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RABBI ELIAHU ESSAS

Soviet
Jews

UNION OF COUNCILS FOR SOVIET JEWS

Statement of Policy

on

Emigration and the Treatment of Soviet Jews

The Union of Councils for Soviet Jews is the umbrella organization for 38 local Soviet Jewry organizations throughout the United States. We have over 50,000 members nationally, and have long been dedicated to furthering the rights and interests of Soviet Jews in two critical respects: first, for those Soviet Jews who desire to do so, to be able to emigrate from the Soviet Union to another country; and second, for those Soviet Jews who desire to remain in the Soviet Union, or who are awaiting permission to emigrate, to be able to study and express their religious and cultural heritage, free from persecution and intimidation.

The Union of Councils believes that official dealings between the governments of the United States and the Soviet Union provide an extremely important forum for expressing the strong concern of the American people over Soviet transgressions of fundamental human rights. We fully recognize the need on the part of the U. S. government to maintain a flexible approach in dealing and negotiating agreements with the Soviet Union. However, within this framework of "flexibility", we urge that the issues of emigration and fundamental human rights not be forgotten, diluted or bargained away. More specifically:

- I. We believe that continuing substantial performance by the Soviet Union in permitting Jewish emigration must be considered a prerequisite to the granting of waiver privileges under the Jackson-Vanik Amendment, a law which proudly reflects the fundamental philosophy of the American people and its government to protect and foster respect for human rights and personal liberty throughout the world.

The Jackson-Vanik Amendment to the Trade Act^{1,2} took effect on January 3, 1975. The Amendment assured ..."the continued dedication of the United States to fundamental human rights..." and denied Most Favored Nation (MFN) status and the extension of credit guarantees by the Export-Import Bank to any country that:

- a) "denies its citizens the right or opportunity to emigrate;
- b) imposes more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or
- c) imposes more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice..."

In addition, in an exchange of letters between Senator Henry M. Jackson, one of the principal authors of the Jackson-Vanik Amendment, and then



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Secretary of State, Henry A. Kissinger, dated October 18, 1974, further assurances were given that the USSR would not punish individuals seeking to emigrate.³ Among the abuses that were understood by the Soviets and Kissinger and Jackson to be abandoned were: (a) criminal prosecution, (b) punitive draft, (c) loss of job or demotion, (d) withholding of documents, and (e) requirement of parental permission for adult applicants. The punitive actions specified in this exchange of letters were not considered a complete listing, and additional actions taken by the Soviets were not to be condoned simply because they were absent from these letters. Hardship cases were to be processed sympathetically. Persons become eligible for emigration within three years of their exposure to such material. Prisoners, on their release, were to be given prompt consideration for emigration and might even be given an early release. The rate of emigration from the USSR would begin to rise promptly from the 1973 level to correspond to the number of applicants.

As Senator Jackson himself noted a few years later in a speech delivered in Washington, D. C., June, 1979,⁴ "We have seen how cruel and capricious their (Soviet) emigration policies can be, sometimes permitting the numbers to rise, sometimes holding them down.... We have seen enough in short to know that without a firm commitment to a freer emigration from the Soviets themselves, any concessions on trade or credits would be leaping in the dark with consequences for the prisoners and refuseniks and all who desire to emigrate that cannot be foreseen."

In this connection, "substantial performance" on the part of the Soviet Union would be evidenced, we believe, by the following actions:

A. The prompt release and emigration of the Prisoners of Conscience listed on Appendix A.

A prisoner of Conscience is a person imprisoned for political and/or religious views. Many of these individuals have been tried under the pretext of economic crimes (bribery, dealing illegally on the black market), malicious hooliganism, parasitism (being without a job), anti-Soviet slander, drug abuse, and in the case of Anatoly Shcharansky, treason. In reality, the true reason for conviction was the individual's beliefs and not an illegal activity. These individuals are deliberately used as examples to others who may contemplate applying to emigrate, or merely consider gathering a few friends to celebrate the Sabbath.

Prisoners who protest the illegal, harsh treatment in the labor camps where they serve long terms on fabricated charges are further penalized by confinement in even more barbaric punishment cells within the camps, where food and warm clothing are withheld.⁵ Letters to and from prisoners are regularly intercepted and confiscated. The pitifully small, legally allowed packages of food, warm clothing or medicine are often confiscated. Permitted family visits are suddenly cancelled without

explanation. Several prisoners have resorted to protest by long hunger strikes, as have their spouses and children at home.

One of the more alarming aspects of the plight of Soviet Jews is the recent increase in arrests and trials on trumped up charges and the deliberate campaign of physical abuse against Jews who have tried to maintain a sense of community while waiting to emigrate. Hebrew teachers in Moscow, Leningrad, Kiev and Odessa have been arrested, and some have been assaulted by persons who deliberately beat healthy men to the point of a nearly total loss of eyesight or hearing; two have been injured within hours of peaceful arrests, and their families told they resisted arrest or inflicted the wounds upon themselves. Their elderly parents have been threatened and beaten for daring to inquire about extensive, illegal searches of their apartments and unlawful confiscation of books and belongings.⁸ Several refuseniks have been imprisoned after Soviet authorities planted drugs or firearms in their apartments. Jews who refuse to testify as witnesses against friends under arrest on trumped up charges are themselves arrested and fined.¹⁰

Young men are punished by being drafted into the Soviet army,¹¹ often after being denied admission to the university or being expelled before graduating. Several have served prison terms for refusing to be drafted, and one young man is serving a second term in a labor camp for refusing to serve in the army.

Jews arrested with non-Jews for similar offenses notice that the non-Jews never come to trial, but the Jews receive stiff prison sentences.¹² Families are torn apart deliberately and cruelly by a regime that punishes Jews for wanting to emigrate to a country where Judaism is not a crime.

B. The prompt release and emigration of the former Prisoners of Conscience listed on Appendix B.

Ex-prisoners, who in the early 1970s might have been allowed to emigrate after serving long and brutal prison terms, now are released from labor camps but are not permitted to return to their homes, and settle hundreds of miles from their family and friends.¹³

- C. The prompt emigration of all Refuseniks who have been waiting for visas for ten years or more.**
- D. The expeditious emigration of all Refuseniks who have been waiting for visas for five years or more.**
- E. The expeditious emigration of all Refuseniks who were refused permission to emigrate prior to April 1982.**

The Soviet Jewish refusenik (a refusenik is a Soviet Jew who has applied to emigrate and been turned down) community has itself requested that the United States Congress remain firm on the emigration provisions as outlined in the Jackson-Vanik Amendment.¹⁴ Speaking on behalf of refuseniks at their request, the UCSJ shares in their determination to urge the Soviet government to comply with established law as a prerequisite for increased trade benefits.

