PRISON CONDITIONS

IN

#### EAST GERMANY

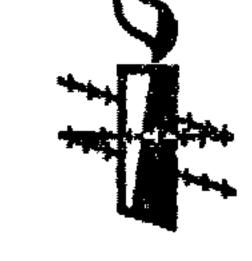
A FACTUAL REPORT

compiled by

AMNESTY INTERNATIONAL

PRISON CONDITIONS
IN
EAST GERMANY

Conditions for Political Prisoners



A FACTUAL REPORT compiled by AMNESTY INTERNATIONAL

August 1966

by Robert Swann

### AMNESTY INTERNATIONAL

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THREE COUNTRIES with different ideologies — one a 'people's democracy', another 'a bastion of Western civilisation', the third the personal fief of an old-fashioned dictator — what have they got in common? They all practise political imprisonment.

In publishing these reports on prison conditions and political imprisonment in Rhodesia, East Germany and Paraguay, Amnesty International does not seek to make invidious comparisons between the different ideologies but merely to draw attention to what happens when the basic principle of imprisonment for political 'offences' is accepted. Last year delegates speaking in the Commission on Human Rights of the United Nations went out of their way to praise the impartiality of Amnesty's reports on South Africa, Portugal and Rumania and to say that they were some of the most useful reports submitted by non-Governmental organisations. Once again we have sought above all to be factual and objective. In every case we have sought the co-operation of the Government concerned to explain and defend its policies or to give more information about conditions of imprisonment. Readers must judge for themselves whether the degree of co-operation we have received betokens an easy or a troubled conscience.

What strikes one very forcibly in reading these reports is the similarity which in practice underlies the attitude to political dissent of regimes which are theoretically totally opposed. Within the premises of 'socialist legality' the harshness of sentences in East Germany depends very largely on the general political climate. The general trend towards less severe sanctions against dissenters was, for example, interrupted at the time the Berlin Wall was being built. In Rhodesia individual civil servants very often attempt to enforce regulations humanely but at least as long as Mr Lardner-Burke continues as Minister of Justice we are likely to see an ever-extending range of political opinion treated as 'unacceptable'. The announced intention of introducing a 'suppression of Communism act' marks the increasing tendency towards the 'South-African-ization' of the present regime in Rhodesia.

In both countries individual judges and officials may be honestly trying to administer the law or prison regulations as humanely

iv as possible. Their ability to do so depends to a large extent on the degree to which outside pressure can restrain those who advocate ever harsher and more repressive measures. The moral conscience of the world is still a force which can have practical and positive results even within a regime which purports to be uninterested in outside reactions.

The case of Paraguay is rather different. The regime is less 'sophisticated' and there is less concern for legal and ideological justification. Yet Mr Marreco's report at least gives ground for very moderate optimism. Here again outside influence and contacts have played a part in securing a modicum of rights for those who do not support President Stroessner.

In Copenhagen in September the General Assembly of Amnesty International will again select three countries about which Reports on political imprisonment and prison conditions will be prepared. Amnesty International is a non-governmental organisation dependent on the support of individuals who care about human rights and do not believe that to work for 'prisoners of conscience' in foreign countries is to 'interfere'. It is no longer question of striving to establish the concept of 'One World', it is now an inescapable fact. Violence, torture, the infringement of human rights are like bacteria which pay no attention to national frontiers. "No man is an island, entire of itself.... Any man's death diminishes me because I am involved in mankind and therefore never send to know for whom the bell tolls, it tolls for thee."

### EAST GERMANY

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THIS REPORT is concerned with the conditions of political imprisonment in East Germany at the present time. No attempt has been made to provide a comprehensive history of prison conditions since the establishment of the East German state. As far as possible the information given will deal with conditions after 1960 and not with the immediate post-war or Stalinist period. It is not Amnesty's concern to take any position on the political issues arising from the division of Germany and the non-recognition of the East German state. nor to associate itself in any way with any political party in Germany. We are concerned only for humanitarian reasons to see to what extent the basic 'human rights' described in the United Nations Declaration of Human Rights are now being implemented in East Germany.

