## THE PODRABINEK TRIAL

Punitive Medicine or fabrications known to be false . . . ?

Translated from *Information Bulletin* No. 11 by the Working Commission for the Investigation of the Use of Psychiatry for Political Purposes.

Moscow 1978



AMNESTY INTERNAT ONLL

BRITISH SECTION

Tower House 8-14 Southampton Street London WC2E 7HF

February 1979

# ALEXANDER PODRABINEK

Alexander Podrabinek is now serving his sentence of internal exile. His address is:

SSSR
665544 IRKUTSKAYA OBLAST
Chunskii-4
Do Vostrebovaniya
Alexander Podrabinek

Please write to him conveying your best wishes and expressing your support. This will remind him that he has not been forgotten and that his sacrifice has not been in vain.

Write also to the Procurator-General, Mr R.A. Rudenko:

SSSR g. Moskva Pushkinskaya ul. 15a Prokuratura SSSR Generalnomu Prokuroru R.A. Rudenko

Express your concern at the breeches of procedural norms during the investigation and consideration of Podrabinek's case. Explain that the Procurator only attempted to show that a small percentage of the facts contained in "Punitive Medicine" were false and Podrabinek was not allowed to produce his evidence to confirm the overall truth of the book. Ask Mr Rudenko to protest at the decision of the court in finding Alexander Podrabinek guilty of the "Circulation of fabrications known to be false which defame the Soviet state and social system."

These materials have been translated and edited by Amnesty International, British Section, Co-ordinating Group for Prisoners in the USSR, 87 Meadway, Barnet, Herts, England EN5 5JZ with the assistance of the Research Department of Amnesty International.

### Introduction

Alexander Podrabinek combines youth with remarkable civic courage. With the advantages of his own para-medic's 'white coat', he systematically sought to study and alleviate conditions for political and other prisoners in Soviet mental hospitals. His book, Punitive Medicine, is a milestone in the development of a comprehensive understanding of the phenomenon of psychiatric abuse within the USSR. Its impact on representatives of the world's psychiatrists meeting last year in Honolulu was considerable. It is sad but not surprising that those whom he has criticised should retaliate by seeking to discredit his book on the basis of what may be a few inaccuracies, while locking him up to prevent him from improving his study himself. He was arrested on 14 May 1978, aged 25, and his subsequent trial in August was the centrepiece of attempts to discredit the book and Alexander Podrabinek personally. The reader must judge how far this has been achieved. For our part, we have no hesitation in agreeing with Sophia Kalistratova that the trial materials available to us indicate his innocence of any crime under Soviet law. They also reveal the futility of responding to criticism with proceedings of this kind. It is interesting to see that Kalistratova's fears about further breaches in law in this case have proven only too well-founded. Not only was Podrabinek still in the Krasnaya Presnya transit prison in November, but he had still not been given an official transcript of the trial on which to base his appeal (The Times 10.11.78). Despite this, the rejection of his appeal was announced on 23 November (The Guardian 24.11.78). We hope that this dossier will assist all those campaigning for the liberty of Podrabinek himself, other fighters against this abuse in the USSR, like Dr. Semyon Gluzman, and the victims themselves.

> David Simpson Director

This is not an academic translation but we have included the titles of material available from us which has been circulated previously and which describe the work and fate of the Podrabinek brothers. The reader will also find a list of those of the Working Commission's appendices for which we had neither time or money. Some of them are separately available from us and this is indicated.

Readers should note that the Russian word prigovor includes the meanings of the English terms "findings", "verdict" and "sentence". The following abbreviations have also been used throughout:

RSFSR = Russian Soviet Federative Socialist Republic

CC = Criminal Code (Penal Code)

CCP = Code of Criminal Procedure

SPH = Special Psychiatric Hospital (psychiatric prison).

## Other relevant documents obtainable from us:

- Punitive Medicine by Alexander Podrabinek: A Summary. 1.8.77, AI Index EUR 46/28/77. (Introductory Note, A. Podrabinek's Postscript, Summary of Punitive Medicine; General, Legal Aspects, The Psychiatrists Diagnoses, Conditions in SPHs, Anti-Therapy, Tendencies of Development of Punitive Medicine).
- Imprisonment of Opponents of Psychiatric Abuses in the USSR: The Podrabinek Brothers 21.6.78 AI Index EUR 46/19/78. (Short biographical sketch of the Podrabinek brothers, details of their work, their arrests etc.)
- The Podrabinek Hearing London 13.7.78 (Evidence given by witnesses to the "parallel hearing" under the chairmanship of John McDonald QC: V. Bukovsky, N. Gorbanyevskaya, Maj. -Gen. P. Grigorenko, L. Plyushch, Dr. Yu. Novikov, Dr. M. Voykhanskaya, Dr. A. Papiashvili, Dr. I. Glezer, Dr. P. Sainsbury (for the Royal College of Psychiatrists), Dr. G. Low-Beer, Dr. S. Bloch, P. Reddaway, L. Alexeyeva, V. Turchin.)
- Nos. 44-48 of the Chronicle of Current Events contain copious and numerous references to the work of the Working Commission and the Podrabinek brothers. Available in Russian or English. Published in Russian by Khronika Press, New York and in English by Amnesty International.

The following appendices formed part of Information Bulletin No. 11 of the Working Group for the Investigation of the Use of Psychiatry for Political Purposes but are not included in this translation.

- Yu. S. Belov: <u>Testimony in the case of Alexander Podrabinek</u> 2pp. (available from us separately).
- Declarations of M. Kukobaka and V. Nekipelov indicating their willingness to testify on behalf of Podrabinek and Extracts from M. I. Kukobaka's letters from psychiatric hospitals. (available from us separately).
- Appeal to the Psychiatric Associations of the World by the Working Commission for the Investigation of the Use of Psychiatry for Political Purposes. 2pp.
- 5) Appeal to the Psychiatrists of the Whole World by S. M. Polikanov 1p.
- Press Statement by Y. Yarym-Agaev, A. Kromova, T. Velikanova, A. Lavut, I. Grivnina, A. Polikanov, A. Romanov, M. Landa, T. Osipova, V. Nekipelov, E. Bonner, S. Polikanov of the Moscow "Helsinki" Group; Father G. Yakunin, V. Kapitanchuk of the Christian Committee in Defence of the Rights of Believers; V. Bakhmin, L. Ternovsky of the Working Commission for the Investigation of the Use of Psychiatry for Political Purposes. 2pp.



Alexander (left, with beard) and Kirill (right) Podrabinek



Alexander Podrabinek is detained by plain-clothes men in Moscow on 3 April 1977, while attending a Baptist meeting. He was given 15 days in jail for "hooliganism".

# Foreword

A year ago, the Congress of the World Psychiatric Association took place in Honolulu. The practice of the abuse of psychiatry, especially in the Soviet Union, was condemned at the Congress; the Hawaii Declaration was adopted; it was announced that a Committee of the World Psychiatric Association would be established to investigate cases of the abuse of psychiatry.

A short summary of the contents of AI Podrabinek's book, "Punitive Medicine", provided by the international organisation, Amnesty International, was distributed among the participants in the Congress. A year later the resolutions, adopted by the Congress concerning the abuse of psychiatry, remain merely resolutions.

Meanwhile, the author of the book <u>Punitive Medicine</u> has been sentenced by Moscow Regional Court to 5 years' exile "for fabrications, damaging to the Soviet state and social system". Thus, just a year after the congress in Honolulu, the authorities have had their revenge on the man who, in all his activity, sought the cessation of psychiatric repression, sought to ensure that the whole world knew about this criminal practice.

The Working Commission is publishing, in a special edition of the <u>Information</u>
Bulletin, the material available to it concerning the trial of Alexander Podrabinek.

We hope that the wide acquaintance of the public with these materials will facilitate the exposure of the practice of psychiatric abuse in our country and will draw attention to the fate of Alexander Podrabinek.

The Working Commission

# IN THE COURTROOM

The trial of A. Podrabinek began at 9.00 am in the town of Elektrostal, Moscow Region.

From as early as 6 am, that part of the building which houses the court was surrounded by a cordon of militiamen and persons in civilian clothes in such a way so that it was impossible to pass by except on the road.

From the morning it was raining. Podrabinek's friends, arriving up to half an hour before the beginning of the trial, remained in the rain in front of the cordon of militiamen. "We have already filled the courtroom to keep order", declared a young and still inexperienced militiaman with provincial openness. The more experienced replied more simply: "There are no places. Are we to sit you on people's heads?" But basically the representatives of the authorities conducted themselves politely and correctly.

On the eve of the trial A. Podrabinek's attorney, Vyacheslav Bakhmin, turned to judge R. V. Nazarov, with a declaration asking that he be permitted into the trial. The judge expressed his confusion in connection with such a declaration and said that this was a normal criminal case and anyone who wanted to could naturally be present. However, as was to be expected, Nazarov turned out to be wrong. The vigilant guard did not even let him pass for a long time, until, standing in the rain and getting everything out of his brief case, Nazarov found his pass, giving him the right to enter the "open court". Finally, someone in civilian clothes ran out of the building and lead Nazarov through the cordon.

Several minutes before the beginning of the trial, they let through the father of the accused, A. Podrabinek, with his wife. (At midday, she was obliged to withdraw so that she could feed her child. After that they did not let her back in to the building). No one else from the family and friends of the accused was permitted in the courtroom.

Just before 9.00 a considerable crowd gathered at the building. The local inhabitants, who had never seen anything of the sort, gathered not far off, and discussed the proceedings with curiosity. They were especially surprised by the fact that they could not pass by the courthouse into the nearest shop, but had to go round the cordon forcing their way through muddy puddles. But no-one asked any unnecessary questions. Probably that is how it has to be.

People with excellent cameras and cinecameras appeared from the building and began to record the proceedings. The filming went on the whole day with short interruptions. Towards the end of the day a "cineophile" climbed on to the balcony of the building which housed the court and took the panorama from above.

At 10.30 Podrabinek's friends telephoned to Moscow and told what was going on in the court. They succeeded in placing the call in the post office which was in the same building, but after that call, communication with Moscow ceased.

Towards the end of the day, the local inhabitants got bolder. About 100 of them had already gathered. Several came up and asked what was going on. There were people with hostile attitudes and several turned up who were sympathetic. Some arrived in Elektrostal from other towns, after hearing of the trial on foreign radio stations, they asked how they could help. Around 18.00 the situation got hotter. Shouts were heard from the crowd of locals: "What they won't try on'.", "They don't want to work'.", "They're a load of cursed Yids'."

Finally, at 18.30 the militia began to thin out the crowd. A militia car drove up to the entrance. It was clear that the trial had finished. They bought Alexander Podrabinek out of the building and sat him rapidly in the car. He succeeded in shaking everyone by the hand. His friends began to shout: "Sasha'..." Several local residents also shouted together with Podrabinek's friends but hostile shouts were also heard. They took Sasha away. Only then did they let Alexander Podrabinek's father out of the courthouse and everyone found out the sentence: 5 year's exile. The crowd dispersed. So ended August 15th at the Elektrostal town courthouse.

Later the details of what had happened in the courtroom became known from A. Podrabinek's father.

## THE RECORD OF THE TRIAL\*

A small hall for trials: full, with thirty people. The public gallery was in a very hostile mood towards the accused and reacted correspondingly with alacrity to what went on in the course of the trial.

A comment was made to A. Podrabinek's father concerning the taking of notes during the course of the court session; however his notes are not confiscated.