In testimony before House Subcommittees on International Trade in July, 1979,^{15,16} two past presidents of the UCSJ, Robert Gordon and Irene Manekosfky stated:

"...The Union of Councils for Soviet Jews welcomes the search for understanding with Moscow, which would create more beneficial conditions for U. S.-Soviet cooperation, trade, and human rights. Our organization has sufficient flexibility in approaching this complex task. Nevertheless, it is our firm position that some form of linkage between trade benefits for the USSR and Soviet emigration policies should be preserved. The fate of courageous individuals fighting for free emigration should not be sacrificed to promote superpower accommodation." (Robert Gordon)

"...It is not the Union of Councils' position that the Soviets' treatment of emigration issues to date qualified them for a waiver, even if the requirement of assurances is removed and replaced with an emphasis on performance. While we are, of course, encouraged by the increase in the number of Soviet exit visas, as well as by the release of some prisoners of conscience, it is our firm belief that we are talking about only the first and most modest Soviet steps, which deserve recognition and encouragement, but surely not a waiver at this point. This is particularly true since the encouraging signs are mixed with some very disturbing signals, including an apparent growth in official Soviet anti-Semitism, restrictions on Jewish college enrollment, and limitations on professional employment, actually forcing many people to emigrate. We also have not yet forgotten the outrageous political trials of last summer (editor's note: the trials of Vladimir and Maria Slepak, Ida Nudel and Anatoly Shcharansky), which indicated to many Soviet Jews that they could not feel safe in Russia...." (Irene Manekosfky)

According to statistics published in the Congressional Record,¹⁷ between 1968 and 1981, 630,414 first affidavits were sent from Israel to Jews in the Soviet Union. In other words, over 630,000 Jews in the USSR were sent invitations from Israel -- the first step in the application process to emigrate from the USSR. It is also known from published figures,^{18,19} that 250,187 Jews had left the USSR by 1981, and another 4,899 left between 1982 and 1984; a total of 255,086.

Thus, if the total number of those individuals who actually emigrated is subtracted from the number of Jews who received invitations from Israel, that would leave 374,328 Jews who are still in the USSR, the majority of whom have at least begun the emigration process.

Number of invitations from Israel, 1968-1981:	630,414
Number of emigres, 1968-1984:	<u>-255,086</u>

Approximate number of Jews who have applied to emigrate and are awaiting permission:	374,328
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The total number of Jews residing in the Soviet Union is estimated to be between two and three million.

In 1979, the high point of Soviet Jewish emigration, over 50,000 were allowed to leave. Since then the rate of emigration has dropped sharply. In 1984, only 896 Jews were permitted to leave and in the first five months of 1985, only 463 individuals emigrated. Thus, although thousands of Jews are known to have requested permission to leave the Soviet Union, relatively few have actually been granted permission to do so, despite the claim of an official of the Anti-Zionist Committee of the Soviet Union, Samuil L. Zivs,²⁰ that all who wished to emigrate have already left.

In addition to those Jews who have already requested invitations from Israel, many more would probably apply to emigrate if they felt it possible to do so without risking years of unemployment, harassment and perhaps even arrest, with no assurance that permission to leave would ever be granted.

F. The emigration hereafter of substantial numbers of Soviet Jews who desire to emigrate, in accordance with procedures fairly and consistently applied irrespective of age, sex, family status or place of residence, including --

(1) Applications for emigration shall be considered in order of receipt, including those previously filed. Applicants will be notified of decisions within three months of submission of documents. Applicants refused permission to leave due to security factors will be informed of the date on which they may expect to become eligible for emigration; the security period shall not exceed three years.

(2) Applicants for emigration will not be subject to unreasonable or onerous procedural requirements or to other unlawful impediments for completion of the application process. Invitations from abroad will be requested and delivered without interference. Authorities will provide all required documentation. OVIR offices will be open to receive and process applications at reasonable times during normal working hours and on a regular schedule. Jews residing in areas where no OVIR office is located will be permitted to apply through the nearest OVIR office without impediment.

- (3) Parental permission to emigrate shall not be required for persons eighteen years of age and older.
- (4) Officially sanctioned punitive actions shall not be initiated against persons seeking to emigrate, including: dismissal from work; demotion in work; public incrimination; disconnection of telephone service or interception of mail; physical and psychiatric abuse; intimidation; military conscription of persons who have sought to emigrate or are beyond normal conscription age; and the bringing of baseless or trumped-up criminal charges.
- (5) Recognition shall be given to the distinct and separate rights of repatriation and family reunification (regardless of the country involved), either of which shall alone be sufficient grounds to emigrate. The repatriation of Soviet Jews to Israel shall be permitted regardless of whether the applicant has family in Israel.
- (6) The so-called "first-degree relative" requirement shall be abolished.
- (7) The practice of causing families to be separated by allowing some, but not all, individual members the right to emigrate shall cease.
- (8) Applications of separated families, Holocaust survivors, World War II veterans, and hardship cases (including, especially, people with special medical problems) shall be processed sympathetically and on a priority basis.
- (9) Collection of the so-called "education tax" shall remain suspended.

Constitution of the USSR²¹

Chapter 4, Article 29: "The USSR's relations with other states are based on observance of the following principles: ...respect for human rights and fundamental freedoms; the equal rights of peoples and their right to decide their own destiny; cooperation among states; and fulfillment in good faith of obligations arising from the generally recognized principles and rules of international law, and from the international treaties signed by the USSR."* (editor's note: This includes the Universal Declaration of Human Rights and the Helsinki Accords.)

Universal Declaration of Human Rights²²

- a) Article 13 (2): "Everyone has the right to leave any country, including his own, and to return to his country."*

*(emphasis added)

- b) Article 14 (1): "Everyone has the right to seek and to enjoy in other countries asylum from persecution."*

Helsinki Accords²³

- a) "Reunification of Families: The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family,* with special attention being given to requests of an urgent character such as requests submitted by persons who are ill or old.

They will deal with applications in this field as expeditiously as possible.

They will lower where necessary the fees charged in connection with these applications to ensure that they are at a moderate level.

Applications for the purpose of family reunification which are not granted may be renewed at the appropriate level and will be reconsidered at reasonable short intervals by the authorities of the country of residence or destination, whichever is concerned; under such circumstances fees will be charged only when applications are granted.

Until members of the same family are reunited, meetings and contacts between them may take place in accordance with the modalities for contacts on the basis of family ties.

The participating States will support the efforts of Red Cross and Red Crescent Societies concerned with the problems of family reunification."

- b) "Marriage between Citizens of Different States: The participating States will examine favourably and on the basis of humanitarian considerations requests for exit or entry permits from persons who have decided to marry a citizen from another participating State.

The processing and issuing of the documents required for the above purposes and for the marriage will be in accordance with the provisions accepted for family reunification."

- II. In addition to the foregoing, in determining whether to cooperate with or grant benefits to the Soviet Union in connection with trade, scientific and cultural exchange, and other areas of mutual interest, the U. S. Government should consider as an important factor the continuing violation of fundamental human rights in the USSR. Specifically, assurances should be sought that, in compliance with its own Constitution, the Universal Declaration of Human Rights and the Helsinki Accords, the**

*(emphasis added)

Soviet Union will promptly terminate, and take action to rectify, injustices suffered by Soviet Jews as a result of the following official policies and practices:

- A. The arrest and prosecution of law abiding Refuseniks and Hebrew teachers based on fabricated charges or "planted" evidence of criminal activity.**

FREEDOM FROM UNFAIR ARREST, PROSECUTION AND SENTENCING

Constitution of USSR²¹

- a) Preamble: "...The Soviet Government carried through far-reaching social and economic transformations, and put an end once and for all to exploitation of man by man, antagonism between classes, and strife between nationalities."
- b) Chapter 7, Article 50: "...Citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations."

Universal Declaration of Human Rights²²

- a) Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
- b) Article 9: "No one shall be subjected to arbitrary arrest, detention or exile."
- c) Article 11 (1): "Everyone charged with a penal offense has the right to be presumed innocent until proven guilty according to law in a public trial at which he has all the guarantees necessary for his defense."
- d) Article 13 (2): "Everyone has the right to freedom of movement and residence within the borders of each state."

FREEDOM FROM ILLEGAL SEARCH OF HOME AND CONFISCATION OF PROPERTY

Constitution of USSR²¹

Chapter 7, Article 55: "Citizens of the USSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it."

Universal Declaration of Human Rights²²

Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation...."

