment the criminal case was brought up against him, together with the head of Khar'kov Board UKRENERGOTEKHKOMPLEKTPOSTAVKA (UETKP) Khan E.P.

and two persons responsible for the property of Medical and Production Workshops of Khar'kov Province Mental Hospital and Subsidiary Enterprise of the Collective Farm named after Kirov. Shebekskiy Region, Belgorodskaya Province, Chernov I.M. and Paschenko V.I., were accuse of the misappropriation of state property on a large scale according to the clause of the Criminal Code of Ukr.SSR No 86' and corresponding clause No 93' of the Criminal Code of RSPSR.

In 1982 Olender organized the delivery of the consignment of knitted linen for UETKP. The linen was supplied from the workshops to the Collective Farm for conversion. Significant part of the linen was stolen and passed to the workers of Consumer Service System for the production of uncounted goods. Stealing of the linen was hid owing to the manufacturing of napkins for wiping in the Subsidiary Enterprise. The napkins were half the size than demanded by the documentation. As a result 14000 kg of linen were stolen to the sum of 175 thousand roubles (retail prices). In the same way, but without Olender participation, misappropriation of the material from UETKP was made to the sum of 80 thousand roubles.

In 1982 Olender also roganized extra delivery of velour to PROMKOMBINAT of Shakhty town, Rostovskaya Province. Partly the velour was stolen using forged invoice when granted to the Collective Farm named after Kirov and Shebekenskiy Leather Factory (5750 m² to the sum of 250 thousand roubles), the velour was passed for the production of uncounted goods. In the Collective Farm named after Kirov the misappropriation was hid partly by means of writting velour off for the production of mittens, though simple mittens made of cotton were delivered to the store of UETKP. Dlender gave the mittens to the Collec-

tive Farm. And partly misappropriation was hid by means of 200 thousand roubles which came to the Collective Farm according to false invoice. The velour was ostensibly granted to another establishment. The executives of UETKP signed the document concerning the fact of receiving velour mittens from Leather Factory.

Together with other persons (lender is accused of stealing (8 thousand m² to the sum of 425 thousand roubles) velour from the enterprises of POTREEKO()PERATZIYA of Rostovskaya Province, where the uncounted products were made. In this case the misappropriation was hid by means of writting velour off for the production of mittens, though they were sewed from velour waste and cotton waste.

Besides, Olender and Chernov were accused of organizing delivery of 2,5 thousand m² of artificial fur to Shebekenskiy Leather Factory in September 1982. Half of the fur was taken ostensibly to the Collective Farm named after Kirov by Chernov and Padchenko according to false documents, and in reality it was stolen. The second half was at the plant (factory) because the accused were arrested.

Olender's guilt was proved by the testimonies of the witnesses during the session.

Olender organized the process of bleaching of technical knitted linen planned for misappropriation with the aim of manufacturing of uncounted goods for everyday purposes.

Khar'kov Province Court brought the verdict of guilty against Olender and sentenced to death and confiscation of the property. Taking into consideration the fact that in 1964 Olender was convicted of similar crime according to the clause

119 of the Criminal Code of UzSSR the Court declared him to be exceptionally dangerous recidivist. Appeal Department — the Board for Criminal Cases of Ukr SSR Supreme Court — confirmed the sentence unchanged. Subsequently the Supreme Gouncil of Ukr.SSR pardoned Olender and substituted the death for 20 years of imprisonment.

Questions:

What was material damage and whom was it caused when knitted linen was used for manufacturing of wiping napkins? How should it be qualified in the sentence? What was the punishment of other accused persons? What material claim was lodged against the convicted persons?

Answer:

Considerable damage was caused to the State because the napkins were to be made of waste and of linen of low grade according to the technology. Khan was considered to blame according to the clause 165, p.2 of Ukr.SSR Criminal Code: the abuse of official position committed out of mercenary motives and caused grave results. Olender as a sponsor of delivery was recognized the accomplice of the crime according to the clause 19 of UkrSSR Criminal Code. But according to the qualification of the Criminal Code the responsibility for it is less in comparison with misappropriation (up to 8 years of imprisonment);

material claim is not lodged; according to
the clause 86 of Ukr.SSR Criminal Code the
minimum punishment is 8 years of imprisonment.
Being official functionary of high position
Khan was sentenced to death and confiscation
of the property according to the clause 86'.
Chernov and Paschenko were sentenced to 13- a
and 12-year imprisonment correspondingly. The
claim was estimated as the cost of stolen
property and distributed jointly among the
persons having taken part in every fact of the
misappropriation. The claim in the sum of
425 thousand roubles was lodged against Olender (the cost of velour passed to the enterprises if POTREBKOOPERATZIYA.