Judge:

The court session is declared open. The case of the charge against PODRABINEK, Alexander Pinkhosovich of an offence, foreseen under Art. 190-1 of the CC of the RSFSR, i.e. of distributing known falsifications, damaging the Soviet state and social system, is under consideration.

It appears that of the witnesses the following are present:-

Present: Vvedensky, V.G., Zhabina, G.N., Fedorov, M.M., Moskalkov, V.V., Steshkin, V.D., Kotova, T.A., Svyatsky, F., Semiryazhko, A.G., Abrosimov.

Absent: Bobrovich, E.V., Pechernikova, T.P., Valyukhina, Buzinova, N.V.

The presiding officer establishes the identity of the accused.

\* Unfortunately, it was impossible to write down exactly what happened at the trial. However, the record describes the course of the trial adequately.

J.: You have received a copy of the indictment?

AI. Podrabinek: Yes.

J.: Since when have you been held on remand?

AP: Since the 14th May.

The criminal case is to be considered by the collegium of the Moscow Regional court composed of: the presiding officer NAZAROV, R.V, the people's assessors: BOIKOV, STEPANOV, the Procurator: dep. procurator of Moscow Region, SUVOROV. Defence counsel: lawyer SHALMAN E.S.

Then the accused has his rights explained to him. Then the judge proposes to to begin the judicial examination in the absence of the witnesses who have not turned up. Podrabinek proposes that the trial be postponed to secure the absent witnesses. The Procurator proposes to begin. The Judge gives Podrabinek the possibility of reading out his petitions\*

- AP: petitions for the Provisions concerning psychiatric hospitals, on which the investigation is based, to be attached to the file.
- J.: propose that he describe his other petitions.
- AP: The subsequent petitions will depend on the granting of this one.

Counsel: supports the petition.

Proc.: Disagrees with the petition. The indictment talks of falsifications in connection with the regime in psychiatric hospitals and not about the grounds on which people are sent to psychiatric hospitals.

The bench retires for a discussion, then anounces its decision to reject the petition. (Later on, the bench retires several times for a discussion on the petitions of the accused, but the majority of the petitions are rejected after an on-the-spot discussion.)

AP: Petitions for the attachment to the file of <u>Instructions</u> of the Ministry of <u>Health on Nourishment in Hospitals</u>, cited by the indictment.

Couns: Supports the petition.

- Pr. Considers that there are enough materials about the nourishment of the sick in the file. He speaks against the petition.

  The court rejects the petition.
- AP: Petitions for the attachment to the file of an international classification of illnesses, for comparison with the diagnoses established by Soviet doctors.
- Pr.: Not agreed with the petition, since the diagnoses of Soviet medical psychiatrists are based on the premises of the Soviet school of psychiatry, on Soviet norms.
- \* Altogether 27 petitions were announced. Possibly not all have been established.

J.: The so-called international classification has no connection with the case in hand.

- AP: Considers that our diagnostics should be reconciled with international ones.

  Apart from that, witness Kotova T.A. refers to this classification.

  The court rejects the petition.
- AP: petitions for the invitation, as a witness, of FEDOROV, psychiatrist in the chair of psychiatry of the 1st Moscow Medical Institute, since he, when questioned during the preliminary investigation made judgements about the section, "Antitherapy" in Podrabinek's book.

Further, AP petitions for the granting to him of the two-volume Healing Substances by Mashkovsky, several editions of the Chronicle of Current Events, the Information Bulletins of the Working Commission for the Investigation of the use of Psychiatry for Political Purposes, the books by Bloch and Reddaway on psychiatric hospitals in the Soviet Union, editions of a journal of neuropathology and psychiatry, in which the International Congress of Psychiatrists in Honolulu was described and the Hawaii Declaration was published. AP demands these documents, since the indictment refers to them in the file. He also wants to have such an opportunity.

- Pr.: I consider that the documents mentioned by the accused are malicious anti-Soviet publications. These materials were used by the investigation solely to demonstrate the circulation received by Podrabinek's falsifications. They merely illustrate that Podrabinek distributed his materials.
- J.: So you're demanding first one book and then another. We will empty the whole library this way.
- AP: Why? You can make microfilms.

  The court rejects the petition.

The petition is rejected.

- AP: Petitions for the questioning during the judicial session of:

  BELOV, YU.S.: about the circumstances of the deaths of Levitin and Kotov;

  KUKOBAKA, M.: about conditions in Sychovka Special Psychiatric Hospital;

  GRIGORENKO, P.G.: about conditions of maintenance in Chernyakhovsk SPH.
- (Pr. What Grigorenko? Look, he has been deprived of Soviet citizenship, he is a slanderer!)

  SHATUNOVSKAYA N.YA., the mother of Olga IOFE, on maintenance in Kazan PSH.

(Couns. hands the judge the declaration of Shatunovskaya N. Ya. with the request to question her as a witness).

- Considers that Kukobaka and Belov are non-responsible and cannot appear as witnesses in court. Grigorenko is deprived of Soviet citizenship, there is no need to question Shatunovskaya, since there are adequate materials about the conditions of maintenance in psychiatric hospitals.
- Declares that they were found non-responsible earlier. Now they have been discharged from psychiatric hospitals. An expert examination is necessary to elucidate their present condition.

  The petition is rejected.

AP: petitions for the summoning as witnesses of about 30 people, former prisoners of psychiatric hospitals, demands that they be subjected to an international expert examination with the aim of establishing whether they are ill, whether they are responsible and socially dangerous.

Couns. leaves this petition to the consideration of the court.

Pr.: expresses surprise at such a petition, since the law does not provide for expert examinations of that sort.

J.: International organisations cannot be experts.The petition is rejected.

AP: petitions for the attachment to the case of the indictments and files of the expert examinations of the persons, mentioned in the previous petition.

Couns. supports the petition.

Pr.: considers that there are enough notes from the case histories of the patients; the files on the expert examinations are not required.

The court rejects the petition.

AP: petitions for the attachment to the file of the expert examination conducted by the English psychiatrist Low-Beer in connection with Starchik, P and Belov, Yu.

Couns. leaves this petition to the consideration of the court.

Pr.: considers that the judgements of foreign psychiatrists have no force for the court. The court rejects the petition, since no-one entrusted this English psychiatrist, a member of the Royal College, with the conduct of an expert examination.

AP: petitions for the attachment to the file of the case history of the illness of Radchenko and of the medical inquest on his death, since the file of the inquest is unsatisfactory. They gave him 100 mg. of Aminozine after 30 days' hunger strike. They had introduced atropine when his pulse was 100. There were traces of beatings on the body, the openings of the nasal cavity were clear, despite asphyxia. Apart from that there is a difference between clinical diagnoses and pathalogical anatomical ones.

Pr. objects since there are enough materials in the file.

The petition is rejected.

AP: petitions for the attachment to the case file of the post-mortem on Bekhnich. They had kicked him in the stomach. No tracheotomy had been attempted despite the state of his respiration.

Pr.: considers that all the circumstances of the death are well-known.

The court rejects the petition since it goes beyond the matter under consideration.

AP: petitions for the invitation to the judicial session of an Italian translator since there are materials in Italian in the case file (the documents concerning the Sakharov hearings in Italy), but he does not know that language.

Pr.: There was enough time for you to translate these documents.

The petition is rejected.

asks that he be acquainted with the tape-recordings of his interrogations.

He cites the fact that something was not quite right with the Gamsakhurdia trial, and he wants to check the recordings of his interrogations.

The petition is rejected, since the accused had enough time for this earlier.

Declares that Bobrovich's typewriter, which figures in the case materials,

has no connection with the case in hand.

J.: assures Podrabinek that this machine will not arise in the judicial investigation, any more than the materials of the Sakharov hearings.

<u>AP</u>: draws the attention of the court to the fact that the protocols of the searches of the flats of L. Ternovsky, V. Bakhmin, T. Velikanova are missing from the case file. Apart from that, there are signs of falsification and tidying up in the case file.

L: declares that the court is not a notary and will not be authenticating the materials.

AP: petitions for the invitation of the English lawyer, Louis Blom-Cooper, to the trial as defence counsel, since this does not contravene the law.

Couns. You don't trust me?

AP: explains that he does trust Shalman, but that many of those who were maintained here in psychiatric hospitals, are now abroad. Blom-Cooper has the opportunity to get to know their testimony and he can appear in Podrabinek's defence.

Couns. does not object.

<u>Pr.</u>: speaks against the petitions. In Article 47 of the Code of Criminal Procedure of the RSFSR, there are no indications on this question. He argues that one must not satisfy this petition. Apart from that, this lawyer would defend the accused according to English laws.

objects. Blom-Cooper is ready to conduct the defence according to Soviet laws. The bench retires for discussion. Then the petition is rejected, since the excellent lawyer, Shalman, E.S., whom Podrabinek himself requested, is present in the court.

demands that the judicial investigation should be conducted in open court, according to Art. 18 of the Code of Criminal Procedure of the RSFSR. If the dimensions of the room do not permit this, he petitions for the transfer of the session to another, larger one. He petitions that it should be supplied with a translation of the trial for all who want it.

Couns. leaves the petition to the consideration of the court.

considers that in this case, Art. 18 of the Code of Criminal Procedure of the RSFSR has not been broken. This is not a political trial but a simple criminal case. Whoever wants to can be present. We will not hang out a notice.

- Go outside and see how many militia there are and how many of my friends who cannot get in here.
- Cites an article in the paper about a trial of poachers, which was widely transmitted. "Emperor Alexander granted the open trial. I am ashamed that it has been abolished."
- L rejects the petition since there are no grounds for it.
- AP: declares that he has rejected his counsel Shalman and intends to defend himself.
- J. Why?
- I shall explain the reason, when I consider it necessary, in the meantime this is my right under Art. 50 of the Code of Criminal Procedure of the RSFSR.
- Pr. considers that this is the right of the accused. Let him defend himself.

The bench retires for discussion. Then it decides to reject the petition of AP because he had earlier accepted this counsel. Apart from that, this petition is bound up with the demand of the accused for an open judicial examination.

- AP: declares that his renunciation is not bound up with anything and is not enforced.
- L. Why did you not declare that you would renounce your defence counsel earlier?
- AP: I did not consider it necessary.
- Couns. considers that if there is even a shadow of a lack of confidence towards the defence counsel, then the renunciation of the counsel should be accepted. Even the Procurator had supported this petition.
- J. You know that the Procurator will still stay on?
- AP: Yes, I know.
- Pr. I do not understand this petition, but since according to Art.50 of the Code of Criminal Procedure of the RSFSR the law permits the rejection of defence counsel, I do not object.

The counsel grants the petition.

- Couns. asks for the possibility of transmitting to the accused the Code of Criminal Procedure. He is allowed to hand over the Code and Shalman leaves the courtroom.
- AP: reads out a declaration in which he asserts that Arts. 18 and 20 of the CCP are not being observed in the session of the court, the procurator and all the other members of the court are professionally incapable of (acting) conscientiously; they are attached to Communist ideology and they are obliged to carry out the instructions of the Party so as not to lose their jobs. Therefore, they are persons with an interest in the case. On this basis, according to the law, AP declares that the whole court, as composed, should be removed.
- Pr. The accused is not rejecting a single candidacy but the whole composition of the court. Not a single Soviet court can satisfy him, all our judges are the same.
- AP: Exactly.

- Pr. Considers that there are no grounds on which to satisfy this declaration.