B. The publication and distribution, or any other communication, of anti-Semitic propaganda.

Excerpts from a speech by U. S. Ambassador Max M. Kampelman at the Madrid review of the Helsinki Accords; December 1, 1981:²⁴

"It is with regret that our delegation has concluded that the Soviet Union is clearly identified with a pattern of anti-Semitic behaviour that could not function without government support and acquiescence.... During the past fifteen years, a total of at least 112 Soviet books and brochures with anti-Semitic overtones of various degrees have been identified, some of them printed and reprinted in editions of 150,000 -- 200,000 copies. Anti-Semitic propaganda is also carried out through lectures, stimulated by the Communist Party and the state.

Soviet anti-Semitism is not limited to domestic consumption. It is also widely exported to Arab, African and other Third World countries. The writings of outspoken Soviet anti-Semites -- Kichko, Begun, Korneyev and others -- have been featured prominently in publications of the PLO, for instance. In addition, their writings are often published in English and distributed throughout the English-speaking world.

...There are many other instances of blatant government-condoned anti-Semitism in the Soviet Union. These are accompanied by harassment and imprisonment of Jewish leaders, discrimination against Jews in education and employment, active and frequently violent interference with the study of Hebrew and the possession of articles of prayer, and by a drastic reduction in the number of Jews being allowed to escape this pervasive anti-Semitism through emigration."

Antisemitica Sovietica: New Intensity in an Old Campaign: excerpts from an article by Betsy Gidwitz; Spring, 1982:²⁵

"The latest Soviet anti-Jewish campaign dates from the 1967 Arab-Israeli War. ...As the propaganda campaign intensified, it soon became obvious that Soviet anger embraced more than 'international Zionism' and Israel. The term 'Zionist' being employed as a euphemism persists to this day, it has been joined since the mid 1970s by blatant racist attacks on Jews and Judaism without anti-Zionist camouflage.

The Soviet Union has mobilized mixed mass media and personnel to disseminate its anti-Semitic disinformation and propaganda to the far reaches of the USSR and even beyond its borders. Articles appear frequently in newspapers, including such national stalwarts as Pravda and Izvestia; republic and local newspapers; and special interest newspapers, ranging from the intellectual Literaturnaya Gazeta to the narrowly-focused Gudok (Whistle) newspaper for railroad workers....Of special note are the youth and military publications that carry either especially strong or exceptionally large numbers of anti-Semitic articles. The publishing house of the prestigious Academy of Sciences, Nauka (Science), has issued at least half a dozen anti-Semitic books, each in the style of a scientific treatise.

...In addition to conventional printed media attacks on Jews and Judaism, Soviet authorities also exploit television and film for propagation of anti-Semitism. A notorious television special called 'Traders of Souls' was shown twice during prime time in 1977. In this special, a number of Soviet Jewish activists, identified by name and address, were portrayed as currency speculators, hooligans, drunks, and CIA agents. Another anti-Semitic television special, 'Lies and Hatred,' was aired in 1980. A limited circulation film, 'Secret and Open Things,' has been shown in some public theatres, but its main audiences are closely-controlled groups, such as army units....

Disinformation and propaganda form only one component of the Soviet anti-Semitic assault. Intensified application of anti-Semitic quotas in educational institutions and in career selection is widespread. False charges, rigged judicial proceedings, and subsequent harsh prison sentences have claimed a number of Jewish victims, of whom Anatoly Shcharansky is the best known. Punitive military conscription has been applied much more frequently to would-be Jewish emigrants than to others desiring to leave, such as Volga Germans. Jews are subject to frequent anti-Semitic verbal attacks by passersby on the street and fellow employees at places of work. Physical assaults, especially on children, are not uncommon.

Although permission to travel abroad is tightly controlled for all citizens, opportunities to travel outside the Soviet Union are even more circumscribed for Soviet Jews. Jewish specialists invited to present papers or receive awards at various conferences abroad are frequently denied the right to attend these events.

Considered by official Soviet ideology to constitute both a religious group and a nationality, Jews are accorded the rights of neither. Unlike other religious groups in the Soviet Union, Jews have no national organization, no institution for the training of clergy, no relevant publications, and no contacts with co-religionists abroad. Unlike other groups regarded as nationalities in the Soviet Union, Jews alone lack an infrastructure that would facilitate and encourage the development of their national heritage.

...Related to the historical expression of anti-Semitism is a deep-rooted popular sense of Russian cultural identity -- a perception of homogeneity so strong that non-Russians are viewed not only as others, but also as aliens.

...The proclamation of Birobidzhan as an area of Jewish settlement in the Soviet Far East (1928) and the establishment of the Jewish anti-Fascist Committee (1942-1948) followed in the same path of centrally-operated (and manipulated) national Jewish associations. The latter organization was clearly designed to encourage domestic and foreign Jewish support for the Soviet armed forces during World War II. Both the organization and the Jewish intellectuals around

it were liquidated when their services were no longer required. Birobidzhan still exists in 1982 as the Jewish Autonomous Oblast, something of a farce as Jews constitute only 5.4 percent of its total population. Jewish ethnicity remains an official Soviet nationality and one's nationality is still inscribed in the fifth paragraph of the internal passports (identity cards) carried by Soviet citizens. Jews, however, are permitted none of the infrastructure promoting national identity (publications in a widely understood language, national organizations, etc.) which is provided other Soviet nationalities."

- C. **The arbitrary denial or discontinuance of telephone service applied for or previously granted Soviet Jews; and the illegal interference with postal, telephone and telegraphic communications between Soviet Jews and persons in foreign countries.**

FREEDOM OF COMMUNICATION

Constitution of USSR²¹

Chapter 7, Article 56: "The privacy of citizens and of their correspondence, telephone conversations and telegraphic communications is protected by law."

Universal Declaration of Human Rights²²

Article 12: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation...."

- D. **Restrictions on the admission of Jews to Soviet universities and institutes; and the arbitrary removal of academic degrees, titles and honors held by Soviet Jews.**

RIGHT TO EDUCATION

Constitution of USSR²¹

Chapter 7, Article 45: "Citizens of the USSR have the right to education... by the free issue of school textbooks, by the opportunity to attend a school where teaching is in the native language; and by the provision of facilities for self education."

Universal Declaration of Human Rights²²

Article 26 (1): "Everyone has the right to education. ...Higher education shall be equally accessible to all on the basis of merit."

- E. **Attempts to discourage or prohibit private visits to Soviet Jews by invited foreign citizens.**

RIGHT TO VISIT CITIZENS OF ANOTHER STATE

Helsinki Accords;²³ "Contacts and Regular Meetings on the Basis of Family Ties: ...participating States will favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families."

Helsinki Accords;²³ "Travel for Personal or Professional Reasons: The participating States intend to facilitate wider travel by their citizens for personal or professional reasons...."

- F. **Attempts to discourage or prohibit the unhindered and open practice of Judaism — including education in Judaism and Jewish culture and instruction in, and use of, the Hebrew language.**

RIGHT TO PRACTICE THE JEWISH RELIGION AND CULTURE, INCLUDING THE STUDY OF HEBREW AND THE RIGHT TO ASSEMBLE PEACEFULLY FOR RELIGIOUS OR CULTURAL PURPOSES

Constitution of USSR²¹

- a) Chapter 7, Article 52: "Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion and to conduct religious worship....Incitement of hostility or hatred on religious grounds is prohibited."
- b) Chapter 7, Article 50: ..."Citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations."
- c) Chapter 3, Article 27: "The State concerns itself with protecting, augmenting and making extensive use of society's cultural wealth for the moral and aesthetic education of the Soviet people, for raising their cultural level. In the USSR, development of the professional, amateur and folk arts is encouraged in every way."
- d) Chapter 6, Article 34: "Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status."

The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social and cultural life."