Sources Several months ago letters were sent to the Foreign Minister, the Minister of Justice, the Association of Democratic Lawyers and the Committee for the Protection of Human Rights in East Berlin informing them of our intention to produce this report and requesting their co-operation. Although no replies were received our representative was able, on visiting East Germany, to obtain interviews with representatives from the Ministry of Justice and the Association of Democratic Lawyers. Both these representatives promised to send written replies to a questionnaire which was presented to them, but no such reply was ever received. The Committee for the Protection of Human Rights refused to grant any interview to our representative.

Background material for this report was provided by organizations in West Germany actively concerned with political prisoners in East Germany but most of the report is based on first-hand information provided by former political prisoners. Signed written statements were taken from and personal interviews conducted with over a hundred former prisoners now domiciled in West Germany in April and May this year. No information was provided by any prisoner still living in East Germany since to do so would have been to contravene East German laws on the collection and passing on of information

I. The German Democratic Republic is not recognized by the Federal Republic of Germany nor by any other non-Communist state. The Federal Republic does not have diplomatic relations with any state that recognizes East Germany, with the exception of the Soviet Union.

2 about East Germany and so to have endangered the individuals concerned. For similar reasons names of prisoners and certain details of cases have been omitted from the text, either out of consideration for those still in prison or for those released prisoners who have relatives living in East Germany. Reference has also been made to the constitution, the penal code, the writings of the Ministry of Justice and the laws governing the judiciary and the courts.

Historical Background

The German Democratic Republic was established in the Soviet-occupied zone of Germany shortly after the Federal Republic had been established in the Western-occupied zones. In October 1949

the East German constitution was formally ratified by a provisional Peoples' Chamber (Volkskammer) or parliament and a President elected. The Soviet authorities announced the dissolution of their Military Administration and, in 1954, proclaimed the German Democratic Republic a sovereign state.

The dominant figure throughout the history of East Germany has been Walter Ulbricht, the First Secretary of the Central Committee of the Socialist Unity Party (SED) and, after 1960, Chairman of the State Council. The SED was formed in 1946 when the Communist Party (KPD) and the Social Democratic Party (SPD) were merged to form the only recognized Socialist Party in the Soviet zone. There are four other licensed parties in East Germany today: the Liberal Democratic Party (LPD), the Christian Democratic Party (CDU), the National Democratic Party (NDP) and the German Peasants' Party (DBP), all of which are in fact Communist controlled and subject to the domination of the SED. In addition there are several official "mass organizations", for example the Free German Youth (FDJ) and the Federation of Free German Trade Unions (FDGB), which are described as nonpolitical organizations but whose leaders all tend to be top Communist Party officials. The five political parties together with the mass organizations are represented in the Peoples' Chamber and in the County and District Assemblies<sup>2</sup> which form the organs of local government.

Elections to the Peoples' Chamber and the local Assemblies are run on a single list system under the name of the 'National Front' with a fixed percentage of seats allotted to each of the parties and organizations. The result has always been an I. Strafrechtsergänzungsgesetz (Supplementary Penal Code) II.12.57, Paragraphs 14-16. overwhelming paper victory for the National Front list. At 3 the elections in 1950 it was recorded that 98.5% of the population voted, of whom 99.7% voted in support of the National Front. At the most recent elections in 1963, 11,533,859 votes were cast from an electorate of 11,621,158 and of these 99.91% were registered as votes in support of the National Front, 0.05% as adverse votes and 0.04% as invalid.

The role of the Peoples' Chamber in the government is limited by the fact that it generally only meets a few times each year for sessions which last only for one day. Until 1960 most of the work of government was done either by the Party (SED) or by the Council of Ministers (Ministerrat) or Cabinet. After the death in 1960 of the President of East Germany, Wilhelm Pieck, the office of Presidency was abolished and its place taken by a State Council (Staatsrat) under the Chairmanship of Walter Ulbricht. As Chairman Walter Ulbricht has assumed all the traditional functions of the Head of State hitherto performed by Pieck. In addition the State Council has been authorized by the Peoples' Chamber to issue decrees having the force of law and to interpret the existing laws. Since 1960 the State Council has, therefore, replaced the Council of Ministers as the most powerful political organ in East Germany and many of the more important East German laws are now introduced in the form of State Council decrees.