  The court declines to remove itself en bloc.
- Makes the following declaration: I don't want the illusion of due process of law. In actual fact, the counsel is deprived of the possibility to defend me and for that reason I rejected him in court as my defence counsel. Furthermore, from this moment, I myself will not take part in the trial. I do not participate in spectacles of this kind. I have no artistic talents and therefore, I shall not take part in this spectacle even in a walk-on part. I demand to be led out of the courtroom.
- J. That is not provided for by law.
- AP: Then you shall have to remove me from the courtroom on the grounds of Art. 263 of the CCP of the RSFSR\*
- J. Let us proceed to the judicial investigation.
- AP: I must leave. I'm feeling sick...looking at the procurator.
- J. It's nothing, it'll pass over. Go out later.
- AP: But I'm feeling sick now!
- Proceeds to a reading of the indictment.

AP: attempting to achieve his removal from the courtroom, starts to smoke a cigarette. The guard looks at the captain enquiringly. He looks aside. The J. tries not to turn his attention to the conduct of the accused. After smoking two cigarettes, AP begins to whistle: "Torreador, now guard".... at first softly, then louder and louder. After the cross-examination of the witnesses has begun, the judge, finally, removes him from the courtroom, after warning him that AP can petition to be returned to the courtroom.

AP immediately petitions to return to have his final word.

After that he is removed.

A short note of the indictment is laid out below. At the same time, in Appendix No. 1 several extracts are introduced from the book <u>Punitive Medicine</u>, referred to in the indictment.

In the <u>Indictment</u>, it says, in part, that on the 29 December 1977, the investigation department of the KGB for Moscow and the Moscow Region, put aside from File No. 474 (concerning the charge against Orlov, Yu.F), materials which concerned Podrabinek, Alexander Pinkhosovich, for the purpose of initiating a criminal charge against him, accusing Podrabinek of the distribution of slanderous information, damaging the Soviet state and social system, i.e. crimes, foreseen by Art. 190-1 of the CC of the RSFSR.

This article provides for measures to be applied to the accused in the event of his violating order during the judicial hearing (Work. Com.)

On the 30 December, the case materials were transmitted to the Procuracy of the Moscow Region and accepted for processing by investigator GUZHENKOV, V. on 2 January.

It was established by the investigation conducted into the case that during 1975-77, Podrabinek, A.P., prepared a document with the title Punitive Medicine in which he crudely distorts events in the history of our state, perverts the internal policy of the CPSU and the Soviet government, libels socialist democracy, civil rights and freedoms, identifying the socialist system in our country with totalitarian fascism, falsely asserting that the rule of law and political rights are absent from the USSR. In his book, Podrabinek, A.P. slanders the activity of our state organs and social organisations, representatives of Soviet psychiatry, whom he calls "criminals and punishers", he describes the role of trade unions from slanderous positions, argues the anti-constitutionality of several articles of the CC and CCP of the RSFSR and a number of Union Republics. The document contains slanderous assertions about "psychiatric repressions" which are supposed to have taken place, people are called "victims of punitive medicine".

Podrabinek addressed the slanderous document he had prepared to various organisations in the West, where this document was used in the conduct of hostile propaganda. Podrabinek intentionally juggled and distorted the facts, falsified the order of procedure of forensic-psychiatric examinations of people who had committed socially dangerous actions, the order of their committal for compulsory treatment, and also the conditions of maintenance and treatment of the mentally ill whom he calls "victims of psychiatric repressions".

On p. 144 of the document indicated, Podrabinek, A. P. writes about Anatolii Ivanovich Levitin, who was in Sychovka SPH and was, supposedly, killed on the orders of Smirnov, N. P., a doctor-psychiatrist, during an attempt to escape (1). The case materials, however, have established that there was never any patient of that name in the Sychovka SPH. (A reference to the pages of the case file follows).

In communicating the atrocities which are supposed to have taken place in the hospitals, Podrabinek writes (p.145), that in Sychovka SPH "in 1976, the chief of Ward VII, Viktor Efimovich Tsarev, set violent mental patients on the sixty-year old political prisoner Alexei Nikiforovich Kotov and Kotov was killed". In fact, there is a note on the file about the fact that on 24 August 1976 Kotov, A. N. was released from compulsory treatment and transferred to an ordinary psychiatric hospital in the city of Vladimir. (References to the pages of the case file).

On p.144 of the document, it is asserted that Dokhnich, Georgli Vasilievich was killed on the instructions of nurse Deyeva, M. V. of the Sychovka SPH. (2). According to the investigation, however, Dekhnich died on the 25 December 1975 after an operation for a gastric ulcer in the district hospital of Sychovka from a pulmonary-cardiac failure. (References to the pages of the file).

Podrabinek with slanderous intention, attributes words and deeds to the doctors of the Sychovka SPH, which they never said and never did. Thus, according to Podrabinek's assertion, Zeleneyev, a doctor of the Sychovka SPH, is supposed to have said to patient Belov, Yu.S.: "You are healthy and need no treatment". (3) Zelemeyev, questioned as a witness confirmed that there really was a Belov, Yu.S, with them for treatment, suffering from schizophrenia. However, Zeleneyev had said nothing of the kind to him. (Reference to the pages of the case file).

It is asserted on p. 206 of the document that doctors of the Sychovka SPH, Makarov, Olga Viktorovna; Moskalkov, Vladimir Vasilievich, and Barabanov, Anatolii Nikitovich, were subjected to persecution for contacts with political prisoners. All of them were supposedly dismissed and struck off. The investigation established that these assertions do not correspond to reality. Makarov and Barabanov left work on their own request in connection with their moving house. Moskalkov, Vladimir Vasilievich, still works as a houseman (intern) in Sychovka SPH. Questioned as a witness, he declared that "he underwent no questioning, there were no searches, he heard no threats". (References to the pages of the case file).

Podrabinek writes about 'tortures' and beatings by the auxiliary personnel. On p. 141, a certain Sasha Dvornikov, is referred to, who supposedly beats the patient (4). From the note received from the Sychovka SPH it turns out that such a person has never worked in the hospital. (Reference to the pages of the case file). Orderlies Trofimov and Rybakov, questioned as witnesses, testified that there had never been cases of beatings up of patients by the auxiliary personnel. (Reference to the pages of the case file).

The accused asserts that a certain Alexeyenko, S. S. was committed to the Leningrad SPH without a forensic-psychiatric examination and without a trial. In an attempt to escape, he broke his spine. Claiming Alexeyenko as a "victim", the accused appeals for help for him.(5) From the case materials it is clear, however, that Alexeyenko was charged under Arts. 15, 83 of the CC of the RSFSR. An expert examination by the Serbsky Institute found him to be "non-responsible" with the diagnosis "schizophrenia". He was transmitted to the Leningrad SPH by the Murmansk Regional Court. He tried to escape from the Leningrad hospital but he was caught. The X-ray photograph in the case file shows that his spine has neither trauma nor superficial injury. Alexeyenko was transferred from the Leningrad SPH to the Oryol SPH, but in 1977 his compulsory treatment was lifted. According to the testimony of the doctor treating him, Varshavakaya G.D., he was released on the 20 June 1977 and left for Murmansk Region. (Reference to the pages of the case file).

Podrabinek writes about the supposedly illegal "internment" of Shvachko, Nikolai in the Leningrad and then the Kazan SPH (6). (p. 77). In reality, N. Shvachko, together with other criminals committed a murder with the intention of getting hold of fire arms (Reference to the pages of the case file).

Podrabinek also slanders the conditions of maintenance of the patients in both the ordinary hospitals and in the special psychiatric hospitals. He writes about tightly-strung barbed wire, machine guns on watchtowers (pp. 134, 152, 155), about unhygienic conditions of maintenance for the patients (p. 136), writes about

repulsive feeding and even hunger (p.137). He asserts that there are restrictions on radio programmes, food parcels, visits, the sending of letters (pp.137,138). He falsely asserts that the personal accounts of the patients do not exceed 10 Rubles, and that purchases in the shop cannot be made for an amount greater than 3 Rubles a month. (7)

He calls the occupational therapy forced labour, he distorts the system of punishments for the patients.

For slanderous purposes Podrabinek thought up a non-existent Novocherkassk SPH, whose arrangements he criticises just the same. He calls this hospital "the archetype of punitive medicine".

During the course of the investigation a check on the work of 10 psychiatric hospitals, both ordinary and special, was conducted. The results of the check fully refute all the falsifications made by Podrabinek and listed above.

The doctors of the Sanitary-Epidemiological Service regularly investigate the hospitals and no substantial deficiencies have been shown up. This is confirmed by the papers of the investigations in the case file. The food norms in the hospitals are worked out by the Ministry of Health of the USSR, the food is regularly checked for its calorific value. There are about 40 names of various products, among them meat, eggs, milk etc., in the menu. Where necessary, a special diet is prescribed for the patients. An enquiry into the overall menu in all the hospitals investigated, witnesses to the fact that the food norms and their calorific value correspond to the instructions of the Ministry of Health of the USSR. According to these instructions, food parcels and correspondence are not limited in the hospitals.

Visits are also provided for without restrictions. Witness Buzinov, N.V. showed, amongst other things, that she had seen her relatives 10 times between November 1977 and May 1978.

The personal accounts of the patients are also unlimited. The patients' account cards for their personal money show this. In some of them the personal accounts reach as high as 100 Rubles, with a monthly deduction of from 20 to 60 Rubles.

The investigations have shown also that work is used in the psychiatric hospitals solely for purposes of therapy, where medically prescribed. The rate of pay reaches 60 Rubles a month for work of 2 to 4 hours a day in the occupational therapy workshops. This is also confirmed by the testimony of the witnesses.

The regional and district procuracies systematically check conditions in the hospitals. It turns out that none of the workers in the psychiatric hospitals has been charged with a criminal offence.

In the Chernyakhovsk SPH the visitors' book of comments and complaints records gratitude towards the hospital.....

In all the hospitals, there are clubs for independent artistic activity by the patients, literary evenings and discussions are conducted. There are newspapers and magazines. There is a possibility of watching television and film programmes. Sporting activities are conducted.

Podrabinek also slanders the methods of treatment employed. On pp.173-194, he writes that a certain Radchenko died from a large dose of aminozine, as a result of his high intolerance level, and Artemyev committed suicide in consequence. As a result of the investigation conducted, it was established that Radchenko died as a result of asphyxiation, in consequence of choking with masses of vomit and not from the treatment. Valyukhina, the doctor treating Radchenko, confirmed in interrogation that he had died as a result of asphyxiation, and not from treatment with aminozine. Artemyev, as is evident from the case materials, was released from compulsory treatment on 30 May 1972 and transferred to the Marii Republican Psychiatric Hospital.

The intentional falsehood of the fabrications of Podrabinek concerning the methods of treatment has been established by the conclusion of the chair of psychiatry of the Sechenov 1st. Moscow Medical Institute.

Podrabinek, distorting facts and events, slanders the procedure for the conduct of forensic-psychiatric examinations in the Serbsky Institute. Pechernikova T.P., interrogated as a witness, demonstrated the groundlessness of such accusations.

On pp. 223-236, Podrabinek introduces a list of people, whom he represents as "victims of punitive medicine", he calls them "mentally healthy people" (8). However, it has been established by the investigation that the majority of them had been in psychiatric hospitals for treatment earlier. For example, Podrabinek calls Chudakov, Bublik, Krylsky, Bodanin etc. healthy and illegally ruled non-responsible.