- e) Chapter 6, Article 36: "Citizens of the USSR of different races and nationalities have equal rights."

Exercise of these rights is ensured ...by the possibility to use their native language and the languages of other peoples of the USSR.

Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law."

- f) Chapter 7, Article 46: "Citizens of the USSR have the right to enjoy cultural benefits.

This right is ensured by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections; by the development and fair distribution of cultural and educational institutions throughout the country; by developing television and radio broadcasting and the publishing of books, newspapers and periodicals; and by extending the free library service; and by expanding cultural exchanges with other countries."

Universal Declaration of Human Rights²²

- a) Article 18: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom either alone or in community with others and in public or private to manifest his religion or belief in teaching, practice, worship and observance."
- b) Article 20 (1): "Everyone has the right to freedom of peaceful assembly and association."

Helsinki Accords, I, a, VII:²³ "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief."

...The participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms....

...In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Declaration of Human Rights."

RIGHT TO WORK AT A DECENT JOB, INCLUDING RIGHT TO TEACH HEBREW AS A PROFESSION

Constitution of USSR²¹

- a) Chapter 7, Article 40: "Citizens of the USSR have the right to work..., including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society."

- b) Chapter 2, Article 17: "In the USSR, the law permits individual labor in handicrafts, farming, the provision of services for the public and other forms of activity based exclusively on the personal work of individual citizens and members of their families."

Universal Declaration of Human Rights²²

Article 23 (1): "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment."

Background Material on UCSJ Policy Statement

FOOTNOTES: BACKGROUND MATERIAL ON UCSJ POLICY STATEMENT

1. Trade Act of 1974, Chapter 12, Subchapter IV, "Trade Relations with Countries Not Currently Receiving Nondiscriminatory Treatment." 19 & 2432, "Freedom of Emigration in East-West Trade, pp. 237-242.
2. Eizenstat, Stuart & Gagne, Kim; Memorandum to UCSJ; "Legal Aspects of the Jackson-Vanik and Stevenson Amendments;" 4/16/85.
3. Washington Post, "Emigration Assurances are Spelled Out," Text of Letters by Secretary of State Henry A. Kissinger and Senator Henry J. Jackson, 10/19,74.
4. Polakoff, J.; JTA; "Jackson Demands Soviet 'Commitment' on Emigration before U.S. Eases Trade Bans;" 6/11/79.
5. *Cases of Shcharansky, Tarnopolsky, Begun, Paritsky (ex-POC)
6. *Cases of Kholmiansky, Edelshtein, Berenshtein, Mesh, Nepomniashchy, Lein
7. *Cases of Mesh and Berenshtein
8. *Cases of Kholmiansky and Shapiro
9. *Cases of Kholmiansky and Lubman
10. *Case of Soloveichik
11. *Cases of Kalendarov, Geishis, Yakir, Elbert, Taratuta, Shnirman
12. *Cases of Kremen (school prank) and Felman, Groberman and Milner (fight in cafe)
13. *Cases of Nudel, Nashpitz, Begun (since re-arrested), Bakhmin (also re-arrested)
14. Vigil, #49, February-March, 1979 (Newsletter of Washington Committee for Soviet Jewry); Appeal signed by leaders of refusenik movement in USSR to members of U.S. Congress; 2/11/79.
15. Manekofsky, Irene; Testimony before the Subcommittee on International Finance, Senate Committee on Banking, Housing, and Urban Affairs; U.S. Senate, Washington, D.C.; 7/23,79; p. 3
16. Gordon, Robert; Testimony before the House Banking Committee, Subcommittee on International Trade; U.S. House of Representatives, Washington, D.C.; 7/24/79; p. 5.

* (Case Information supplied by UCSJ.)

Press Release - May 30, 1986

The following organizations today released a statement expressing their support for continuation of the Jackson-Vanik Amendment and opposing proposals for change:

Conference of Presidents of
Major American Jewish Organizations

For further information
contact:

National Conference on Soviet Jewry

Union of Councils of Soviet Jews

Coalition to Free Soviet Jews

Center for Russian Jewry and
Student Struggle for Soviet Jewry

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Statement on Jackson-Vanik Amendment

The Jackson-Vanik Amendment, which is officially known as the Freedom of Emigration Amendment to the Trade Reform Act (1974) reflects U.S. commitment to the fundamental principle of free emigration, a principle on which American society was built. The Amendment denies favorable trade status and commercial credit to the Soviet Union and other communist countries that restrict emigration. The Amendment provides that its restrictions may be year waived year by year if the President and Congress finds that there is a significant change in these restrictive policies. The Amendment remains the clearest and most effective expression of that commitment as it pertains to the rights of Soviet Jews and others.

The campaign for and passage of the Freedom of Emigration legislation was instrumental in the release

of many tens of thousands of Soviet Jews. Frequent Soviet complaints about the Amendment demonstrate that it remains a key lever for future progress on behalf of these human rights.

Jackson-Vanik imposes no limit or ceiling on US-Soviet trade. Furthermore, any financial disadvantages the Soviets incur by reason of less favorable tariffs and lack of credits can be suspended by Presidential waiver, earned annually. The Amendment permits U.S. trade concessions to flow, so long as the emigrants flow.

Hence, Jackson-Vanik enshrines as law the flexibility that its opponents have argued can be achieved only through modification or repeal. It ensures a continuing incentive for the granting of emigration rights.

Despite some well-publicized cases affording freedom to a small number of individuals, there has been no sign of any change in the repressive policies of the Soviet Union. In fact, emigration of Soviet Jews diminishes while persecution of Jewish cultural activists and would-be emigrants increases. We vigorously reiterate our support for the principles and the policies represented by the Jackson-Vanik Amendment and affirm that we would strongly oppose any legislative effort to repeal it. The Soviet Union must be shown that unless and until it has complied with the terms of the Amendment, U.S. policy will remain as it is. There is no room for unilateral gestures until the Soviets show that they are willing to abide by the

rules protecting these human rights to which they gave their pledge at Helsinki.

The accompanying materials supplement the foregoing statement.

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JB:JZ

S. J. J.

October 13, 1987

The Honorable George P. Shultz
Secretary of State
Department of State
Washington, D.C. 20520

Dear Mr. Secretary:

It is my privilege to submit herewith our report entitled Who May Leave: A Review Of Soviet Practice Restricting Emigration On Grounds Of Knowledge Of State Secrets In Comparison With Standards Of International Law And The Policies Of Other States, which we have prepared for the National Conference on Soviet Jewry.

The Report analyzes the law and practices of the Union of Soviet Socialist Republics with respect to the emigration of its citizens generally and, in particular, those persons deemed to possess "state secrets." It is the claim of the Soviet Union that its policy is in substantial accord with standards of international law and the practices of other major nations. We have found otherwise.

Our review of the standards of international law and the law and practice of major developed states has established that there is a consensus (except in the U.S.S.R.) as to the right to emigrate:

1. The right to leave one's country is a fundamental human right.

2. Restrictions on this right are of an extraordinary and exceptional nature and can only be applied for compelling reasons.

3. Any restrictions must be applied generally and for non-discriminatory reasons.

4. Any restriction imposed by the administrative apparatus must be subject to review for unreasonable or arbitrary behavior.

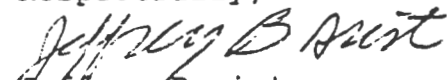
5. Any restriction based upon national security or the possession of state secrets must similarly be of an exceptional nature. This restriction requires the presence of a real and actual danger to the security of the state.