The counsel stated the attitude of Olender and his advocate in the Court, as well as the reasons of appeals (they were not satisfied).

Olender activity should be qualified as commercial mediation according to the clause 151 of Okr.SSR Criminal Code, which foresaw 5-year imprisonment and it should not be qualified as misappropriation as the clause 86' of UkrSSR Criminal Code foresaw. Olender organized the delivery of knitted linen, velour and artificial fur, organized the process of bleaching of linen and got as money reward 10 thousand roubles from the chairperson of the Collective Farm named after Kirov, 5 thousand roubles from other person interested in the delivery. But from modern point of view such activity

is not criminal, it is useful. The Decree of the Supreme Council of RSFSR of December 5, 1991 introduced the Law which cancelled the corresponding clause in the Criminal Code of RSFSR. The Law has return force, i.e. the scope of the Law enlarges to cover the deed having been comitted prior to Law introduction.

To bring the verdict of guilty against Olender concerning the misappropriation, his intention, participation in the crime, appropriation of the sums and concealment of the marks of the crime were to be proved. Not a single of the evidences was not produced. Ulender asserted that he was slandered by the persons committed for trial; he said that since he was not the person responsible for the property, he could not give out belour to enterprise representatives in Shakhty town, the more so that he was in Ul'yanovsk town at the moment and was concerned with linen bleaching. But the Court believed the persons committed for trial and interested in protecting themselves and throwing the whole of the responsibility on to Plender, who had been sentenced to death according to analogous clause of the Criminal Code of UzbSSR. Contrary to the principle of presumption of innocence the Court made the version about Olender possible arrival to Shakhty town from Ul'yanovsk with the aim to give out velour the basis of the sentence. Going into the case the preliminary investigators infringed the clause of the Code of Criminal Procedure of UkrSSR corresponding with the Clause 20 of the Code off Criminal Procedure of RSFSR. The Clauses read that inquiry and trial must ascertain the part of participation of every

accused person in the crime. The sweeping accusation must not take place.

Questions:

Are there papers signed by Olender in

the case?

Did he know that the stuff was being

stolen?

Answer:

There are no papers signed by Olender, he worked nowwhere. The councel for the defence thinks that Olender did not know about the stealing of the stuff.

Public councel for the defence:

Being in agrrement with the councel for the defence in the questions of the qualification of the deed, proving of the facts and breach of the procedure we treat the sentence illegitimate; we think the sentence must be repealed.

The grounds:

Failing to deliver raw material (according to quantity and quality) to production seems to make production quality worse and to cause harm to consumers, not to the State which suffered no financial damage and got every payment planned. It cannot be denied. In the case there is no any evidence of consumers suffering damage because of delivery of technical napkins of smaller size or mittens made of wrong material.

So, we should say about the rudiments of private business and receiving raw material thanks to rationalization in the conditions of absolute monopoly of the State, and misappropriation did not take place here.

To elucidate the whole of the circumstances we think the examination should be carried out with the ourpose of answering

the question: what amount of uncounted production the society got (as a result of private business) thanks to the rationalization, what useful effect of the development of private production was even in the conditions of totalitarian economy and economical terrorism. We think this activity to be positive and significant, it cannot be compared with hypothetical damage caused to the consumers of planned production.

Nowadays, when the society became aware of the urgency of the transfer to market and free economy, the fate of Khaim moiseyevich Olender. front-line soldier, twice sentenced to death for actually useful and rationalization activity, seems to be heroic, his imprisonment is immoral nonsense. If the society strives for market and freedom, it cannot tolerate such people to be imprisoned.

At last, Kh, M. Olender is 68 years old. 13 years of imprisonment left are to be treated as imprisonment for life.

We ask for taking it into consideration.