However, it has been established that Chudakov, V.S., had been in the Kaluga Psychiatric hospital before his conviction; Bublikov was held in the Vorkuta psychiatric hospital from 1953; Krylsky, Ya. Yu. had been in a psychiatric hospital in Moscow since 1969; Bodanin, B.B. has been on the books of the Regional psychiatric dispensary in Kemerovo since 1966 etc.

Podrabinek, when questioned during the investigation refused to give evidence on the substances of the charges made against him without giving a reason. When implicated in the slanderous character of his book, and with the intention of evading criminal responsibility, Podrabinek refused to admit his authorship.\*

However, Podrabinek's authorship is confirmed by the following materials:

\* A. Podrabinek refused to answer any questions, including the question of his authorship, during the preliminary investigation. (Work. Com.)

- the initial testimony of Podrabinek, in which he admitted his authorship of the document \*\*;
- material evidence: 3 copies of the document, confiscated during the searches, on whose title page the author's name stands;
- By a 'Declaration for the Press', made by Podrabinek and confiscated from him during a search;
- By the conclusions of a handwriting examination, which confirmed that the handwritten corrections in a confiscated copy of the document were made by Podrabinek;
- By other materials, confiscated during a search at Podrabinek's home (the materials are listed), and also by the testimony of witnesses (The names of the witnesses are listed).

The fact that the document Punitive Medicine was distributed is confirmed

- By materials of the searches of the homes of Bobrovich, E and Bakhmin, V, from which copies of this document were confiscated;
- By photocopies of several pages of the document, confiscated at Podrabinek's home;
- By the afterword of the author, in which he addresses the document to international organisations.

Taking into consideration the testimony of the witnesses, the documents attached to the case file, the material evidence, the conclusions of the expert examinations and also Podrabinek's initial testimony, the investigation comes to the conclusion that his guilt is proven in full measure.

On the basis of the foregoing, Podrabinek, A.P. (his personal details follow), is charged that during 1975-77, while living in the town of Elektrostal in Moscow Region and working in Moscow, he prepared in several copies and distributed a document with the title Punitive Medicine. In it, Podrabinek slanders socialist democracy, the internal policy of the country indentifying authority in the USSR with totalitarian fascism, expresses assertions about the utilisation in our country of "psychiatric repression", of the deliberate internment in psychiatric hospitals of people known to be healthy for their convictions, declares that they are tortured in psychiatric institutions. Podrabinek addressed the document when it was prepared to international organisations, and distributed it in Moscow among his acquaintances. The document was used by imperialist propaganda for the stirring up of a slanderous campaign against the Soviet Union.

The activities described, committed by Podrabinek, constitute a crime foreseen by Art. 190-1 of the CC of the RSFSR.

Senior investigator of the Procuracy V.M. Gruzhenkov

\*\* This refers to his evidence in the case of Yu. F. Orlov. (Work. Com.)

- Lealls witness VVEDENSKY, Vladimir Georgisovich, post-graduate student of the Academy of Sciences of the USSR: What can you say about this case?
- Vvedensky says that his girl friend, now his wife, told him about strange conversations with her friend Elena Bobrovich and invited him to meet Bobrovich at her flat. They went there and saw the book <u>Punitive Medicine</u> on a table. When they left, they bumped into the accused. They saw him for 2-3 minutes\*.

## The cross-examination of the witness ZHABINA, G.N. (Vvedensky's wife)

Zhabina relates that she was at the flat of her friend, Elena Bobrovich (she even had her key). On that day Lena asked her to leave, but later Zhabina returned, for she had forgotten to take her lecture notes. She saw a manuscript and re-typed pages on the table and understood what was going on. She told Vvedensky about it, after which they went to the flat together and looked at the manuscript. When they went out, they saw Alexander.

- J. Did you ask Bobrovich who wrote the book?
- Zh. I already knew who did it, she had spoken about it.
- J. Is this manuscript familiar to you? (He shows her the manuscript of the book <u>Punitive Medicine.</u>)
- Zh. Yes, I have seen that manuscript. Here was the index and heading. That's the same book.

The cross-examination of the witness, FEDOROV, Mikhail Mikhailovich, b. 1947 Chief Doctor of Sychovka SPH

J. What do you know about the murder of Levitin?

Fedorov: Such an event has never occurred in our hospital.

- J. Was there such a patient in the hospital?
- F. No there was not.
- J. Was a patient Kotov in your hospital?
- F. I don't remember.
- Do you know anything about murders of patients?
- F. Such things have never happened.
- J. Makarov, Barabanov, Moskalkov have worked with you?
- F. Explains that Barabanov works in Vladivostok, Moskalkov is here as a witness. He also names the town where Makarov works.
- J. Do you have an orderly called Sasha Dvornikov?
- After this Vvedensky wrote and informed the KGB. A search was conducted at Elena Bobrovich's flat and the KGB found a manuscript of the book for the first time.

- F. I don't remember.
- Pr. Asks about the conditions of maintenance in the hospital, about the food and about the occupational therapy.
- Replies that in his hospital there are general norms of nutrition, as there are in ordinary psychiatric hospitals. The food is tested for its calorific value. The patients work on the harvest in the area, polish glasses, carry out auxiliary work outdoors. Apart from that there exists occupational therapy with a corresponding payment: from 5 to 30 Rubles a month. The working day is not limited but does not exceed four hours.
- Pr. Who ensures the supervision of the patients?
- Explains that internal troops are responsible for the supervision, as the medical personnel do not carry arms. The hospital is surrounded by two wooden fences and between them is a "barely noticeable" obstacle and a "neutral strip". There is no sign of watchtowers with machine guns and there would be nowhere to put them.
- Pr. What do you know about the patient Dekhnick?
- F. He died in our hospital.
- Pr. With you?
- F. Yes, from a heart disease.
- Pr. What is the room like where visits are held?
- F. Describes the meeting room, talks about the curtains etc. The length of visits is not restricted.
- L. How is the delivery of parcels arranged?
- F. Says that when the parcels come, they are laid out somewhere and the patients themselves take everything that belongs to them.
- Are there gradations in the treatment of patients which depend on the gravity of their crime?
- F. Answers that there are no gradations.

Cross-examination of the witness MOSKALKOV, Vladimir Vasilievich, houseman (intern) in the Sychovka SPH, since 1974 he has worked continuously in the hospital.

- Le asks whether the question of his disqualification had come up at any time.
- Moskalkov answers in the negative and adds that he had never been told off, no pressure had been put on him and there had been no official warnings.
- Pr. Have you come up against members of the KGB at work?
- M. No, I have not\*.
- It is worth recalling that the works of the KGB often introduce themselves as members of organs of internal affairs (Work. Com)

- Pr. Do you know anything about cases of the killing of patients?
- M. Yes, I do. (Everyone becomes silent in the court). In 1975 a patient was killed while attempting to escape.
- Pr. And did you see him, the man who was shot?
- M. No, I saw the other one, whom they succeeded in catching, but the third one escaped.
- Pr. Who was it?
- M. Answers that he does not remember now who was killed.

Cross-examination of the witness STESHKIN, V.D., Chief Doctor of the Leningrad SPH since 1976.

- J. Do you know the patient Shvachko?
- St. answers in the negative \*\*.
- Pr. asks the witness about the conditions of the maintenance of the patients, about the nourishment.
- explains that nourishment and maintenance in the hospital correspond to the norm of the Ministry of Health. The normal methods of treatment are employed in the hospital. 'Other methods are not employed, if there is no need of them'. The patients must look after themselves, up to 80% of the patients work, they receive from 5 to 20 Rubles a month. Part of their means goes for an improvement of conditions in the hospital. The hospital has to cover its costs.
- Pr. What do you know about the person called Valeryanich? (9)
- St. Answers that Valeryanich died, that he was a weak, physically ill man.
- Pr. What do you know about the treatment of Vladimir Borisov?
- St. Says that he remembers such a person. He received haloperidol, at a dose of 4.5 mg. per day... he had no complications.

Cross-examination of the witness ABROSIMOV, commandant of Smolensk SPH

- Pr. asks about the conditions of maintenance and nourishment of the patients, how many patients work in the workshops.
- Abrosimov answers that the nourishment in the hospital is normal, but how many of the patients work he cannot say: it is a secret of the service.
- Pr. What's that, how many? How is that a secret? You have already spoken about this in the investigation.
- Abr. explains that the circumstances in the investigation were quite different, he then says that more than 50% of the patients work in the hospital.
- In the Indictment it is written that Shvachko was in the Leningrad SPH, although in the book Dnepropetrovsk SPH is indicated (vid. Appdx NO. 1) (Work. Com.)

- Pr. asks how many doctors there are in the hospital, how many are qualified and bear an officer's rank.
- Abr. says that according to the oath of his service, he cannot say anything about this in such an auditorium. He tells about the clubs for independent activity in their hospital, that the patients receive newspapers and journals, that they watch television.

Cross-examination of the witness KOTOVA, Tatyana Alexeyevna. b. 1938.

Chief of a ward of the Oryol SPH, temporary chief doctor of the Administration of Internal Affairs of the Oryol Regional Psychiatric Hospital.

- Pr. asks about the maintenance of the patients, about occupational therapy.
- Kot. says that many of the patients work in the hospital. She explains that they use progressive experience in their hospital, the patients work in brigades, so that they feel themselves part of a working collective.
- Pr. Do cases occur where patients are killed?
- Kot. says that there was one case of suicide by a patient, a schizophrenic with suicidal impulses. At the fiftieth attempt he succeeded.
- L. Is this book known to you? (shows the manuscript of the book Punitive Medicine)
- Kot. Yes, they showed it to me.
- J. Where did you get to know it?
- Replies that she got to know the book at the KGB. She says that in the book it is asserted mistakenly that non-psychiatrists are supposed to work in the hospitals as psychiatrists. Kozich is a specialist in ophthalmology but he had previously completed his training at the Kharkov Institute for the Training of Doctors. He works as Chief Doctor at the same time.
- Pr. Confirms that in the book it is said, untruthfully, that an ophthalmologist is working as a psychiatrist.

Cross-examination of the witness SVYATSKY, Felix (he works in the Kaliningrad Regional Psychiatric Hospital. Before that he was Chief Doctor of the Chernyakhovsk SPH).

- J. What do you know about Ivankov?
- Sv. says that Ivankov betrayed his country while serving on the tanker Tuapse.
- Pr. asks how the patients are punished for their offences.
- Sv. How do you mean? There is no punishment. They must be healed not punished, in a SPH (I would add here) better than in the ordinary hospitals, there is more room, while in the general hospitals they are crowded into the corridors, they sleep on the floor.

Cross-examination of the witness SEMIRYAZHKO, A.G., Chief Doctor of the Dnepropetrovsk SPH.

J. What do you know about the patient Lutsik?

says that Lutsik is ill with delusions of grandeur, representing himself as an Austrian citizen; he considers himself a royal prince, he demanded the restoration of the throne. He was committed to SPH by a decision of a court for a breach of the passport regulations, and a permit.

At this point the cross-examination of the witnesses comes to an end. The Judge reads aloud various notes from the case materials:

- About Kotov, who was in Vladimir Prison, and not in a SPH;
- About Dekhnick, who was diagnosed as having a severe cardiac failure, and who was also given a heart massage and artificial respiration during his dying moments;
- About Levitin, who was not held in Sychovka SPH;
- About the death of Radchenko, who was diagnosed as having a severe cardiac vascular failure, he died from asphyxiation by masses of food, there were no signs of beatings on the body, the death was not violent.

Furthermore the judge showed 30 pages of plans of cultural programmes, showed the distribution of food products in the psychiatric hospitals, the conclusion of the forensic experts that the typed copy of the book was made on the machine belonging to Bobrovich, E.