The law and practice of the U.S.S.R. is contrary to these accepted standards. The Soviet Union regards the right to leave as a privilege that the state may grant or withhold. Soviet law expressly limits emigration to exclude those in possession of "state secrets," and in practice, this exclusion appears to be so broadly interpreted as to bar ordinary persons in routine walks of life from leaving. Emigration is often prevented under circumstances where there does not appear to be any rational basis to support the administrative decision, and the decisions of the administrative organs are not subject to any discernible legislative standards or judicial review. The Soviet Union precludes the emigration of its citizens on grounds of "national security" or possession of state secrets in circumstances that neither international law nor the law of any other major developed state would regard as sufficient cause to restrict emigration.

At the margins, the legal judgments of sovereign states will differ. However, the emigration law and practices of the Soviet Union are outside what may be safely regarded as the common core on which civilized nations agree and the common ground that has emerged under international law.

Our full findings are set forth in the enclosed Report.

Respectfully,


Jeffrey Barist

Enclosure

REPORT
TO THE
NATIONAL CONFERENCE ON SOVIET JEWRY

WHO MAY LEAVE:
A REVIEW OF SOVIET PRACTICE RESTRICTING
EMIGRATION ON GROUNDS OF KNOWLEDGE OF
"STATE SECRETS" IN COMPARISON WITH STANDARDS
OF INTERNATIONAL LAW AND THE POLICIES OF
OTHER STATES

SUMMARY

WHITE & CASE
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New York, New York 10036

JEFFREY BARIST
OWEN C. PELL
EUGENIA OSHMAN
MATTHEW E. HAMEL

REPORT
TO THE
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PREFACE

The New York Lawyers For The Public Interest, an umbrella organization coordinating various and diverse "public interest" activities of the New York Bar, solicited volunteers interested in preparing an analysis of Soviet emigration practices. White & Case accepted that invitation, and we have prepared this report on Soviet emigration practices with regard to individuals denied permission to emigrate because of alleged access to or knowledge of state secrets. The report was prepared under the aegis of the Lawyers Committee to the National Conference on Soviet Jewry, chaired by Herbert Teitelbaum and assisted by Robert Hermann. The report was submitted to Jerry Goodman, Executive Director of the National Conference on Soviet Jewry. White & Case wishes to thank all those named above for their advice and consultation; Myrna Shinbaum, Associate Director of the National Conference on Soviet Jewry, provided invaluable assistance in the preparation of the case histories. Of course, the analysis, conclusions and opinions set forth in this report are those of the authors.

SUMMARY

This report analyzes the law and practices of the Union of Soviet Socialist Republics with respect to the emigration of its citizens generally and, in particular, those persons deemed to possess "state secrets." It is the claim of the Soviet Union that its policy is in substantial accord with standards of international law and the practices of other major nations. We have found otherwise.

Our basic conclusion is that international law and the law and practices of other major developed states recognize the right of a citizen to emigrate, and that the Soviet Union stands alone among such nations in denying this general right to its citizens. To the extent Soviet law permits emigration, the ability to leave is expressly limited by law to exclude those in possession of "state secrets." In practice, this exclusion appears to be so broadly interpreted as to bar ordinary persons in routine walks of life from leaving. The Soviet Union appears to preclude the emigration of its citizens on grounds of "national security" or possession of state secrets in circumstances that neither international law nor the law of any other major developed state would regard as sufficient cause to restrict emigration.

Standards Of International Law

In examining the historical development and status of the right to emigrate under international law, we have paid particular attention to the various international agreements entered into since World War II, and have reviewed the drafting history, provisions and interpretation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the 1975 Helsinki Accords. The Soviet Union is a signatory to the Covenant and the Helsinki Accords, and, in a recent Izvestiya interview, First Deputy Minister of Justice I.S. Samoshchenko stated that the Soviet Union regards its policies as in accord with the emigration provisions of these two agreements.

We find that there is a general consensus under international law recognizing the fundamental right to leave one's country. By the early twentieth century, based on the laws and practices of most nations, the right to emigrate was considered by leading scholars as a right recognized under international law. Since World War II, the right to emigrate has been codified in numerous international agreements. For example, Article 13 of the Universal Declaration of Human Rights provides that "[e]veryone has the right to leave any country, including his own"

The most widely recognized and adopted statement of the right to emigrate is Article 12 of the International Covenant on Civil and Political Rights. To date, more than 85 nations, including the Soviet Union, are signatories to the Covenant. Article 12(2) provides in relevant part: "Everyone shall be free to leave any country, including his own." In addition to the Covenant, other United Nations sponsored agreements and various regional accords covering the Western Hemisphere, Europe and Africa recognize the right to emigrate or facilitate freedom of movement.

The 1975 Helsinki Accords Final Act, signed by 35 nations including the United States and the Soviet Union, incorporates by reference previous human rights documents recognizing the right to emigrate. The Soviet Union thereby agreed to "act in conformity with" the Universal Declaration and to fulfill its commitments under the Covenant. Specifically in the area of emigration, the signatories agreed to policies designed to facilitate family reunification, and to apply these policies in a "positive and humanitarian spirit."

Restrictions on the right to emigrate under international law are of a limited and exceptional nature. Article 12(3) of the Covenant provides that the right to emigrate is limited only by certain specific restrictions,

including "those which are provided by law [and] are necessary to protect national security" This "national security" restriction is the proffered justification for precluding emigration of persons deemed to possess state secrets.

The "national security" restriction on the right to emigrate must be read in light of the purposes of the Covenant and its signatories. The object and purpose of the Covenant are to protect fundamental rights and freedoms. The travaux preparatoires (drafting history) of the Covenant establishes that Article 12 was deliberately crafted so as to emphasize the general right to emigrate and to de-emphasize the scope of any restriction of this right. The restrictions of Article 12(3) are, under accepted standards of construction, of an exceptional nature.

The consensus of contemporary jurists is that to be "provided by law," limitations on emigration must have a basis in domestic law, cannot be exclusively a matter of administrative or executive action, and, most importantly, must be accompanied by procedures limiting the discretion of government authorities and safeguarding the individual's right, including the right to appeal adverse decisions. For a limitation to be "necessary," it must

respond to a pressing or immediate public need, pursue a legitimate aim and be proportionate to that aim.

The "national security" exception is thus narrowly construed and limited to extraordinary circumstances. International legal conferences attended by leading jurists from third-world, socialist and western countries have concluded that an emigration restriction based on "national security" can only be invoked where an individual's emigration poses a clear, imminent and serious danger to the state, or where restricting emigration would protect the state from force or the threat of force.

The Municipal Law Of
Other Nations: The United
States, United Kingdom,
France, Switzerland, Federal
Republic Of Germany And Israel

We have also examined the municipal law and practice of other nations, including the United States, the United Kingdom, France, Switzerland, the Federal Republic of Germany and Israel, concerning the right to emigrate and permissible limitations on that right. The United States, the United Kingdom, France and the Federal Republic of Germany are, of course, leading western powers and, therefore, to the extent that the Soviet Union claims that its practice is in accord with that of its adversaries, the

law and practice of these states is of direct importance. Further, the United States and the United Kingdom were chosen as representing the common law, and France, Switzerland and the Federal Republic of Germany as representing the Latin and Teutonic branches of the civil law. Although municipal idiosyncrasies exist, virtually all civilized countries have adopted some variant of one of these seminal systems of law. The municipal law of the major states and of the most juridically significant states, is further a source of international law, particularly when, as here, there emerges a common ground that sets forth the accepted legal judgment of the community of nations. Finally, Israel was chosen because of its obvious interest in the question of Soviet emigration and because, as a nation in a state of war since its independence, its practices were thought useful to review.