Discussion

Kuznetzov:

According to old laws Dlender is somewhat quilty. He realized that he was committing the crime, but explained that he did not damage the State. Nowadays his activity connected with the organization of material delivery may be treated as business. Both inquiry and trial were preconceived about Olender activity. It is immoral to keep 68 yearsold man in prison. We should intercede for his release.

Lykov: Misappropriation did not take place. Only business. Glender is innocent. Akimov: Olender was not commercial agent, he was non-staff supply agent. He used official letters. The operations were carried out through State Bank. He received cash as salary. Ulender is innocent. Lisovskaya: I agree with the previous speaker. But I think (lender to be guilty of receiving too much salary. On the whole Olender is innocent. Dobronravova: There are no facts of misappropriation. Ulender is innocent. He should be discharged.

Tokmakova:

If the mittens which workers received were made of wrong fabric, Ulender is quilty of deception of consumers. Olender is not guilty of misappropriation.

Moskayeva: This is forgery. Substitution of responsibility took place. One cannot judge according to the law in conformity with which one cannot live. Olender is innocent.

Levinskaya: ()lender is guilty only of commercial mediation.

He is an inventor, rationalizer, businessman.

The Statec committed the crime in ragard to the man. Olender is innocent. He is to be acquitted.

Volkov: The conspiracy has not been proved, so the accusation is impossible. Olender is innocent.

He should be discharged.

-57-

-56-

did not receive enough money.

From humane point of view and taking into consideration Ulender's age and the fact that he is not dangerous for the society, he deserves indulgence. We should intercede for his release.

Sasha:

The accused did not commit misappropriation. The complicity means intentional part of guilt. Ulender was not official functionary, that is why we cannot say about official forgery. For commercial mediation 5 years may be given. Olender did not commit misappropriation.

Underground production was organized.

Lisovskiy:

They needed material for it and they stole Olender is guilty of misappropriation, but he deserves indulgence.

The result of the discussion: Olender is innocent.

12 from 16 jury admitted (lender's innocence as for misappropriation, 3 of the jury admitted (lender to be guilty, but they think he deserves indulgence, 1 of the jury did not answer the question about the guilt of the accused, but he thinks Olender deserves indulgence.

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Certificate

clender Khaim Moiseyevich is talented inventor specialist and organizer of the highest grade. He invented the substitute for import bristles. The substitute is made of the roots of Dzhungurskiy Iris. Clender found it in sparsely populated regions of Uzbekistan. After the examination of the invention in the Academy of Sciences of the USSR was made, according to the Decree of the Council of Ministers of UzSSR Clender was charged to store up and process the roots. As a result bristles production was provided. During the period of 1961-1963 the economic effect of the invention comprised more than 100 mln. of foreign currency roubles.

Just for show of the struglle with plunderers in 1962 on the ground of anonymous denunciation ()lender was charged with assignment of understated output of the semi-finished product up to 1,2% when processing the roots. He was accused of misappropriation of 329 thousand roubles. Using inaccurate technological examination the Supreme Court of UzSSR declared Olender to be monopolist and sentenced him to death. After the Supreme Court of the USSR appealed against the sentence the Supreme Court of UzbSSR exonerated all the accused persons and withdrew the sums of the claim.from every person except Ulender. To free itself from responsibility for giving death sentence the Supreme Court of UzbSSR accused Olender of the misappropriation at the factory by means of making out false purchase receipts. As a result of these nasty tricks ()lender spent 12 years in the reformatory of special regime (including 1.5 year in the cell for persons sentenced to death).

Society fo the defence of convicted businessmen and economic freedoms

109388, Moscow, st. Guryanova 43, apt. 286, USSR Chairman Victor Sokirko

September 27, 1991 No 0-107/2

Prosecutor-General of Ukraine Shishkin V.I.

Complaint on the basis of supervision.

Dear Victor Ivanovich,

We hereby approach you to render us assistance in connection with the case of Olender Khaim Moiseyevich, born in 1923, pensioner, condemned to death by the sentence of Khar'kov Province Court of July 18, 1986 according to the clauses 86-1 of the Criminal Code of Ukr.33R, 93-1 of the Criminal Code of RSFSR, etc. (According to the Decision of the Supreme Court of Ukr.3SR of December 16, 1986 the sentence was left unchanged in this part, but on the basis of pardon death was substituted for 20 years of imprisonment Subsequent address of defence on the basis of supervision did not lead to positive conclusion.