Remnants of the Four-Power Allied control survived in Berlin after the establishment of the West and East German governments. The Soviet sector has been made the capital of East Germany but in the Western sectors the French, American and British forces have remained in occupation. As a divided city in the centre of East Germany, Berlin has been since the war a major focus focus of East/West tension. On occasions, as in the economic blockade of 1947-48 and in the peace treaty crisis of 1960-61, this tension has been particularly acute. Berlin has also been, for the East German authorities, the focus of one of their most serious problems --- the problem of the migration every year until 1961 of large numbers of East Germans to West Germany. Although unauthorized travel to West Germany was forbidden by the East German authorities in 19571, so long as East Germans were allowed free access to West Berlin it was possible to reach West Germany illegally via West Berlin. It is estimated by the West German authorities that over 3.6 million East Germans moved to West Germany between 1950 and 1960; among them were a large number of professionally 1. For the text of the Passport Laws see Appendix 1.

<sup>2.</sup> In 1952 the traditional administrative districts of Germany, the Länder, were abolished in East Germany and replaced by a series of counties, each containing several smaller districts within it. For each there is a County Assembly (Bezirkskammer) and a District Assembly (Kreiskammer).

qualified people, newly qualified students and, after the campaign to collectivise all East German farms in 1960, farmers. The numbers of those leaving East Germany annually decreased between 1956 and 1959 but rose in 1960 and 1961 as a result of the collectivisation campaign and of the tension engendered in Berlin by the peace-treaty crisis. In the first six months of 1961 over 100,000 people left East Germany and by the end of July and the beginning of August over a thousand were leaving every day. Between 1949 and 1961 the total population of East Germany decreased from 19 to 17 million, while that of every other European country rapidly increased.

This drain in people considerably weakened and by 1961 very seriously threatened the East German economy. By forcibly sealing off the Berlin frontier on August 13th 1961, the East German government prevented any further population exodus and, for the first time, the population as a whole began to increase. In place of the millions who had hitherto left the country there are now only a few thousand who every year manage either to obtain permission to emigrate or who do so illegally. Official transfrontier traffic is limited to: those travelling on government business; professional workers who have access to both parts of the city; foreign tourists and West Germans on visits to East Germany, and old-age pensioners from East Germany who are now allowed a four-week visit every year to their relatives in the West. No Berliner is allowed to cross the frontier without special permission. This has been granted only to West Berliners for a few days at Christmas, Easter and Whitsun for the last two and a half years.

## Chapter One: POLITICAL OFFENCES

THE MAIN LAWS under which political offenders are charged in East Germany are the Passport Law and Paragraphs 13 - 26 of the Law Supplementing the Penal Code. Before this supplementary penal code was introduced in December 1957, most political prisoners were charged under Article 6 of the Constitution. According to these laws the definition of a "crime against the state" has been extended to cover a number of activities not considered as such in other countries. The effect is to restrict, by law, some of the basic "human rights" guaranteed both by the United Nations Declaration of Human Rights and by the East German Constitution. This chapter will indicate the more important of these political offences—the relevant texts are listed in the Appendices.

# Freedom of Speech and Opinion 1

Article 6 of the Constitution states that, "the incitement to boycott of democratic institutions or organizations" constitutes a "felonious

crime within the meaning of the Penal Code". Paragraph 19 of the Supplementary Penal Code, which deals with "propaganda and incitement endangering the state" makes it a criminal offence to "incite" or "agitate" against the state by spoken or written word or to distribute any kind of propaganda of this nature. This offence is punishable by a minimum of two months' imprisonment and considerably longer if instigated by "other states or their representatives" or "organizations or groups who conduct a fight against" the East Gorman state. Since for example West German broadcasts contain "propaganda endangering the state" it was specifically stated in 1961 that to allow or encourage another person to listen to such broadcasts either by inviting him into one's home for that purpose or by tuning into a Western radio or TV station in a public place was also a punishable offence.<sup>2</sup> Paragraph 20 of the Supplementary Penal Code makes it an offence punishable with up to two years'

<sup>1.</sup> Registration of those who left East Germany began in West Berlin in 1949.

Among those who left between 1954 and 1961 were: 3,371 doctors, 1,329 dentists,
291 veterinary surgeons, 960 pharmacists, 132 judges and procurators,
679 lawyers and notaries, 752 university teachers, 16,724 school teachers
and 17,082 engineers and technicians.