The right to emigrate is guaranteed by the fundamental public law of France, Switzerland and the Federal Republic of Germany. In the United States, recent decisions of the Supreme Court have enunciated a constitutionally protected right to travel and have limited the circumstances under which the government may limit a citizen's ability to leave the country. In the United Kingdom, the right to leave the country is a right guaranteed by common

law. Similarly, the Supreme Court of Israel has found the freedom to leave the country to be a "natural right" of its citizens. While obviously there are differences in approach among these countries, based on their different legal systems, each recognizes that an individual citizen is free to leave, and that this is a right, not a privilege. Thus, the law of each of these states is in accord on the fundamental issues.

The practice in each of these countries protects the legal right to emigrate. Only under rare circumstances is a citizen prevented from leaving the country. Substantial procedural safeguards protecting freedom of movement exist. Governmental actions regarded as arbitrary can most often be challenged before an independent judiciary. There are few known cases of a citizen being denied the right to leave his country on grounds of national security. The sole case found involving a restriction on travel based upon knowledge of state secrets involved a person on active duty in the armed forces.

The Law And Practices Of The Soviet Union

We have further examined Soviet law and practice regarding the right to emigrate, and the restriction of emigration practices based on an individual's asserted knowledge of or access to "state secrets."

Both in theory and in practice the Soviet position stands in direct contrast to the consensus among international lawyers and the law of the other countries studied. Soviet law does not provide for the right of a citizen to leave the country, and in practice, requests to emigrate are routinely denied.

Freedom of movement is not guaranteed by the Constitution of the Soviet Union, and emigration and foreign travel have historically been regarded under Soviet law as state granted privileges. Until 1986 the sole Soviet decree concerning the issuance of exit visas and foreign passports contained no criteria for their grant or denial. The action to be taken on applications was entirely in the discretion of Soviet administrative organs, the Ministry of Foreign Affairs and the Ministry of the Interior.

Effective January 1, 1987 a new Chapter added to that decree, "The Consideration of Requests to Enter or Leave the Soviet Union on Private Business," became the first Soviet law setting forth the circumstances under which Soviet citizens may be permitted to leave on "private business." The new statute does not provide a right to emigrate. The sole basis in the decree upon which a request to emigrate could be based appears to be family reunifica-

tion, although there is an undefined general provision for "other worthy reasons."

The law proceeds, however, to list various circumstances under which leaving the Soviet Union is expressly prohibited, including where the citizen is privy to "state secrets" or for other reasons of state security. The new law does not define or set forth any criteria as to the restrictions based upon possession of state secrets or questions of national security. It is apparent, however, that in practice the Soviet Union applies the "national security" or possession of "state secrets" restrictions, not under exceptional circumstances, but broadly.

There is a total absence of published official Soviet decisions of courts or administrative organs dealing with emigration. Accordingly, to determine Soviet practice we have had to examine the case histories of particular individuals refused permission to leave the Soviet Union on the grounds of access to or knowledge of "state secrets" as contained in files collected by various western organizations. While the available information is sketchy and anecdotal, it is, in the absence of official reports, all that is available.

The case histories show persons prevented from leaving the Soviet Union who on the known facts would not be

so restricted by any other major developed nation. The Soviet Union is alone among major developed states in routinely concluding that ordinary citizens possess "state secrets" so as to justify preventing their leaving the country. Most of those denied emigration on state secrets grounds have not had access to the "secret" information upon which their denial was premised for more than 10 years. Others have been denied the right to leave on the grounds of a relative's alleged access to secrets, and still others are denied visas even though employers or colleagues attest to the absence of access to or knowledge of secret or classified information.

In practice, the standards by which Soviet administrative organs make decisions with respect to particular individuals appear vague, undetermined and applied on an essentially ad hoc and arbitrary basis. Emigration applicants rarely receive written responses to their applications. Verbal responses are the rule, and detailed explanations, beyond the fact of alleged access to or possession of state secrets, are usually not given.

At the margins, the legal judgments of different states will differ. The emigration law and practices of the Soviet Union, however, are outside what may be safely regarded as the common core on which civilized nations agree

and the common ground that has emerged under international law.

Dated: New York, New York
October 6, 1987

WHITE & CASE

By

Jeffrey Barist
Jeffrey Barist
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Willy Brandt
PERSÖNLICHES BÜRO

BONN, DEN July 9, 1975
BUNDESHAUS
TEL. 16-2575

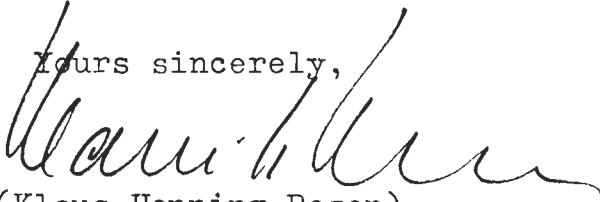
Mrs. Bronislava Gimpelson
34-19 29th Street, Apt. 5J

Astoria, N.Y. 11106
U S A

Dear Mrs. Gimpelson,

on behalf of Mr. Brandt, who is in holiday, I have to inform you that during his last visit to the USSR he had a chance to discuss human rights problems, among them the case of your husband. So far we have no reaction from the Soviet side. I will inform you as soon as I have further information.

Yours sincerely,



(Klaus-Henning Rosen)



The International Parliamentary Group For Human Rights In The Soviet Union
Le Groupe International De Parlementaires Pour Les Droits De L'Homme En Union Soviétique

Report on

Soviet Union

CURRENT HUMAN RIGHTS ABUSES IN THE USSR

Issued by the International Parliamentary Group

for Human Rights in the Soviet Union (IPG)

on the occasion of the summit meeting between

President Ronald Reagan of the United States

and

General Secretary Mikhail Gorbachev of the Soviet Union

November 1985

Edited by:

Bruce Alan Kiernan

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The IPG is a voluntary association of parliamentarians from North America, Western Europe, Israel and other countries who are committed to increasing public awareness of the human rights situation in the USSR.

L'IPG est une association de parlementaires bénévoles de l'Amérique du Nord, d'Europe de l'ouest, d'Israël dont le but est de mettre le public plus au courant du statut des droits de l'homme en Union Soviétique.

Report on
CURRENT SOVIET HUMAN RIGHTS ABUSES

Issued on the occasion of the summit meeting between

President Ronald Reagan

and

Soviet General Secretary Mikhail Gorbachev

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Introduction

The International Parliamentary Group for Human Rights in the Soviet Union (IPG) is a voluntary association of 700 parliamentarians in 16 countries who are committed to increasing public awareness of Soviet human rights performance and to promoting Western and neutral unity in support of human rights in the Soviet Union.

This report is intended to provide an assessment of the current status of human rights in the Soviet Union on the eve of the Reagan/Gorbachev summit in Geneva, Switzerland (November 19-20, 1985). The report focuses on three major issues in Soviet performance under the Helsinki Accords and the UN Universal Declaration on Human Rights: 1) Family Reunification with regard to Soviet Jews and ethnic Germans; 2) Religious Freedom; and 3) Free Flow of Information and Human Contacts.

Family reunification for Soviet Jews and ethnic Germans, as measured by emigration statistics, is currently at the lowest level since the 1960's. The monthly average for Jewish emigration has declined from over 4,000 per month in 1979 to 89 per month in 1985. German emigration has been reduced from 600 per month in 1979 to less than 40 per month in 1985. The report estimates that there are more than 300,000 Soviet Jews and 100,000 ethnic Germans who have been unable to exercise the internationally recognized right to emigrate.

There are more than 350 prisoners of all religious faiths in the Soviet Union who have been silenced for attempting to act upon their rights to religious freedom as defined by both the

Helsinki Accords and the Soviet Constitution. Accompanying this repression has been an increasing level of anti-religious regulations and propaganda sanctioned by the Soviet government in an effort to restrict, if not destroy, the free practice of religious beliefs.