The essence of the accusation according to the sentence: Being a member of the group (lender was engaged in misappro priation of fabrics, leather, other values with the aim of sewing uncounted goods and appropriation of the sums got after selling. The misappropriation was made by means of putting no enough raw material or by means of the change of the sort of raw material. So, technical napkins were

made half the size and cotton was used for mittens sewing instead of spil-velour.

Without discussing the factual aspect of the case and breach of the procedure during inquiry (we agree with the defence in this question and with the fact that Olender commercial mediation should not be qualified as misappropriation) we consider the sentence to be illegal and think that it should be cancelled.

The grounds:

Absence of enough raw material in the products seems to make output quality worse and cause essential damage to consumers, the State was not caused financial damage, every planned payment was made. (ine cannot deny the fact. There are no evidences that the consumers were caused essential damage owing to the fact that technical napkins of smaller size or mittens made of other material had been delivered . Lack of consumers complaints in the case proves the fact that shortage of raw material did not worsen the output. So, one may say about rationalization and is not able to say about misappropriation.

To elucidate the gist of the matter ye think that the examination is to be made. It would answer the question: what amount of uncounted finished products did the society get as a result of the rationalization; what was useful effect which the development of private production gave in the conditions of totalitarian aconomy or economic terrorism? We found this role to be effective and significant it cannot be compared with hypothetic damage caused to the

conscr

office during agreement

For

Reconsidered

Sentences

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sacrifices of the economical repressions

on the examples of 100 letters to our SOCIETY FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

The kind of the pursued actions	Accusation	The ave- rage time of priso- ning	the '
The salary for the labour of workers higher than that of state workers	Thefting of the state privacy	8 years	23%
The independent business		12 years	15%
Using of wasted state materials for the independent business		11 years	3%
Using of saved state materials for	-"-	- "	4%
the independent business Making of the state products from yhe less material	_"-	10 years	6%
Thefting of the monopolized materi- als from the state	-"=	9 years	6%
The claims of independent owners to each other	Thefting	9 years	11%
Illegal market of materials (with the help of functionaries)	Bribes	10 years	3%
Prohibited market of state flats	_"_	_"_	4%
The distribution of the profit from the independent bisiness and paing for service			. 5%
The trade by the market prices	_"_	_**-	3%
The mediation on the market	Speculation	5 years	9%
Dealing with hard currency and international trade	Contraband	10 years	4%

the Beginn of this List (N1:9 in Voise " N1 100. РЫБАК Тамара Алексеевна, кассир телефонного узла из Чаджоу, 10л.

101. БАШИМОВ АЯДОГДЫ, Нач. УПТК, Ашхабад.

9 мет,

- (102) ЧУФИСТОВ Вадим Исаевич, кооператор, Москва, под следст.КГБ э/к
- 103. ЖУРАВЛЕВ Владимир Николаевич, нач.РСУ, Якутия, амирстирован
- (04) КИТАЕВ Юрий Алексеевич, пом мастера гал.Ф-ки, Баку, 10 л., 3/к
- (05) ШЕВЧЕНКО АНАТОЛИЙ АКСЕНТЬӨВИЧ, ЗАМ.ДИРЕКТОРА, ТУЛЬЩИНА, З/К
- 106. КАМЕНСКАЯ Наталья Никифоровна, малов предпр. в якутии, астемво, осворя
- 107) ОЛЕНДЕР Хаим Моисеевич, пенсионер, Харьков , 15 лет, з/к
- (08.) ЛЫКОВ Юрий Аркадьевич, директор внешнетор. фирмы; Москва, 15л. э/к
- 109. НИКОЛАЕВ Борис Борисович, заготовитель, г.Луцк, 10 лет, з/к
- 110. САДОВАЯ Нина Алексеевна, главбух СУ, Днепропетровск, в лет, -з/к пошчеобя
- 111. НИКУЛИН Владимир Александрович, кооператор, г. Шостка УССР, з/к
- (112) ОКРУГИН Леонид Михайлович, строит кооператор, Крым, 6 лет, 3/к
- 113. ГРАМОШИНА Тамара Аенедиктовна. Директор птиц.ф-ки, 6 лет
- 114, БОРИСОВА Галина Алексеевна, главбух ремон.маст.,Псков, 8 л. эдг., политыва
- (115) ВЕЛИЕВ Назим Меджнун оглы, бухгалтер винзавода, Баку, 13 летз/к
- (16) КОРОБЦОВ Соргей Викторович, б/р, Владивосток, 7лет; з/к
- 117. ЗАБРОВСКИЙ АЛЕКСЕЙ АРКОДLЕВИЧ; директор МХП, Ташкент, про освоборива
- 一行リー 118. BOJKOB AJERCEN DODERNY, MI "ADMITTEX", MOCRETA, みな, タローのマール