<sup>1.</sup> Article 19 of the UN Declaration states that:

<sup>&</sup>quot;everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 9 of the East German Constitution states that:

<sup>&</sup>quot;All citizens have the rights, within the limits of universally applicable laws, to express their opinion freely and publicly and to hold unarmed and peaceful assemblies for that purpose.... There is no press censorship."

<sup>2.</sup> Junge Welt 21.10.61. Professor Eisler, Deputy Chairman of the East German State Radio Committee.

The vagueness of the wording of all these clauses makes it possible for almost any kind of spoken or written criticisms of the state --- which includes the Parties, Party functionaries, the mass organizations and state-owned enterprises --- to be construed as "incitement to boycott" ("Boykotthetze"), "agitation against the state" ("Hetze") or "defamation of the state" ("Staatsverleumdung"). There are many cases of this having been done in the past. In the late fifties, for example, severe prison sentences were served on a number of university teachers and students condemned for having criticized the regime or even for having advocated some reforms within it. One of the most well-known of these was Professor Harich from Humboldt University in Berlin who was sentenced in March 1957 to ten years' hard labour for having worked out a programme for the regeneration of the Communist regime in East Germany. It was also alleged that he had kept in touch with intellectuals in Hungary and Poland, with West Berlin newspaper publishers and with the SPD in West Germany. Two of his colleagues were sentenced with him to two and four years' hard labour. In 1961 when the wall was built similar treatment was meted out to those who in any way criticized its erection. A report in the <u>Sächsische Zeitung</u> (Dresden) on September 12th 1961 for example stated that a youth, Ruthenberg, in the Scholz brigade in the Coswig concrete pillar works was sentenced to two and a half years' imprisonment after he had objected to the use of tanks along the Berlin frontier. It was reported in the West German press in the summer of 1961 that two schoolboys who appeared in school in dark suits draped their teacher's desk in black cloth and announced that they were burying their future ("Wir tragen unsere Zukunft zu Grabe") received prison sentences of  $3\frac{1}{2}$  and 5 years.

Anyone found guilty of any kind of organized "agitation" is still liable to be served with a heavy prison sentence: there have, for example, recently been reports in the West German and Norwegian press that a West Berlin student, Wolfgang Holzapfel, arrested at the Friedrichstrasse crossing-point carrying a banner with the words, "Free Harry Seidel and the other prisoners", in October 1965, was sentenced in April this year to 8 years' imprisonment for arranging demonstrations against the East German state. On the other hand East German citizens charged with "defamation of the state" are now more likely to be tried before a Conflict Commission (Konfliktskomission) — which has authority publicly to reprimand offenders but not to commit them

to prison (see Chapter 3) — than before a regular court. This, however, may be an unpleasant process for the individual accused while at the beginning of this year Party denunciations of many leading East German intellectuals, police measures taken against the poet and satirist, Wolff Biermann, and the dismissal of Professor Havemann from his post as director of a research institute because of his article on communism and democracy which appeared in the West German newspaper, Der Spiegel, revealed how limited the freedom to discuss or criticize (however mildly) the activities of the government still is in East Germany.

Freedom of Movement 1

"Flight from the Republic" ("Republikflucht"),
"attempted flight" ("Versuchte Republikflucht")
and "preparation for flight" ("Vorbereitung
zur Republikflucht") are offences punishable

under the East German Passport Law by up to three years' imprisonment. According to the terms of the Passport Law those wishing temporarily to leave East Germany must first obtain both a passport and a visa. This law which was originally introduced in 1954 to apply to foreign travel was extended in 1957 to apply also to travel to West Germany and, in August 1961, East Germans were also forbidden, by order of the Minister of the Interior, to travel to West Berlin without special permission. In order to be allowed permanently to leave East Germany and settle either in West Berlin, West Germany or another country, East Germans must, according to a "Decree concerning the issue of identity cards" of 1953, first obtain authorization from the police. Since all applications either for passports or for permission to emigrate are almost invariably refused regardless of family or other circumstances East Germans (except old-age pensioners) have, in practice, no freedom either to emigrate or to travel to the West. A clause in the Passport Law of 19632 specifically states that no reason need be given for the refusal of a passport while applications for permission to emigrate are generally refused on the grounds that emigration constitutes a betrayal of

1. Article 13 of UN Declaration states that:
"Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country including his own and to return to his country."