The Soviet Union has also attempted to prevent the free flow of information and peoples, which is a fundamental prerequisite for the exercise of individual liberty and freedom. The jamming of foreign broadcasts into the Soviet Union, the harassment of and limitations on journalists working in the Soviet Union, the reduced access to and prohibition of foreign periodicals and newspapers, the elimination of direct dial telephone service to and from the USSR, and the ongoing violations of the International Postal Convention with regard to the non-delivery of mail are in direct contradiction to the letter and spirit of the Soviet Union's commitments as a signatory to the Helsinki Accords and other international agreements.

This report has been transmitted to President Reagan by Senators Charles E. Grassley and Dennis DeConcini, and Representatives Tom Lantos and John Edward Porter, the co-founders of IPG. The report reflects IPG's view that Soviet human rights performance is an issue of major concern in East-West relations and should be given a priority at the Reagan/Gorbachev summit which is consistent with the United States' historical commitment to human rights as the cornerstone of American and Western foreign policy.

FREEDOM OF RELIGION

"The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief, for all without distinction as to race, sex, language or religion..."

Within this framework the participating states will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief, acting in accordance with the dictates of his own conscience."

From the Helsinki Final Act

Within the Soviet Union today, religious freedom is an extremely sensitive issue. Religion is the only alternative ideology to communism in the Soviet Union, providing opposing theological positions and competing for the support of the Soviet people. Because of this role, the authorities are very concerned with religious activity in the Soviet Union.

Despite the official separation of church and state under the Soviet Constitution, the government attempts to control and subordinate all facets of religious life through a series of laws and official codes. These laws require that every religious community be registered with the state and conform to the following regulations: congregations may not own their churches but must rent them from the state, which can revoke the rental agreement at any time; no one under the age of 18 is allowed to be inside a church; children can only be taught religion by their parents at home; all religious leaders and literature must be approved by the state; and the state controls access to seminaries. These regulations result in shortages of churches, religious literature and leaders for all religious groups. In this way the authorities strictly limit the activities and influence of the various churches.

There are almost 100 million religious believers in the Soviet Union, representing most of the world's major religions. There are 52 million Christians, with the Russian Orthodox Church having 40 million members. The other major Christian religious groupings include the Roman Catholic Church (five million members); the illegal Uniate or Ukrainian Catholic Church (three million members); the Lutheran Church (one million members among Estonians and Lithuanians); and Evangelical Protestants. Many of the Evangelical Protestants, including groups of Baptists, Seventh-Day Adventists and Pentacostals, have refused to register with the State and are thus considered illegal. Estimates of the membership of these groups are 100,000, 130,000, and 500,000 respectively. The Soviet state also has the power to decide which religious groups have the right to exist. Outlawed religious groups include Jehovah's Witnesses and the True Orthodox Church.

The second largest religious group in the Soviet Union are the Moslems. There are nearly 45 million people that belong to the "Moslem nations" within the Soviet Union. The Soviet authorities have attempted to regulate the Moslem believers in the Soviet Union by controlling the number of operating mosques. Before coming under Soviet rule there were almost 25,000 mosques; presently the Soviet government only permits between four and five hundred mosques to remain open.

While the Soviet Constitution guarantees certain individual rights, the Soviet Penal Code can, in practice, negate the freedoms of the Constitution. The Soviet authorities have tried and sentenced individual believers to lengthy prison terms or

hard labor for a number of deliberately fabricated crimes. These convictions violate both the Helsinki Final Act and the provisions for individual religious freedom in the Soviet Constitution. Examples of this practice include Boris Razveyev, a Russian Orthodox Christian, who was sentenced on September 3, 1985 to three years in prison for "circulation of deliberately false concoctions, slandering the state and Soviet order" and "infringement of the person and rights of citizens under the guise of performing religious rituals." Ukrainian Catholic Activist Iosyp Terelya was sentenced to seven years in prison for "anti-Soviet agitation and propaganda."

Conditions in Soviet prisons, labor camps and psychiatric hospitals can be extremely brutal and ill treatment often results in death. Ukrainian prisoner of conscience Vasyl Stus died in a labor camp near Perm, USSR on September 4, 1985. Religious prisoners are often placed in confinement with convicted murderers and violent criminals and many have been severely injured or killed. Yakov Levin, a Jew from Odessa, was so brutally beaten in a holding prison that his condition was diagnosed as "irreversible." The repression targeted against religious activists is not limited to the activists themselves. Their families are often subject to harassment by local police, loss of employment, forced eviction or arrest.

One of the most recent tactics used by Soviet authorities is the systematic attack on Hebrew teachers. The campaign launched in 1984 by a series of searches, threats and arrests has not subsided under the leadership of Mikhail Gorbachev. In fact, four

more Hebrew teachers have been arrested since Gorbachev's rise to power, including Aleksander Kholmiansky, who was sentenced to 18 months in a labor camp on charges of "illegal possession of ammunition."

The Soviets have also begun to re-arrest religious believers and sentence them to additional time in prison before they are even released from their original sentence. Nikolai Boiko, a Soviet Baptist, has been sentenced to an additional two and one half years of hard labor for "persistent violation of camp regulations."

N.B.-- This report was based on materials provided by Keston College (United Kingdom), Amnesty International and the Human Rights Internet Reporter.

FREE FLOW OF INFORMATION/HUMAN CONTACTS

The Soviet Government, in signing the Helsinki Final Act, pledged to "facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating state exercise their profession in another participating state." Contrary to the letter and spirit of the Final Act, the Soviet Government has tried to restrict and control all facets of information flowing into and out of the country. The Soviet government fails to fulfill its

international obligations by restricting the free flow of information and human contacts in three areas: 1) the broadcast and reception of international radio programs within the Soviet Union; 2) the dissemination of Western information including newspapers, periodicals and television; and 3) the working conditions of journalists within the Soviet Union.

There are several major international broadcasting services which transmit programs into the Soviet Union: the British Broadcasting Company, Deutsche Welle and Deutschlandfunk, the Voice of America and Radio Liberty. The Soviets have tried to restrict the flow of information from these services by preventing the clear reception of their signal. This involves "jamming" the incoming signal by causing deliberate interference in the form of noise on the same frequency as the signal. Jamming prevents the reception of the signal and therefore makes listening to the broadcast difficult. Between 1975 and 1979, during the period of detente in East-West relations, the Soviets ended the jamming of western broadcasts, with the exception of Radio Liberty. Since 1980, the Soviets have increased the intensity and scope of their jamming by building additional local jamming stations and by blanketing the signal over a large area with a network of "skyway" transmitters. The Soviets have also tried to discourage radio reception by making it illegal to disseminate "false" information based on these broadcasts. Although it is no longer a crime to listen to the broadcasts, an individual can be arrested and sentenced to prison for discussing the contents of the broadcasts. The Soviets have also used

intimidation tactics against broadcasters throughout the West.

The Soviets keep tight control over all other forms of information entering the country. There are few Western television programs or films shown in the Soviet Union today. Those that are shown often contain an anti-Western bias and have been screened and edited according to strict ideological standards. The Soviet authorities also maintain close control over the dissemination of printed materials such as Western newspapers and periodicals. Although the Helsinki Final Act calls for "the improvement of access by the public to periodical and non-periodical printed matter," Western publications are often kept in "closed stacks" at public or university libraries. Soviet citizens are prohibited from subscribing to Western publications.