(19) Колжошко Пладвинир пиколения, эсм поч по ком 180, Воронов, Бл з/к СЕРГЕЕВ Валерия Павлович, директор, новгороду обобобо 120.8VEB Григорий Васильенич.лир. ПСП "Диамокестрой", Липени, 🕰 , 🛷 🥄 (157.) ЛЕРНЕР Григория Львович, кооператор- коммерсант, СИЗО в Г.Цюрихе; (21) оли инции Анатолий Бронислацович, режисор, Киев, 1-ы, :/к (158.) САФИНА ДЯМИЛЯ ЛЕТФУЛЛОВНА, ДИРВКТОР ТОР. САЗЫ, УЛЬЯНОВ. ОСЛ. 6 Л. 3/К; 122 ТЕМИРХАНОВ Акам Зайнутдинович, арендатор, Ростовская обл, 4г, 50, освобого де 159. КУЗОВЛЕВА Инаида Сергеевна, врач-стомотолог, Мурманск; 123. ФОМИЧЕВ ВЛАДИМИР ИВАНОВИЧ, ГЛ. ИНЖ. ИНИ ЭВТ, ПОСКВА, 4Г, ЭТ, О Свобоч деч 124, ФЛЕЯШМАН Яков Семенович, инж. "Росатракцион", Горький, 15л. 3/к (160) огородников Евгения Федорович, зам. гендиректора, Новосибирск, вл., з/к 125.ВАНЦЯН Аршалуйс Кукулович,волитель,Белореченск,Эг усл. (161) КАПЛИЕВА Нина Андреевна, нач.почтамта в г.Донецке, 10 лет, з/к; (126 ХИТРСВ ОЛЕГ БОРИСОВИЧ,СТУДЕНТ, МОСКВА, 7Л, 3/К (162.)ВОЛОСКОВ Михаил Вениаминович, шофер пищкомбината, Ленинград, 13л., 3/к 127. ДИДЫК Вячеслав Александрович, безраб., Одесса, 3г,3/к (63) ПОГОСОВ АРНОЛЬД Павлович, зам.предс.старат.артели, Якутия, 15 л., 3/к (128.) ЗАВИН Семен Григорьевич, прораб, Пысква. Гэл, з/к 129. НОВИКОВ Александр Сергаевич, инж.текст.ф-ки,Серпухов, 14лет, 惑;Офбор (164.) ШОЛЕНБЕРГ АЛЬФРВД ЭММАНУИЛОВИЧ, ПРВДС.КООП-ВА,НОВОСИБИРСК, СУД. 3/К (130) СЕРГЕЕВА ЕЛӨНИЗ АЛЕКСАНДРОВНА, МАСТЕР, ЯКУТСК, Эг., 3/К 165. РЕДЬКО В. полковник, в/ч под Мурманском, заведено 131. ОЖИГАНОВ Евгений Николаевич, без опред занятий, Пермь, 10 лет; 166. ВЕРБИЦКИЯ Эдуард Константинович, зам.ген.директора, Москва,подсл. (67) CANAES A.H. W IJ AP. PACONUX J-AA (30 ABHOLPAD MO), 8-10 AET 3/K; 132. АРУТЮНОВА Кнара Артемовна, директор школи, Ашхабад, 10 лет; 133. БОНДАРЕВА Надежда Андрвевна, нач.снабжения, краснодар, Эт.усл.; (168.) МРУЦЬ ДМИТРИЯ ИВАНОВИЧ, ХУД. ОФОРМИТЕЛЬ, Тюмень, 8 ЛЕТ З/К; (134) ЗЫКОВ Владимир Сергеевич, нач.УКС горисполком, Владимир, 4 года; (169.) БОБКОВ Николай Иванович, шофер, Нижний Новгород. 8,5 лет з/к; (135) МАЛАХОВ Никита Борисович, директор "Протекс", Москва, СИЗО; (170а)ГРЕЧКО Василия Иванович, директор заготконторы, Таганрог, 12 л.з/к; 136. ГРИНШТЕЯН Сергея Борисович, пред кооператира, Тверь, сизоровбы д ортюряєв геннадия Константинович, заготовитель, Таганрог, 8 лет з/к; (137) НИДБАЯКИН МИХАИЛ АНДРЕЕВИЧ, ДИРЕКТОР ЗАВОДА, БЕЖЕЦК, СИЗО; (71.) КИЯМОВА Хиня Сагировна, продавец из Ульяновской обл. 6,5 лет з/к; (138.) ГРИГОРЕНКО Наталья Зосимовна, главбух базы, Ростов. 9 лет; (172) АЗАРОВ Аркадий Иванович, кооператор, Москва, 3,5 года з/к; (39.) ДУРОВ АЛЕКСАНДР АЛЕКСАНДРОВИЧ, СНАФЖЕНЕЦ, БЕЛГОРОД. Обл., В ЛЕТ (3727) 173. ХОЛУНОВ Вениамин Евгеньевич, предприниматель, Псков, арест дел. бумаг 140. КРОК Игорь Семенович, предс.кооп., Москва, следет ревобосте (174) НАЗАРОВ АНАТОЛИЙ ФЕДОРОВИЧ, КОМАНДИР АВИАПОЛКА, ОДЕССА, 11ЛЕТ Э/К; (41) воронин николая Иванович, нач. отдела газа, н. новгород. отделенда (175.) ЦЫГАНКОВ Гавриил Николаевич, раб. кооператива, Армавир, 2 года з/к; (42) ДУДОВ Евгений Васильевич, ЯСИНСКИЙ ВИКТОР АЛЕКСВЕНИЧ, КООПЕРАТОРЫ, Красногорск Моск.обл., арвест 6-9.12.1991г.,СИЗО; (175.) МОИСЕЕВ Юрий Константинович, пред кооператива, Москва, 8 лет з/к; 143. ЛОБЖАНИДЗЕ НИКОЛАЯ ПАВЛОВИЧ, УПРАВ. ТРЕСТОМ, ЕССЕНТУКИ, 9 ЛЕТ, О СВОТЕ ДЕ, [77] СМИРНОВ Михаил Федорович, пред.кооператива, Курган, 8 лет з/к; (178) ВЛАДИМИРОВ Василий Николаевич, нач.снаба, Черновцы. 11 лет з/к. 179) TUMOXUM ANEKLAHAP BACUNERUZ (180) Tyserum BUNTOP