He reads out the expert conclusion that insertions in the text of the book were made in the handwriting of the accused.

The Judge says that details of recordings of programmes of various radio stations - the BBC, Voice of America, Deutsche Wells, Radio Liberty, occur in the case file. These radio programmes about Podrabinek's book were used for a malicious anti-Soviet campaign.

A testimonial from the last place of work of A. Podrabinek (City Hospital NO.63) is then introduced, in which it states that he has mastered the methods of treatment, carries out everything quickly, he received a warning for his absence from work on the 30 March 1978. He was always talking. Left work at his own request.

Judge reads out a testimonial from the previous place of work of the accused (First Aid Sub-Station N.21).

In the testimonial, it is said that Podrabinek continually received fines for failing to give urgent assistance, over-used narcotic substances, failed to attend conferences, did not take a second job and refused extra shifts. The impression builds up that he was not materially interested in his work. He took no part in social life, he was not approachable, he criticised socialist emulation, left meetings silently but demonstratively, he did not go to political activities, he did not enjoy authority or respect among the collective.

Signatures: Chief of the Sub-Station KAVERIN

Secretary of the Trade Union Organisation ELKIS

Further, the Judge read out notes concerning the reasons for the non-appearance of witnesses.

Buzinova, N.V. left for an unknown destination and has no fixed address.

Pechernikova, T.N. is on holiday

Bobrovich, E. did not appear for reasons unknown.

- Leasks the opinion of the Procurator as to whether they should conclude the judicial investigation.
- Pr. considers that Bobrovich will not say anything further of substance. It is impossible to find Buzinov and Pechernikov. He expresses the opinion that the judicial investigation can be concluded in their absence.
- Le declares the judicial investigation concluded.

The Procurator makes the prosecution speech (introduced in abbreviated form). The Soviet people is deservedly proud of its successes. The building of Communism continues to unfold, enormous industrial projects are being built, the Baikal-Amur Line is being laid, great successes have been achieved in our country in agriculture, grandiose space programmes have been fulfilled. The socialist countries are also proud of the achievements of the Soviet Union and support our initiatives. But there in the West they boil with malice at our successes. The imperialists have chosen to bet on ideological struggle. All their propaganda machine has been set in motion. The name of the accused also turns up in their various "voices". He prepared and distributed false information about the Soviet state. And he doesn't even deny it. For example, he brings up Article 209 of the CC of the RSFSR (about vagabondage) and considers that that Article contradicts the Declaration of Human Rights. Vagabondage, this is wandering about various towns or about one town and living from non-earned resources. He lied about the Sychovka hospital in saying that Levitin and Kotov had been killed, that Dekhnich had been killed on the instructions of Deyeva. All that is a lie. Levitin was never there, Dekhnich did not die in Sychovka, and Kotov was in an ordinary psychiatric hospital. There isn't any SPH in Novocherkassk. No-one persecutes doctors here. Abroad doses of neuroleptics exceed ours by 5 times. In Kazan SPH Radchenko died from asphyxiation, and not as represented by the accused. Artemyev did not hang himself but was transferred to another hospital. There are no tortures or punishments of patients, no hunger and no limitations on visits. The accused represented the work process as slavery. Members of the Faculty of Psychiatry of the 1st Moscow Medical Institute have found this to be ignorant. The accused has demonstrated his illiteracy. In bringing up fabrications about the Serbsky Institute, he asserted that Alexeyenko was sent to SPH without an expert examination, and Shvachko for incomprehensible reasons. In actual fact, Alexeynko received two examinations and poor Shvachko was sentenced for murder with intent to get hold of firearms.

The accused introduces the names of "victims", but he uses a very selective collection of information, not shrinking, however, from mentioning criminals.

He writes amazing lies about the trade unions, which are supposedly always on the side of the state and which try not to pay the patients their invalid pensions. He has just one aim: to blacken the Soviet state. He introduces a list of 102 doctors who are supposedly guilty of tortures of patients and includes in it the ministers of health of republics and chief doctors (10). All this falls under Article 190-1 of the CC of the RSFSR. In the introduction to his book in a foreign language\* the authors praise his libel. The references from his work are bad. He permitted himself the extraordinary parallel between fascist and our Soviet psychiatry. Our patients receive payment for their work, working 2-3 hours a day. The Procurator has checked the conditions in the hospitals. No-one of the medical personnel has been called to account on a criminal charge, the patients write down their gratitude, cultural programmes are conducted in the hospitals. Various clubs exist, there are sporting games, the patients study, they take the school leaving examination. Podrabinek slanders the methods of treatment in the psychiatric hospitals.

He should be sentenced to the highest term established by Article 190-1 of the CC of the RSFSR. He would naturally very much like to be a political. With this aim he performed the spectacle which we have seen here. He hoped to receive 7 years under Article 70, but even his sentence has escaped him. Not 7 but only three years are determined for him. However, considering that this is his first crime and that he is only 25 years old, I beg the court to sentence him to 5 years' exile so that he can be re-educated in a working collective.

The Judge declares an intermission.

The court retires to consider the verdict. They did not allow Podrabinek to say a last word.

After the intermission, which lasted more than two hours, the accused is brought into the courtroom for the declaration of the sentence.

It was not possible to note the sentence but it, according to the words of A. Podrabinek's father, coincides basically with the text of the indictment.

Sentence: 5 years' exile.

The court session is declared closed.

During the preliminary investigation, a number of people addressed themselves to the Moscow Regional Procuracy with a request that they be interrogated in the case of A. Podrabinek. However, none of them was questioned either during the investigation, or in court. The Working Commission possesses the written

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Evidently, this refers to a review of the book edited by the organisation Amnesty International (Work.Com)

testimony of Yu. Belov in the case of A. Podrabinek, and also several materials prepared by Viktor NEKIPELOV for the hearing of the Podrabinek case, conducted in London. These documents which were not reviewed by the judicial session, but which are significant for the case, are attached in appendices No. 2 and 3.

On the 16 August the Working Commission addressed itself to the World Psychiatric Association, in connection with the conviction of Podrabinek, with a declaration (vid. Appendix No. 4), in which it states that the very fact of the activity of the Commission confirms the existence of psychiatric repressions in the Soviet Union and the innocence of Podrabinek. A member of the Moscow Helsinki group, corresponding member of the Academy of Sciences of the USSR, S.M. POLIKANOV addressed himself to psychiatrists all over the world with an appeal demanding the release of A. Podrabinek and a genuinely just investigation of his case.

Podrabinek's friends came out with a declaration for the press concerning the trial at its conclusion (vid. appendix No. 6)

On the 16 August the consultant psychiatrist of the Working Commission Alexander Alexandrovich VOLOSHANOVICH told of his work at a press conference for foreign journalists. He declared that he had studied 27 people, who had turned to the Working Commission for assistance, who had either been hospitalised earlier in psychiatric hospitals or who were being threatened with such hospitalisation. As a result of the investigation, in his opinion, none of them demonstrated signs of mental illness. A. Voloshanovich explained that he did not pretend that his conclusions were non-controversial, their results depend on the attitude of the psychiatrist towards questions of diagnostics and could become the object of academic disputes. However, he could assert unconditionally, that none of the persons investigated required compulsory isolation from society. The Royal College of Psychiatrists in London, which studied Voloshanovich's work closely, gave a very high evaluation of their professional level.

17 August at a meeting with his father, Alexander Podrabinek told him that during the investigation he had not signed a single protocol and that the investigator, GUZHENKOV V. M., had tried to secure his participation in the investigation by various threats. Alexander Podrabinek was ready to defend his innocence before an objective court. Even the materials of the case which had been so tendentiously compiled provided an opportunity to refute the majority of the accusations. However, the court, in rejecting all Podrabinek's petitions, demonstrated its unwillingness to conduct a non-partisan investigation of the case materials. In that court Alexander Podrabinek could not participate.

On that day, 17 August, Podrabinek was transferred to the Krasnayer Presnya transit prison. It is expected that he will appeal against the sentence of the Moscow Regional Court.



Sofia Kallistratova

SPEECH FOR THE DEFENCE NOT MADE IN THE SUPREME COURT OF THE RSFSR DURING THE HEARING OF THE APPEAL OF A. PODRABINEK.

Counsel KALISTRATOVA, S.

I do not have an opportunity to say a word in defence of Sasha Podrabinek in court, but I cannot remain silent. May this speech be heard not by the judges but by all who have a conscience and not just ears.

In various countries there are various laws: some better, some worse, or totally bad. One can discuss and crticise the laws (although in our country that certainly has its dangers'), one can seek their repeal or amendment (although in our country such a possibility is limited to certain subjects). But the laws in force are to be carried out not only by the citizens but also by the authorities. This is one of the basic principles of any law-abiding democratic state.

If a court breaks or ignores the law, then it is not a court but a kangaroo court, it is not due process of law but arbitrariness.

The materials which have reached me concerning the case of PODRABINEK provide grounds for asserting that the laws in force in our country were broken and continue to be broken continuously and relentlessly from the moment of the initiation of the criminal case against Podrabinek until the present day.

This is no groundless assertion, and I shall try to prove it to the extent of my powers and possibilities.

According to Art. 3 of the Fundamentals of Criminal Procedure of the USSR and the Union Republics and Art. 3 of the CCP of the RSFSR the procuratorial and investigative agencies (including even the investigating apparatus of the KGB) are obliged to initiate a criminal case and to act thereafter within the strict framework of the precedural norms in the event of the discovery of signs of a crime.

A manuscript of the book <u>Punitive Medicine</u> by Podrabinek was confiscated by the KGB in a search as early as March 1977.

In attempting to secure the cessation of the use of psychiatry as a form of repression against dissidents and in helping the victims of this repression and their families, PODRABINEK always acted openly and legally.

Considering both PODRABINEK'S book and his social activity criminal, the investigative agencies resorted to continuous open and secret tailing, blackmail, threats and intimidation of Sasha himself and members of his family, acting outside any procedural norms foreseen by the law.

During a period of months charges were not formally brought against PODRABINEK and they tried to secure his "voluntary" departure from the country in which he was born and in which he grew up. There is no need now to recount the shameful history of persecution of a courageous young man; it is still fresh in the memory. I will just remind you that Sasha's brother, Kirill, innocent but convicted during the execution of the threats referred to, is still wasting away in camp today.

It was only after his arrest on the 14 May 1978 that Alexander Podrabinek discovered that a criminal case had been initiated against him on the 29 December 1977 and that an investigation had been in motion for 4 months already. During all this time he was totally deprived of all the procedural rights guaranteed by law to a person undergoing investigation.

14 May 1978 Podrabinek was arrested. One cannot regard this arrest as well-founded in law either.

In Art. 98 of the CCP of the RSFSR there is a list of Articles of the Criminal Code, according to which remand in custody as a preventive measure may be employed "only on the grounds of the danger of the crime". Article 190-1 of the CC of the RSFSR, under which Alexander Podrabinek was charged and convicted, is not referred to in this list.

In accordance with Arts. 89 and 91 of the CCP of the RSFSR preventive measures in any case (still more in the form of remand in custody) are selected only "in the presence of sufficient grounds for believing that the accused will hide himself..., or will create obstacles against the establishment of the truth..., or will occupy himself with criminal activity...."