Article 8 of the East German Constitution guarantees to every citizen the right to "personal freedom, the inviolability of the home, secrecy of the mails, and the right to reside in the place of one's choice"

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and Article 10 guarantees to every citizen "the right to emigrate".

2. Passport Law. 16.3.63. Paragraph 9.

socialism. Anyone who attempts in any way to evade these restrictions and leave the country illegally is liable to arrest and imprisonment. In cases where additional evidence, such as the possession of West German currency<sup>2</sup> or the falsification of papers, may be proved against someone who tries to leave the country he is likely to be served with a prison sentence of considerably more than three years.

To persuade or encourage any citizen to leave East Germany has been, since 1957, an offence punishable under Paragraph 21 of the Supplementary Penal Code. In an attempt to stop the "braindrain" to West Germany it was made an offence punishable with penal servitude (Zuchthaus) to persuade anyone to leave East Germany on the instigation of "business or espionage organizations" and by at least six months to persuade students or any person with professional or other particular qualifications to leave the country for any reason whatsoever. There is no evidence, however, that imprisonment under Paragraph 21 has been limited even to the specific categories of offenders mentioned. In practice anyone suspected of encouraging or helping another person to leave East German territory is liable to arrest and imprisonment. Widespread denunciations, both of those believed to be planning to escape and of those believed to be helping them, has led to the arrest on suspicion only of many individuals --- some of whom may only have spoken vaguely about the possibility of emigrating or given chance words of encouragement to those planning to defect. In this context it should also be noted that, according to Paragraph 26 of the Supplementary Penal Code, failure to report crimes committed under Paragraph 21 is also an offence punishable with penal servitude.

Immediately after the construction of the wall the Minister of the Interior issued a ban on travel to East Berlin which applied to all East German citizens resident outside the city except for those who needed to visit Berlin in the course of their work. In addition a number of families, especially those considered to be politically unreliable, have been evacuated from their homes in Berlin and from other frontier areas. In the "First Complaint to the United Nations Commission on Human Rights" submitted by the West Germans in September 1962 it was reported that over 4,000 East Berliners had been evacuated in the period between August 1961 and September 1962. Reports of the forced evacuation on a considerable scale of those living in houses along or near the wall have continued until quite recently. In addition a "Decree on

the restriction of residence" was introduced on August 24th 1961 by which restriction of residence may be imposed by the courts, either in addition to a court sentence or at the request of the local authorities, "if the behaviour of a person endangers the public or an individual or if public security or orders are threatened" and "without the violation of a definite penal law having occurred". On the same basis "educational labour" (Arbeitserziehung) may be ordered for those who are reluctant to work. In effect, therefore, the local authorities may now order any citizen to work and to live in any place whatsoever at any time even if he has committed no definite offence. Although the ban on travel to Berlin seems now to have been lifted the "Decree concerning restriction of residence" (described at the time by Hilde Benjamin, Minister of Justice, as a milestone in the development of socialist legality) remains in force. There is evidence, in particular, of fixed work and residence orders imposed on some released political prisoners.

Freedom of Religion 1

The majority of Christians in East Germany are members of the Protestant (Evangelische) Church? Although this church has been

harried in various ways and with particular intensity at certain periods by the State and by the atheistic programme of the Party and the mass organizations, the Church as a whole has maintained its independence. The authorities, it seems, find it more expedient to brand recalcitrant clergy as "reactionaries" than to make martyrs of them by imprisonment. Individual Christians may be said to enjoy freedom of conscience and religion provided that the exercise of this does not bring them, in any other way, into conflict with the State.

One example of the way in which this may occur is in the case of Christians who are also conscientious objectors. Refusal to do military service, on any grounds whatsoever has been a punishable offence in East Germany since the introduction of compulsory military service in January 1962. In September 1964 a law was passed providing for the establishment of construction units under the jurisdiction of the Ministry of Defence. This, it was suggested, would provide also a convenient form of service for those who objected to armed service. Since,

1. Article 13 of the UN Declaration states that:

"Every citizen has the right to freedom of thought, conscience and religion. This right includes freedom to change his religion or belief, and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

These rights are fully endorsed by Articles 41-48 of the East German Constitution.