ЗАШИТЫ ОСУЖИЕННЫХ ХОЗЯИСТВЕНИКОВ

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS



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

November 25, 1991

Chairman of the Board of Directors of the National Endowment for Democracy Mr. William E. Brock Yale Richmond, Program Officer 1101 Fifteenth Street, N.W., Suite 203 Washington. D.C. 20005

Dear Mr. William E. Brock, We hope that the activity of our Society for the Defence of Covicted Businessmen and Economic Freedoms is in the accordance with Endowment's overall priorities.

During last two years of our work we have revewed 145 cases. After the interference of the Society (appeals, visits to officers, trips to camps etc.) the situation of 40 victims have become better, some of them have been released.

In our Society we have created the Committee of wifes and mothers of repressed businessmen. We try to present their families humanitarian help and fight with them for full amnesty of repressed businessmen. It would be only justice towards them because past totalitarist regime willing to annulate all signs of private propriety and enterprise has been very cruel to them. This cruelty is reflected in the Criminal Code which must be revewed in order to give people economic freedoms as natural human rights (according Helsinsky Second basket). Our society created its own variant amnesty and necessary changes in economic part of Criminal Code. The both are discussed in law Committees of Russian Supreme Soviet.

Now the work of Society has become so complicate that it is required to organize skilled main body of the Society.

So we kindly ask You (as to the firstand only) to render financial assistance (\$ 3,600 per year) to provide the reasonable work of the main body of our SocietyEs staff for at least 5 years, until we will be able to take the financial load upon ourselves because of the impovement of the state of business in our country.