Podrabinek had a permanent residence, he was working, he had not been convicted previously, he had never avoided a trial or investigation: so there were not only not sufficient grounds for remanding him in custody before the trial, there were none at all. One is brought involuntarily to the thought that the investigative agencies considered as "sufficient grounds" for Podrabinek's arrest on that very day 14 May the fact that on the 15 May the trial of Yuri Fedorovich Orlov was beginning?

In any event it is obvious that Podrabinek's arrest was not based on the incontrovertible demands of the law and it pursued the aim of making it more difficult for the accused to use the possibility of defending himself against the charges made against him.

In those circumstances and being convinced that the investigation would be prejudiced and in breach of Art. 20 of the Fundamentals of Criminal Procedure of the USSR and the Union Republics and Art. 20 of the CCP of the RSFSR, which oblige the investigator to research the circumstances of the case objectively and from all sides, showing up both the incriminating but also the justifying circumstances of the accused, Podrabinek refused to participate in the preliminary investigation. One can understand him. But he prepared to defend himself and with the assistance of a defence counsel in a public, open trial. In prison he thought out and formulated (with the assistance of a defence counsel) petitions which he declared to the court. For according to Art. 20 of the CCP the court and procurator, like the investigator before them, are obliged to find out all the evidence of the guilt or innocence of the accused thoroughly and objectively.

The right of the accused to a defence, proclaimed in the Constitution and in Art. 19 of the CCP of the RSFSR, refers not only to the participation of a defence counsel in the trial but also the provision to the accused of the possibility of defending himself by all methods and measures established by law.

And then, the day of the trial arrives, the day of this open, public trial... the picture is familiar from all the previous political trials. Cordons of militia, cutting off the courthouse. A large number of "defenders of order" in civilian clothes. A small courtroom filled beforehand with the "public". A crowd outside the courtroom. This time there were no foreign correspondents in the crowd; they were not allowed into the town let alone the courtroom.

Podrabinek's petitions to permit his friends and acquaintances who had travelled specially to attend the trial, are rejected as usual without any reason.

Thus the principle of open trial, proclaimed in Art. 12 of the Fundamentals of Criminal Procedure of the USSR and the Unions Republics, and repeated in Art. 18 of the CCP of the USSR, is rudely broken.

The accused makes twenty-seven petitions to the court. All the petitions, apart from the requests to nominate an international expert psychiatric commission and to obtain the papers of the expert examinations, conducted by the English psychiatrist Low-Beer, are supported by the defence counsel.

The court rejects all the petitions and in doing so totally deprives Podrabinek of the possibility of defending himself.

This is the rudest breach, not merely of the fundamental principles of criminal procedure, established by Arts. 13 and 20 of the Fundamentals of Criminal Procedure but a breach of the specific Articles 131 and 276 of the CCP of the RSFSR, which determine the circumstances in which the petitions declared should be satisfied. Both in their text and intention these articles require the satisfaction of all petitions for subpoenas and for the verification of testimony which has a bearing on the case.

In supporting the accusation that PODRABINEK was guilty of false fabrications concerning the regimes in psychiatric hospitals, the investigator refers to the Resolution concerning Psychiatric Hospitals in the indictment. However, this Resolution does not appear in the materials of the case file. PODRABINEK asks for the attachment of the document to the case file so as to have the chance to refer to it also. The court rejects this request.

Podrabinek is accused of slander, in asserting that there is bad and inadequate nourishment for the patients in the hospitals. The investigator refers to the Instruction of the Ministry of Health on the nourishment of patients in the indictment. This instruction is also absent from the case file and Podrabinek petitions for its attachment.

The court also rejects this petition.

PODRABINEK makes a series of petitions for the attachment to the case file of other documents and books to which the indictment refers.

All these petitions are systematically rejected.

Podrabinek asks for the summons of a series of witnesses, who can confirm that the facts described in his book <u>Punitive Medicine</u> really took place, in refutation of the accusation of slander.

The court rejects all the petitions concerning the summons of witnesses for the defence.

The reference to the fact that the majority of the witnesses, for whose summons Podrabinek is asking, are non-responsible and therefore cannot be cross-examined in court, is not only groundless but breaks the law too:

- a) In the materials of the case file there are no documents authenticating the non-responsibility of the persons whose summons is requested by Podrabinek;
- Non-responsibility is a category of material criminal law (Art. ll of the CC of the RSFSR) and can only be established by a court and not by confirmation of the fact that a man was treated in a psychiatric hospital;
- Art. 79 of the CCP of the RSFSR establishes the obligation of conducting forensic-psychiatric examinations for the determination of the mental state of a witness, in cases when doubt arises as to his ability to comprehend properly the circumstances that have a bearing on the case and to give correct answers to them.

That the testimony of the witnesses whose summons was requested by Podrabinek is substantial to the case cannot be doubted. Here are examples which confirm it:

PODRABINEK is accused of ascribing "with slanderous intentions" to the doctors of the Sychovka special psychiatric hospital words which they never said. Amongst other things, according to the assertion of Podrabinek, the doctor ZELENEYEV is supposed to have said to the patient BELOV, Yu.S.: "You are healthy and do not need treatment".

Podrabinek asked the court to summons and cross-examine BELOV. The court rejects this petition. The investigation of this episode is restricted to the cross-examination of ZELENEYEV (a person clearly interested in the case).

PODRABINEK is accused of slanderous assertions about the conditions of maintenance in psychiatric hospitals.

He asks the court to summons a series of witnesses, who can confirm the facts described in the manuscript <u>Punitive Medicine</u>. The court rejects all these petitions, limiting itself to the cross-examination of witnesses from the medical personnel of the hospital who are responsible for "order" and the conditions of maintenance of the patients, i.e. persons, clearly possessing a direct interest in the case.

The violation of Arts. 20 and 276 of the CCP of the RSFSR is especially clearly visible from the example of the episode of the death of RADCHENKO.

In his book <u>Punitive Medicine</u> PODRABINEK wrote about the fact that the patient RADCHENKO died in the Kazan special psychiatric hospital as a result of the fact that he was given large doses of aminozine and atropine after a 30 day hunger strike. Podrabinek was charged as though this were a slander since a note from the same hospital was attached to the case file saying that RADCHENKO died from asphyxiation as a result of choking on masses of food.

Podrabinek petitioned for the subpoena and attachment to the case file of the notes on the illness, the medical conclusions on the death for a thorough check on the circumstances of the death of RADCHENKO.

The court also rejected this petition. In so doing the court did not confront or decide the following questions:

- a) What made Radchenko vomit; was it not a consequence of an overdose of medicaments following a prolonged hunger strike?
- How could asphyxiation by masses of vomit occur if Radchenko was conscious and was not deprived of the possibility of moving himself (it would be enough to lean forward or simply to turn his head to one side)?
- c) If Radchenko was unconscious, what caused this condition and why and on whose responsibility was he left without supervision or medical observation in such a condition?

It is sufficient merely to pose these questions to come to the conclusion that RADCHENKO's death was a result of at least the <u>criminal negligence of the medical</u> personnel of the hospital.

And, by <u>limiting itself</u> to the note from this same hospital, by way of testimony, the court found Podrabinek to be a slanderer.

In unconditionally rejecting all the petitions of the accused, the court contravened not only the procedural law but even simple logic.

The documents of the "Sakharov hearings", are attached to the case file, written in Italian which the accused does not know.

Arts. 201 and 236 of the CCP of the RSFSR establish the right of the accused to get to know all the materials of the case. Podrabinek petitioned for the translation of the texts of the documents into Russian. The court rejected this petition. At the same time the judge "placated" the accused with the promise not to consider these documents in the judicial session. Shouldn't simple logic have suggested to the judge that these documents, whose contents obviously don't suit the court (Unclear in original Trans.), may turn out to be testimony, justifying or mitigating the guilt of the accused and that Podrabinek has the right to refer to them by law?

According to Art. 313 of the CCP of the RSFSR there must be a reflection of information having a bearing on the case, about the personality of the accused, in the verdict and sentence. This obliges the court, in the light of Art. 20 of the CCP of the RSFSR not only to establish the formal details of biography, but also to investigate the moral and ethical sides of the character of the accused. This is

especially necessary for such a category as slander, for which only a man with the lowest moral level and an absence of moral values is capable as a rule.

The court was not interested in what PODRABINEK represents as a personality. Dozens (if not hundreds) of people, amongst them many of those whom the accused asked to summons to court, could describe Sasha Podrabinek as a just man, incapable of compromise with his conscience, delicate and attentive to people, sensitive to the pain and misfortune of others, honest and disinterested. If people who knew Sasha had been cross-examined, it would have become clear that slander goes outside the limits of his personality, that Alexander PODRABINEK and slander are incompatible.

The question of who was accused of slander remained outside the scope of the judicial investigation.

When Podrabinek had heard the decision to reject all his petitions and requests, the majority of which were supported by his defence counsel, he became convinced that he had been totally deprived of any chance of defending himself. He renounced the services of the defence counsel participating in the case.

Even this declaration of the accused was rejected, despite the fact that on the strength of Art. 50 of the CCP of the RSFSR, the renunciation of a defence counsel is an unconditional right of the accused at any stage in the trial (the exceptions to the rule do not apply to Podrabinek).

Only after a second refusal in written form, to permit his defence counsel to participate in the trial was this refusal accepted by the court.

In the end, PODRABINEK announced his own refusal to participate in the trial and asked to be removed from the courtroom.

Since the court rejected this request also, Podrabinek, performing a breach of order (smoking, whistling the theme of the aria "Torreador...."), achieved his removal according to the rules of Art. 263 of the CCP of the RSFSR.

On Podrabinek's request, the presiding officer of the court promised (verbally and not by the determination of the court) to bring him to the judicial session so that he could say his last word. But this promise remained unfulfilled. PODRABINEK was only brought back to hear the sentence.

Thus, in the judicial session of the participants in the trial only the Procurator remained. No defence was possible.

This situation obliged the court to investigate the evidence in the case especially thoroughly, to demand new evidence on its own initiative if questions remained unclarified which were essential for determining the fate of a man absent from the court (albeit by his own wish) and deprived of the chance to defend himself.

But the judicial session, the investigation, the speech of the Procurator, the with-drawal of the judges for discussion and the writing up of the sentence and the

pronunciation of verdict and sentence, all this lasted for all of  $4\frac{1}{2}$  hours. Even this one circumstance provides grounds for supposing that one of the fundamental principles of the criminal law, described in Art. 240 of the CCP of the RSFSR, was broken by the court: the verbal and direct consideration of the case.

It is physically impossible to investigate all the materials of a case, which constitute FIVE volumes, verbally and directly, in such a short time.

The measure of punishment was also determined for Podrabinek by a breach of the law.

In determining on punishment in the form of 5 years' exile, the court cited Art. 43 of the CCP of the RSFSR which gives the court the right to punish below the lowest limit foreseen by the law or to turn to another, milder form of punishment. As is directly stated in Art 43, the law has in mind a lightening of the punishment in comparison with the minimum punishment foreseen as a sanction by the Article of the Criminal Code under which the person is sentenced.

The sanctions of Art. 190-1 of the CC of the RSFSR, under which PODRABINEK was convicted, foresees three forms of punishment: deprivation of liberty for a term of up to three years, corrective labour (without remand in custody) for a term of up to one year and a fine of up to 100 Rubles.

Exile, not foreseen as a sanction by Art. 190-1 of the CC of the RSFSR, is recognised by the law as a lighter punishment than the deprivation of liberty, but as harsher than corrective labour and a fine.

Therefore, the lowest limit of punishment under this Article is a financial penalty. Below this are counted, according to Art. 21 of the CCP of the RSFSR, dismissal from work, the placing of an obligation of atonement for damage caused and social censure.