Improvement in the working conditions for journalists is also a provision of the Helsinki Final Act. However, the Soviets continue to delay, deny and curtail entry visas on the basis of past or present articles written by journalists. There are also several areas of the Soviet Union that are officially closed to Western journalists. The actual conditions under which journalists in the Soviet Union work can often be considered harassment. Western journalists are questioned at length and threatened with prosecution on baseless charges. Access to local sources, both official and unofficial, is made extremely difficult for foreign journalists. Soviet officials often refuse to respond to questions or agree to interviews. Soviet authorities also strongly discourage contacts between journalists and unofficial sources. Soviet journalists are subject to severe

harassment, including confinement in psychiatric hospitals, for writing any article critical of the Soviet regime. Currently there are several Soviet citizens awaiting trial or in confinement for articles they wrote concerning such topics as economic problems in the USSR or Soviet performance in the Helsinki process.

Finally, the Soviet authorities have limited human contacts by discontinuing the ability of people inside and outside of the USSR to use direct dial telephone service. They have also introduced new postal regulations which have made it extremely expensive for Soviet citizens to receive mail and parcels from outside the Soviet Union, and continue to refuse to deliver mail to and from human rights activists.

N.B.-- This report was based on materials supplied by the United States Congressional Commission on Security and Cooperation in Europe.

JEWISH EMIGRATION

The right of Soviet Jews to emigrate from the Soviet Union is based on three major agreements which the Soviet Union has signed. These are:

- * The U.N. Universal Declaration on Human Rights (1948)
- * The International Convention on Civil and Political Rights (1966)

* Basket III of the Helsinki Final Act (1975)

Since 1968, the Soviet Union has granted 264,764 Jews permission to emigrate from the Soviet Union. In order to apply for emigration from the Soviet Union, a Jew must have an invitation (vizov) from Israel and must prove that he is emigrating for the purpose of family reunification. Since 1968, Israel has sent more than 600,000 invitations to Jews inside the Soviet Union who have requested them. Thus, there are currently over 300,000 Jews who wish to emigrate from the Soviet Union and are unable to do so because of the Soviet government's refusal to adhere to its international obligations. The Soviet authorities claim that all Jews who wish to emigrate have done so, thus explaining the decline in the number of visas issued.

There is a link between the USSR's emigration policy and overall East-West relations. Emigration peaked in 1974 at the height of East-West detente and again in 1979 as a result of progress in arms control and trade. As East-West relations deteriorated during the late 1970's, due to Soviet policies in Afghanistan and Poland, Jewish emigration declined drastically, from a high of 4,277 Jews per month in 1979 to the current rate of 89 per month (January-September 1985). The following chart illustrates the recent decline in emigration:

JEWISH EMIGRATION FROM THE SOVIET UNION

<u>YEAR</u>	<u>NUMBER OF PERSONS</u>	<u>MONTHLY AVERAGE</u>
1968-		
1970	4,235	118
1971	13,022	1,085
1972	31,681	2,640
1973	34,733	2,894
1974	20,628	1,719
1975	13,221	1,102
1976	14,261	1,188
1977	16,736	1,395
1978	28,864	2,405
1979	51,320	4,277
1980	21,471	1,789
1981	9,477	787
1982	2,688	241
1983	1,315	110
1984	896	75
1985 (Jan.-Sept.)	795	89

There are currently at least 10,000 Jewish refuseniks (individuals who have been refused exit visas) in the Soviet Union. Recently the Soviet government has stepped up its campaign of harassment and anti-semitic propaganda against the refuseniks and their families. This campaign has taken the form of press conferences linking Zionism with the Nazis, the loss of employment for Jews that have applied for emigration visas, restrictions on university enrollment for Jews, continued illegal searches of Jewish homes, confiscation of property, and the arrests of many Jewish activists on baseless charges. In the past year, these arrests have included: Vladimir Brodsky, sentenced to three years for "malicious hooliganism"; Yuli Edelshtein, sentenced to three years for "trafficking in drugs"; and Leonid Volvosky who was arrested for "anti-Soviet agitation and propaganda." The human rights conditions for those Jews waiting

to emigrate from the Soviet Union have continued to deteriorate since General Secretary Gorbachev ascended to power, despite his recent statement that "I would be glad to hear of Jews enjoying anywhere such political and other rights as they have in our country."

N.B.-- This report was prepared with materials supplied by Keston College (United Kingdom), the Union of Councils for Soviet Jews and the Human Rights Internet Reporter.

GERMAN EMIGRATION

There are almost two million people living in the Soviet Union who list "German" as their ethnic group; 57% of these state that German is their native language. The vast majority of the ethnic Germans are descendants of settlers invited by the Czars to live and work in Russia during the 18th and 19th centuries. These Germans were accorded special rights, which included religious and cultural tolerance and communal self-determination. These special privileges were gradually abolished after 1871. These communities maintained their cultural identity and national characteristics until 1941, when 545,000 Germans from various regions of the Soviet Union were deported to forced labor camps in Siberia and Central Asia. The 1941 Decree of Deportation termed ethnic Germans "Enemies of the Soviet Union" and accused them of "active support for the Fascist Conquerors", while providing for the confiscation of their property and the complete abolition of their rights. It was not until 1955 that

the deportation order was rescinded and the Germans were allowed to move south into warmer regions. The Germans were not permitted to return to their prewar homes, and were not given compensation for their properties seized during the war.

Currently, the ethnic Germans are still denied their national autonomy and have been unable to establish their own German schools and cultural life. Because of general statutory and administrative restrictions and official anti-religious propaganda, the Germans cannot provide for the religious education of their children, a major component in preserving their national identity.

In order to receive a visa to emigrate from the Soviet Union, an ethnic German must receive an invitation (vizov) from the government of the Federal Republic of Germany and must prove that emigration is for the purpose of family reunification. Additionally, the official application process is extremely cumbersome and can take many years to complete. There are also passport and denaturalization fees which can amount to 9 months salary per person. These factors combine to prevent large numbers of ethnic Germans from completing the application process, and even those who do so are often not allowed to emigrate. The decline in German emigration and the obstacles within the application process are contrary to the provisions of:

* The German-Soviet Repatriation Agreement (1958)

* The International Convention on Civil and Political Rights (1966)

* Basket III of the Helsinki Final Act (1975)

The overall number of exit permits granted from 1955 through September 1985 is 94,227. The average annual figure has varied greatly from year to year and is related to East-West relations. The USSR has claimed that the rapid decline in emigration during the 1980's is due to the fact that most of the ethnic Germans willing to emigrate have done so. In fact, the German Red Cross estimates that there are over 100,000 ethnic Germans who have applied for emigration and been denied their rights under the international agreements signed by the Soviet government.

GERMAN EMIGRATION FROM THE SOVIET UNION

<u>YEAR</u>	<u>NUMBER OF PERSONS</u>	<u>MONTHLY AVERAGE</u>	<u>TOTAL FOR FIVE YEAR PERIOD</u>
1955	608	51	
1956	800	67	1955-1959:
1957	1,221	102	13,270
1958	4,681	390	
1959	5,960	497	
1960	3,460	288	
1961	451	38	1960-1964:
1962	927	77	5,342
1963	242	20	
1964	262	22	
1965	365	30	
1966	1,245	104	1965-1969:
1967	1,092	91	3,616
1968	598	50	
1969	316	26	
1970	342	29	
1971	1,145	95	1970-1974:
1972	3,420	285	15,941
1973	4,493	374	
1974	6,541	545	
1975	5,985	499	
1976	9,704	809	1975-1979:
1977	9,274	773	40,644
1978	8,445	705	
1979	7,226	602	
1980	6,954	580	

1981	3,773	314	1980-1984:
1982	2,071	172	15,060
1983	1,447	121	
1984	815	68	
1985	354	39	(Jan.-Sept.)

N.B.-- This report was based on materials supplied by the government of the Federal Republic of Germany.