Office of the Chairman of the Committee of wifes and Chairman of the Committee of wifes and Committees of wifes and Committees

(Sokirko V.V.)

P.S. Thereas a supplement with information about Society on 5 pg...

1. Summary of proposed program

Our organisation comes from dissident's movement of 70's and was registered as Society in 19.10.1990.

The main purposes of Society:

- creating of the favorable public environment for businessmen and their deliverance from the fear of criminal repressions. Without legal protection of the businessmen's functioning it's imposible to develope free competition and including of former USSR countries to the free market.
- rendering of free legal and financial aid to persons persecuted by the Court and to their families.
- popularisation of the purposes of the Society with the help of mass media. The Society carries out revisions of actions with the help of public juries, insists on a deep changes in Criminal Code and Court practice.

After further development, our Society is looking forward to organising independent investigations of the issue of the shadow oconomy and economic freedoms in the former USSR and carring out comparative analysis and correlating of the Soviet Criminal cases in the economic sphere with the standards and Court practice on oconomic offences in the USA to give West businessmen honest Information about economic freedoms in the country.

We believe that the aims of the Siciety are important not only for our country but for the world because the defence of one's oconomic freedoms is one of the most important human rights.

You can receive the information about our Society in:



SOVIET-AMERICAN BUREAU ON HUMAN RIGHTS ULITSA NOVOSLOBODSKAYA 14 • MOSCOW 258-9467

UNION OF COUNCILS FOR SOVIET JEWS
1819 H STREET, NW • SUITE 230 • WASHINGTON, D.C. 20006 (202) 775-9770

You can contact also with Mr. Boris Shoov or Mrs. Anna Rombe-Shoov 178 Flagstone Dr.Apt, 7 Nashua, NH 03063, USA.

Phone: (603) 889 13 67

- 2. The description of the project including a statement of objectives, a project calendar, and a description of anticipated results.
- 1. According to regulations of Society its main tasks are :
 - the defence of persons who incurred a penalty or other punishments for their initiative and economic activity.
 - the development of proposals concerning changes in the Criminal Code, in order to avoid anti- market tendencies in the low, to legalize private economic activity which now is considered a crime, to decrease the period of imprisonment for economic crimes and to eliminate the death penalty as an option.
 - forming of public respect for independent businessmen, because it is an important part of a person's freedom.
 - popularisation of the perposes of the Society by means of mass media and the Bulletin of the Siciety, delivering of lectures.
 - rendering free of charge juridical aid to persons persecuted by the Court because of their economic activity. We try to correspond with courts and wright complaints to prosecutors for further analyzing and revising of sentences.
- 2. At the Board meating of the Society (March 1991) were formulated next tasks of the Society in period of 1991-1992 year:
 - the creation of regional departments of the Society in parts of USSR and to organize their work.
 - to creat Academic Council of the Society which consists of skilled lawers who sympathize with the aims of our Society.
 - to render to every businessman legal or any kind of help.
 - to publish every 3 months a collection of work materials of the Society (Voice of SDCBEF).
 - to render financial assistance to families of businessman who are in prisons (to 8 families at least).
 - increase the Society's economic strongth, to reinforce the Society with skilled personnel.
 - to get in touch with juridical and philanthropic organisations in the USA, to widen our contacts and possibly get support from them.
 - Relations between "National Endowment in Democracy's" and the Society's aims.

One of the main principles of the "National Endowment in Democracy" is the close relationship between Democracy and the existence of the private economy, which is a quarantee of individual freedoms.

One of the basic postulates of the Society is the assertion that a close relationship between the free market economy and Democracy as a form of government; relation between human rights and economic freedoms of the person.

In the former USSR thre are no ancient traditions to defend accommic freedoms and Public opinion is not well disposed towards them. And the state of Public opinion only emphasizes the difficulty and actuality of our purposes.

- 4. A description of methods which are used in Society.
- making contact with convicted or businessmen repressed in any way with the help of correspondence or making a close study of their complaints;
- making study of Court's documents and appealing against illegal actions of authorities;
- carrying out revisions of actions with the help of public Juies and popularizing it in the mass media.
 - 5. About budget of our Society.