In clear contradiction with the letter and spirit of Article 43 of the CC of the RSFSR the court determined for PODRABINEK a harsher punishment by comparison with the lowest limit of the sanctions under Art. 190-1 of the CC of the RSFSR. Such a breach of the law in the determination of punishment was first permitted in judicial practice in 1968 in the case of LITVINOV and others concerning the demonstration in Red Square in Moscow as a sign of protest against the occupation of Czechoslovakia. Since then such breaches have become customary in political trials. But one must not get used to breaches of the law.

The sentence was pronounced. The breaches of procedural laws continued.

According to Art. 319 of the CCP of the RSFSR, a person sentenced to a punishment not involving the deprivation of liberty must be immediately released from remand in the courtroom. But they lead Sasha PODRABINEK out under guard to prison. While sentenced to exile he is serving his punishment in prison. And furthermore, before the time allowed for an appeal has run out he has already been transferred to a transit prison No. 3 in Krasnaya Presnya. One can't help wondering whether this

is a mistake or whether it is a sign of confidence that the appeal hearing is merely a matter of empty formality and that there is no way Sasha can escape transfer. However, in the history of the Moscow courts there have even been cases when the convict has been sent to serve his punishment in a camp before the time limit for appeals had run out (the case of Felix Serebrov).

But one must not get used to breaches of the law.

Art. 20 of the CCP of the RSFSR provides that a copy of the sentence must be handed to the convict in custody not later than three days from the moment when it is pronounced.

The sentence was pronounced on the 15 August. There is definite information that a copy of the sentence had still not been handed over on the 30 August.

How many more breaches of the law will follow in this "ordinary criminal case"?

The impossibility of studying the authentic materials of the case denies one the right to talk about other procedural violations. But even the violations listed and established by me on the basis of the information I have received are more than enough to say that the sentence in the case of PODRABINEK is not based on due process and must be quashed in strict accordance with Arts. 342, 343, 345 of the CCP of the RSFSR.

But I cannot conclude my speech for the defence here. The most important still remains. I assert that Alexander PODRABINEK has been convicted in the absence of any corpus delicti from his actions.

I will not assume the audacity to claim that all the information in the book

Punitive Medicine exactly and infallibly reflects the facts which really occurred

(and apart from the writing and distribution of this manuscript PODRABINEK is
not accused of anything else). On the contrary, I presume the inevitability of
individual inexactitudes and even simple mistakes which are inevitable under
those difficult conditions in which Podrabinek collected and received information.

The Working Commission for the Investigation of the use of Psychiatry for Political Purposes, in the sphere of whose activities PODRABINEK's work lies, is a free social association, it does not possess the status of a legal personality, it does not control an income or technical apparatus. In the atmosphere of total secrecy which surrounds the work of the psychiatric hospitals and institutions, only by his energetic work with the help of other members of the Working Commission and the people supporting them, was Podrabinek able over two years to collect, check and work through the enormous amount of material and to explain an enormous number of facts. It is enough to point to the fact that in the book Punitive Medicine, of whose contents Podrabinek is accused, around three hundred concrete facts are adduced. If only thirteen of them appear in the indictment as not corresponding to reality, then the percentage of mistakes is hardly very great.

But, as is clear from all that has been said about the breaches of procedural

norms during the investigation and consideration of the case, it cannot be considered that the lack of correspondence with reality of the facts outlined in PODRABINEK's manuscript has been established even in connection with these thirteen episodes.

One can cite the following examples:

In his book, PODRABINEK writes of facts concerning the killing of patients in the Sychovka Special Psychiatric Hospital by the orderly SASHA DVORENKOV. This episode is considered as slanderous since a note is attached to the case file from the Sychovka hospital saying that such an orderly has never existed. At the same time in the indictment and during the cross-examination the orderly SASHA DVORNIKOV was mentioned.

It is obvious that there was really no DVORNIKOV among the orderlies at Sychovka but whether there was a DVORENKOV and whether he killed patients has not been tested.

The description is PODRABINEK's book of the killing of LEVITIN at Sychovka hospital during an attempt to escape was found to be a slander, since it was established that such a patient had not been at Sychovka.

However, when questioned about the killing of a patient during an attempt to escape, the witnesses, doctors of the Sychovka hospital, gave the court contradictory testimony. Doctor FEDOROV asserted that there had been no cases of the killing of patients. Doctor MOSKALKOV said that in 1975 a patient had been killed during an attempt to escape but he could not remember his name. The court made no attempt to examine and remove this contradiction. So was there a case of a killing or wasn't there? Or is the name the only mistake here?

One can say with confidence that if the case were investigated and considered with the observance of all procedural norms the percentage of mistaken and inexact communications of concrete facts, brought up in PODRAINEK's manuscript, would be considerably reduced.

But the main thing is not contained in the number of unconfirmed facts.

Slander is the distribution of <u>fabrications</u> damaging a person, an institution or the state which are known to be false.

The definition of the crime called slander flows directly from the text of the law (Arts. 130 and 190-l of the CC of the RSFSR) and is not contested in the official theory of Soviet criminal law.

The word 'known', employed in the text of Article 190-1 of the CC of the RSFSR, determines the subjective side of the given crime, which can only be committed deliberately.

In the official Commentary to the Criminal Code of the RSFSR (pub. Yuridicheskaya Literatura, Moscow 1971) it is stated:

Fabrications about facts or circumstances which have allegedly taken place, which damage Soviet society and the state, are known falsehoods, damaging the Soviet state and social order, when the accused person knew that they did not correspond to reality when he distributed such fabrications.

The distribution of fabrications whose falsehood was not known to the person distributing them, as also the expression of mistaken evaluations, judgments or suggestions does not constitute a crime foreseen by Art. 190-1 of the CC (Art. 403).

This scientific, official commentary fully represents the spirit and the letter of the law. There is no evidence in the case for the fact that PODRABINEK deliberately distributed information known to him to be false. Furthermore, in collecting and checking an enormous quantity of information, he included in his manuscript only that which he considered reliable and corresponding to reality. And this excludes a corpus delicti from his actions.

The correctness of this interpretation of the law is confirmed by the fact that for the distribution of information which does not correspond to reality which damages some person or other or organisation, as a result of an error or by negligence (i.e. in the absence of known falsehood) our law establishes merely a civil (and not a criminal) responsibility under Art. 7 of the Civil Code of the RSFSR.

In the Practical Scientific Commentary to the Civil Code of the RSFSR (pub. Yuridicheskaya Literatura, Moscow 1966) it is indicated that a slander liable to criminal sanctions is the distribution of information damaging someone, known to be false. As distinct from this Art. 7 of the Civil Code of the RSFSR is employed in those cases when the person distributing "damaging information erred in good conscience, i.e. supposed that this information corresponds to reality".

Apart from individual episodes, concerning psychiatry, PODRABINEK is accused in a general sense of slander of the Soviet state and social order, contained in the book Punitive Medicine.

One cannot deny that negative evaluations of certain aspects of Soviet reality, sometimes expressed in very sharp form, are contained in PODRABINEK's manuscript. PODRABINEK does not conceal his political, social and moral views, which are sometimes opposed to the official policy and ideology of the Soviet state.

A consideration of the question of whether PODRABINEK's views and attitude are correct or mistaken is not required for his defence. From the judicial position one must merely note that known falsehood is not contained in the subjective evaluations and judgments expressed by a man, irrespective of whether they are good or bad. A man expresses his convictions and considers them to be correct and true. Consequently one cannot consider these expressions to be known false fabrications, i.e. slander.

In the Commentary to the Criminal Code of the RSFSR which I have already cited, it states in this connection:

Works of that kind (i.e. falling under the criteria of Art. 190-1 of the CC) are works in which known false fabrications are stated or expressed, which damage the Soviet state and social order, i.e. they contain information damaging the Soviet society and the state on alleged facts which do not correspond to reality.

The preparation or distribution of works, even though they express the negative relationship of the person preparing them to Soviet reality, but which do not contain fabrications known to be false, of the nature described, does not carry any responsibility under Art. 190-1.

The right of a man to think, to have his own convictions, to collect and distribute information is one of the basic civil rights in every civilised society. This right is confirmed in the international documents signed by the Soviet government.

Persecution for speech, for thought, for convictions is not permissible.

Alexander PODRABINEK is a dissident. In accordance with his convictions he struggles for the rights of mentally ill people and for the rights of healthy people declared to be mad for political reasons. But he is not a slanderer. He acted within the limits of the law and committed no crime.

These are the juridicial grounds which allow me to assert that the sentence in the case of PODRABINEK must be quashed and the criminal case dismissed for lack of a corpus delicti.

4.09.78

S. Kalistratova

### APPENDIX No. 1

#### Extracts from A. Podrabinek's book

### Punitive Medicine

- On the 24 July 1975 Anatolii Ivanovich Levitin was killed during an attempt to escape from the Sychovka SPH. The escape was a failure from the very beginning. Levitin lost his head on the barbed wire and the guard could have captured him without the slightest difficulty; in fact, they did not decide to kill him. However, the acting head of the II Ward, Nikolai Petrovich Smirnov, a psychiatric doctor, who had arrived at the scene of events, ordered the guard to fire at Levitin. The guard carried out the order, firing almost at point-blank range. (p.144)\*
- Yuri Belov also testifies to the atrocities in the Sychovka SPH. On New Year's Eve 1974, in the 4 Ward here (in charge was A. Zeleneyev), Georgii Vasilievich Dekhnich, a political prisoner, was killed. Dekhnich was then 20 years old; he had been sent to a special psychiatric hospital for distributing anti-Soviet leaflets in the Ukraine. At first he had been beaten up by two orderlies at the request of nurse Margarita Vladimirovna Deyeva, whom Dekhnich had called a "Communist whore". Shortly before that Dekhnich had been operated on for a gastric ulcer but after the brutal beatings, his stitches split. But it was not the doctors but 'hurse" Deyeva, whom the prisoners of Sychovka SPH called 'Elsa Koch', who said: "By the morning we shall be rid of his torments". In the morning Dekhnich died. (p. 144)
- The doctors in the special psychiatric hospitals are afraid not to begin any "treatment" at all for it is considered that a patient is there in a special psychiatric hospital and therefore they must continue to play the role of the benevolent doctor conscientiously. However, some of them are not up to the game, putting on a face as though believing the diagnoses of illness bothers them. Cynicism and directness overcomes oath and conscience and so you can already hear from the mouths of the psychiatrists: "We have not found you to be ill but we cannot sign you off". A representative of the Serbsky Central Scientific Research Institute of Forensic Psychiatry, Dr. Kholodovskaya, (no rank and file psychiatrist but a representative of the central institute!) explained this to Yu. Belov, to the same Belov whose own doctor, A. L. Zeleneyev, Chief of the 4 Ward at Sychovka SPH explained why they had prescribed medication for him: "You don't need treatment but if we don't give you medication, you will say that you were healthy and received no treatment when you get out. "(p.174)\*\*
- 4) M. M. Kukobaka remembers an orderly at Sychovka SPH:
- \* In his evidence to the court, V. V. Mcskalkov, a doctor at the Sychovka SPH remembered such a case without giving the name of the dead man. It is possible that it was misspelled in the book. (Work.Com.)
- \*\* Chronicle of Current Events No. 34, samizdat 1975. -AP

"A certain Sasha Dvorenkov, hardly older than 20, strong, shorter than average, clear blue eyes, pleasant, almost childish features. Always jolly, rather noisy. A normal Soviet person, a Komsomol, a member of the Section for Internal Order in the camp. Sasha is certainly not even a criminal, he worked on a tractor and caused a breakdown through negligence. Introducing newly employed orderlies into the 'way things are done' came into his unofficial duties. He did this with great eagerness, happily and without compulsion. For example, he went into a ward with a novice orderly. "Well, brothers, how are you?" He went up to one of the patients: 'Why are you crossing your left leg over your right? Now, get up'. Come here'." The patient came up with hesitation (a supervisor). Sasha tenderly, with a smile: "Closer, brother, don't be afraid". And without altering his expression, lash! A slap in the face, then another. Instinctively the patient raised his hands to his face, hides his face. "Why are you putting up your hands, let go!" Sasha shrieks maliciously and his face somehow sharpens and begins to resemble that of a small rat. "So, Vitya", to the novice, "put on the bandage". He leaves the loops around the patient's neck. Turning to his colleague; "Pull tighter!" The man's face flushes and he falls to the ground like a sack. A sharp blow "under his breath". A prolonged, somewhat unnatural groan comes from his chest. Sasha smiles with satisfaction. After giving several slaps in the face and injections to the patients lined up in the gangway, they leave the ward. The novice has been "introduced" to the way things are done. Now he knows very well his rights and opportunities. Unfortunately, those like this sadist with the blue eyes were the majority." (pp. 141-142)\*

- "In our opinion, the most glaring case in its impudence and lawlessness, was that of the engineer-captain of the Navy Sergei Sergeievich Alexeyenko. He was arrested with five colleagues in 1970(?) for uttering state secrets. We do not know the fate of his colleagues. He himself was interned in the Leningrad SPH without a forensic-psychiatric examination, without a trial and without any formalities. According to the evidence of witnesses, he only understood where he was when his new colleagues in imprisonment explained to him what a SPH was. He had not expected such a turn of events or such manifest irregularity. He tried to escape from the Leningrad SPH but he broke his backbone in jumping off the prison wall. He was transferred to the Oryol SPH and he tried again to escape from there, again unsuccessfully. Alexeyenko is seriously ill: he has chronic ulceration of the pancreas and cirrhosis of the liver. He is not connected with the Democratic Movement and he has nowhere to look for help. With two unsuccessful escapes on his file, he has little chance of early release, and we would like to draw the attention of those who feel concern for the fates of political prisoners in the USSR to the fate of this man" (p. 76)\*\*
- In the indictment and during the cross-examination of the witnesses the name of the orderly mentioned, Dvornikov, did not correspond to the name cited in the book, Dvorenkov. Evidently, there really was no orderly called Sasha Dvornikov at Sychovka. (Work. Com.)
- It is possible that the examination and trial of Alexeyenko were conducted in such a way that he knew nothing about them. (Work.Com.)

- "N. Shvachko was apparently the first hijacker of a plane from the USSR. In 1965/66 (?) he tried to hijack a plane to Turkey but without success and from 1966 to 1970 he was first in the Dnepropetrovsk and then in the Kazan SPH. We are absolutely ignorant of which Article he was charged under in court. There was then no special article foreseeing responsibility for the hijack of a plane in Soviet legislation." (p. 77)\*
- "The majority of the special psychiatric hospitals are situated on the sites of present prisons or in the buildings of former prisons. The territory of an SPH is cut off from the gaze of passers by with walls 5-6 metres high, on top of which barbed wire and high tensions cables are laid. Around the wall on the inside there is a pathway for the guard, behind it a 2-3 metre forbidden zone. At the corners of the territory are towers with searchlights and a permanent sentry post are set up. " (p. 134) "The walls of the dormitories are bare plaster. The windows are small and barred and often closed by wooden shields called muzzles. At night the light shines in the dormitory as in prison. The lamp is surrounded by a wire net and sometimes they cover it with a red lampshade. The novices get used to this with difficulty: It is difficult to sleep with the light on, especially a red light. The prisoners sleep on metal bunks or beds. There is a bath and change of linen, bed-linen and underclothes, once every ten days. The clothing is sickening. It is often cold in the dormitories and walkways in the winter but they often refuse to let you have your own clothes". (p. 136)

"The quality of the nutrition is repulsive, even for a non-fastidious taste. Thievery flourishes. Everyone steals the food, the doctors, the nurses, the medical assistants, the orderlies, the supervisors, without mentioning the workers in the food block. Apart from that, the whole staff of the SPH is fed in working hours in a common dining hall, and this is also virtually at the cost of the prisoners". (p.137)

"The only thing that somewhat alleviates the situation of the prisoners is parcels. Anyone who does not receive them often starves from hunger. It is true that many prisoners share their food with their colleagues. The number of parcels and communications is limited in the majority of SPHs, but in some of them they are altogether forbidden, while in others they are unlimited. All parcels and communications, as a rule, must not exceed 5Kg. Some food products are forbidden.

Letters may be sent in a limited form twice a month and only to relatives. You can receive letters in unrestricted quantities from whom you like. All correspondence is subjected to censorship and when expedient is included in the medical record. So many of the prisoners' letters disappear. Many letters from outside also fail to arrive. The sending of correspondence out of the SPH can be forbidden as a punishment. Visits are only allowed for relatives and, as a rule, not more than once a month for two hours. Those who live a long way from the place of imprisonment can be given a four hour visit every two months. The visits take place in the presence of a supervisor. The visitors and the prisoners

In the indictment it is indicated that Shvachko was in Leningrad and Kazan SPH. This was elicited by the question about Shvachko during the cross-examination of witness Steshkin, V.D., chief doctor of Leningrad SPH. (Work.Com.)

are divided by a table, separated down to the ground by a wooden shield. Sometimes the table is divided above by a glass counter half a metre high. As in prison, many topics of conversation are forbidden here. In cases of breaches of these rules or as a form of punishment, the visit may be shortened or cancelled altogether." (p.138)

"The prisoner can receive money from outside, which is credited to his personal account. In the majority of SPHs the amount of money in the account is unlimited and with it food from the hospital shop can be bought. It is true that nothing good can ever be bought there. In some SPHs, for example in the Novocherkassk SPH, the personal account is limited to 10 Rubles, and you cannot make purchases of more than 3 Rubles a month. However, the prisoner never has this money in his hands, so that primitive forms of barter prevail illegally between the prisoners in the SPHs. (p.138) In several SPHs occupational therapy is obligatory, in others it is merely encouraged by the administration. Many healthy prisoners work with pleasure and then the authorities of the SPH have an additional trump card: they can punish them by forbidding them to work. However, the majority do not want to work since the work does not correspond to their interests or professions. The prisoners work in cardboard, weaving, lace-making, sewing and other workshops, receiving a pitiful wage. In a month you can earn from 2 to 10 Rubles, which are credited to your personal account. This labour is very advantageous for the administration of the special psychiatric hospital. The products made by the hands of the sick and healthy prisoners of the SPH bring in a substantial income, for the knockdown price exceeds the value of the labour cost ten times over. The shameless exploitation of totally disenfranchised prisoners is stimulated in this way by official medical prescription and also by evident economic advantage". (p. 139)

The administration of a special psychiatric hospital does not ignore political-educational work among the prisoners, although this seems absurd in relation to the really mentally ill. For this purpose the available mass propaganda media are used. In many wards there are television sets, there are regular showings of cinema films and although in the cinema showings and on television, they show the very same rubbish as they do outside, many prisoners are happy with these measures, happy to forget themselves for a while and feel as though they were at liberty. On the other hand, according to the testimony of P. Starchik (Kazan SPH), film watching can be compulsory. This is very depressing for those whose need for the arts is not satisfied by Soviet hack films, for those whose cultural level does not correspond to the level of the producers of the cheap second-rate productions. The hospital libraries are full of basically the same rubbish. The sole salvation of the prisoners who read is in the fact that some Soviet publications are permitted to be received from outside." (p. 140)

To find out the names of the thousands of prisoners who have served time in Soviet special psychiatric hospitals during the past 25 years is a task beyond our powers. All the same, we consider it our duty to name those victims of punitive medicine which are known to us. This list comes to just around 200 in all. We are not acquainted with the great majority of them and therefore we cannot undertake to assert anything about their mental state.

We take the risk of repeating our reminder that we are coming out in defence not merely of the healthy people, committed to special psychiatric hospitals on various charges, but also of those mentally ill people who represent no real danger to society. In so far as, from our point of view, the word, even of a madman, carries no threat to the welfare of society, so we cannot rule out the possibility that not completely mentally healthy people are included in this list. Unfortunately, we do not now have the chance to conduct objective psychiatric examinations but in any event imprisonment in SPH after making charges of "dissent" appears to us an immoral and criminal matter.

We have been told (this relates to several names from Belov's list) of the mental degradation of healthy prisoners of special psychiatric hospitals as a result of the pharmocological coercion of their organisms. Therefore, although we do not assert that all those mentioned in this list are mentally healthy we have sufficiently weighty grounds (the testimony of relatives, friends, fellow-prisoners, fragments of court records etc.) to consider them victims of punitive medicine. We regard as an optimum possibility the establishment of an independent psychiatric commission of enquiry to re-examine the mental condition of these people and to investigate further the deeds committed by them.

We could have listed separately, those who are well known to us, and whose mental condition leaves us in no doubt but we regard this as unethical in relation to the rest.

We also hope that this list will be made more exact and complete in the future with the names of those who are unfortunately unknown to us.

- "This is what a former prisoner of Leningrad SPH, Sergei Razumny, writes: In the second block there is a remarkable person, Victor Valeryanovich, or simply Valeryanych. Valeryanych is a medical assistant by training, but a sadist by vocation. His name is surrounded by legends. When he comes on duty, a groan goes round the whole ward. Hardly a time occurs when he doesn't poke a patient in the ribs with his key, in passing by. But this is 'nothing', 'the weasel'. Valeryanych's main amusement is to call out two patients for a bath and force one to beat up the other. What a game this is. Valeryanych laughs, rubbing his sides with his hands. Usually, Valeryanych does this every day in the morning. Valeryanych does not disdain the chance that they will get their own back. He beats them bloody. He beats until they lose consciousness. He doesn't beat those who "violate the regime" or who oppose him at all, on the contrary, he beats the weak and delerious patients, after all it's safe to beat them, they will not hit back. Valeryanych's 'works of art" are well known both to the doctors and the chief doctor.... As far as the Commandant of the hospital, Col. Blinov is concerned, Valeryanych is his protege, his favourite. "\*
- \* S. Razumny: 'More about a crime of the Soviet regime', pub. Possev, No. 2 1971.

We have heard about this Valeryanych from other former prisoners of Leningrad SPH also. We have heard that recently, some prisoners got together to beat him up in the same bath, after which he became rather quieter. Will it last?" (pp.141-142)

10) "Responsibility for the crimes of punitive medicine is shared by those with whose knowledge or silent consent they occur:

The Ministers of Health of the Union Republics
The Heads of the Departments of Health of the Soviets of
Workers' Deputies

The officials of the health administrations

The chief psychoneurological specialists of the Ministries of Health

The chief doctors of the clinics for immediate and urgent psychiatric assistance

The chief and duty psychiatrists of the cities and districts.

We do not have the resources to establish their names and the degree of their personal responsibility. The incompleteness of our list is obvious. It does not even contain the names of the chief doctors and commandants of the majority of the special psychiatric hospitals. But we hope that the investigation of these crimes will be a matter for the not-too-distant future." (p. 242).