At this time we have small sum - 7,000 roubles. Because of this our monthly expenses are small too: office outlay, for families who need a financial support - 240 roubles; salary for the bookkeeper - 450 roubles.

Unfortunately, our income is not satisfactory because businessmen or other sponsors are still apprehensive of supporting their defenders. They prefer to rely on bribing the authorities. Therefore we are obliged to rely on our enthusiasm and assistance from "Mational Endowment for Democracy" to organize the work of professional main body of the Society.

It seems to us that successful work of the society depends on the stable activity of a main body of professionals which could consist of three people journalist, lawyer, secretary). It is supposed that \$3600 per year would be enough to cover their monthly salary (\$100 - for lawer, \$60 - journalist, \$40 - secretary and \$100 - for correspondence and other expenditures). It would be possible to bring down this sum in a future while a new financial saurces appears in our country. The reducing of financial support today will make the work of the society effective.

We would welcome collaboration with American lawers who would help us in our work, but we cannot estimate with any certainty how much this would cost. $-6\mathcal{S}$

- 6. Existing and expected aponsors of the Society.
- 1. International fund for the Survival and Progress of Humanity had rendered financial assistance to the Society. However the fund has now stopped it's assistance.
- 2. Soviet American fund "Culturnaya Initziativa" had given the Society in 1990 fax, xerox and computer and rendered financial assistance for 12,000 roubles. This assistance was the starting capital of the Society which allowed us to begin effect tive work.
- 3. Association of directors of firms of the USSR granted a right only on one occasion for payment in a range of 20.000 roubles. And now this account is spent as a help for public experts, who work at our society.
- 4. Increasing financial assistance can be expected from enterprises's unions in the next year.

National Endowment for Democracy)

February 5, 1992

Victor Sokirko
Society for the Defence
of Convicted Businessmen
and Economic Freedoms
Guryanova St. 43, apt. 286
109388, Moscow
Russia

Dear Mr. Sokirko:

Thank you for your letter of November 25, 1991, in which you introduced us to your organization. Unfortunately, because of the Endowment's limited resources, it is unlikely that our Board would approve funding for your proposal at this time, should you decide to submit it formally.

I am sorry we cannot be of more assistance at this time. Your interest in the Endowment is appreciated.

Sincerely,

Warha M Duck

Nadia Diuk Senior Program Officer (G)

ОБШЕСТВО имити осухленных хозяиствеников и экономических с

SOCIETY

FOR THE DEFENCE OF CONVICTED BUSINESSMEN & ECONOMIC FREEDOMS

Председатель Попечительского совета — САФАР-ЗАЛЕ Октай Юнисович 105037, г.москва, Измайловское шоссе, 71-А; тел.166-72-09; т/с Общества — 700402, МФО 201832 (Е7), Киевское отд.Мосбизнесбанка

Chairman Trustee Council Oktai Yunisovitch SAFAR-ZADE 105037, Moskow, 71-A Izmailovskoe ave. Phone: 166-72-09, Fax: 166-04-09.

(25)

Deeply respecteds gentlemen!

The Russia is living the hard time. Now, during transitional period from totalitarian to civilized way of life Society for the depence of convisted businessmen and economic freedoms makes noble cause helping out of thousands languished in prison businessmen and the practical approvation of the market principls.

The Society has the Expenses for lawyers, for jornalists, for families of convisted businessmen and appeals to you to take part in the good action of the transfer what you can on the account of Stolichny Bank

in USA dollars

Credit Lyonnais Building
1301 Avenue of the Americas
New York 10019
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Beneficiary STOLICHNY BANK
in favour of Obshestvo
ZOKhiES
N 200070072

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Account No 00.171280.0010.00
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In Favour of Obshest vo
ZOKhi ES
N 200070072

in french francs

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(Beneficiary STOLICHNY BANK in favour of Obshestvo ZOKhils
N 200070072

many - currency correspondent - account of Stolichny Bank

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ACCOUNT NO 212.90.008

BENEFICIARY STOLICHNY BANK OBSHESTVO ZOKHLES ~20070072

Your financial support will be the priceless contribution for the rebirth of Russia and finding degnity of our people.

J assure the Society spends money up Trustee Council s control and for the human purposes only

Chief of Trustee Council

N

0.Safar-Zade