2. In the 1950 census 80.5% of the population were recorded as Protestant and

<sup>1.</sup> According to the Ministry of All-German Affairs 1,897 people were arrested at the borders between East and West Germany between August 1961 and 1965. 836 of these were subsequent released.

<sup>2.</sup> Possession of West German currency is a punishable offence under E.Corman Currency Laws.

however, "construction soldiers" (Bausoldaten) are expected to wear uniform and to work on military installations this law cannot be said to provide the sort of alternative service acceptable to all those who refuse regular service on grounds of conscience. There have been several cases of prison sentences of up to eighteen months being served on conscientious objectors even after the introduction of this law.

The religious sect of Jehovah's Witnesses has been subjected to systematic persecution in East Germany since it was banned in 1950 and accused of spying for the Americans under the cloak of religion. Announcing this ban Dr Steinhoff, then Minister of the Interior, said that the sect was guilty of "spreading illegal written material", of "systematically inciting against the existing order and its laws under the cover of religious functions" and of "serving the espionage service of an imperialist power". Since the East German army (Volksarmee) is described as a "weapon for peace" Jehovah's Witnesses have also been accused of "incitement to war" on account of their pacifism. Some Jehovah's Witnesses in East Germany have been in prison almost continuously since 1939, having been imprisoned first under Hitler and then by the Soviet occupation authorities and the East German government.

# Freedom of Association— the Right to Strike 1

In June 1945 the Soviet Military Administration announced the formation of one Trade Union for all

employees in the Soviet Zone — the Federation of Free German Trade Unions (FDGB). Since that time no other trade union has been recognised. The right to strike, though guaranteed for recognised Unions in the Constitution, was omitted in the Labour Code of July 1961 when it was argued that since strikes were fights against Capital they were no longer necessary in East Germany. In practice such strikes as have occurred in East Germany have been put down by force and the participants punished as criminals. The largest of these occurred in June 1953 when workers from all parts of Germany took part in a general strike, as the result of which over 1,000 people were imprisoned — some of whom were only released a year or so ago. In 1963 it was reported that government troops were ordered to quell a demonstration against the wage system in a factory in

- I. Article 23 (4) of the UN Declaration states that:
  "Everyone has the right to form and join Trade Unions for the protection of his interests."
- 2. Article 14 (2) of the East German Constitution guarantees to recognised trade unions the "right to strike".

Schwerin. Arrests on the scale of 1953 have not been reported in connection with such subsequent strikes or demonstrations.

Espionage A large proportion of those arrested for crimes against the state are charged under Paragraph 14 of the Supplementary Penal Code with espionage. This may include anything from the passing on of quite harmless information to individuals in the West¹ or contact of any sort with West German political parties, religious groups or other organizations, to the kind of paid espionage activity which is punishable in any country in the world.

# Chapter Two: SENTENCES, AMNESTIES AND NUMBERS OF POLITICAL PRISONERS

Sentences Those convicted of serious crimes of espionage and sabotage may, according to the supplementary penal code, be sentenced to death or to life imprisonment. Life imprisonment appears, from Article 14 of the penal code (Strafgesetzbuch) literally to mean imprisonment for the rest of the prisoner's life; no shorter term is indicated and a prisoner sentenced to life may only be released if his sentence is commuted to a shorter term of imprisonment. The longest term of temporary imprisonment that may now be imposed is 15 years although in the early fifties several prisoners received sentences of 25 years.

According to traditional German practice the penal code makes a distinction between ordinary imprisonment (Gefängnisstrafe) and penal servitude (Zuchthausstrafe). Penal servitude is the more severe form of punishment and denotes a longer term of imprisonment. Since, however, almost all prisoners now work there is little practical distinction made between these two categories and in January 1964 a new system was introduced of dividing prisoners into three categories according to the length and nature of their sentence. Thus murderers and criminals with sentences of more than five years and political prisoners with sentences of three or more years are classed as Category I and allowed, for example, only one visit by a relative every three months and one letter a month. Criminals with sentences of less than

1. To collect any kind of information about East Germany is an offence punishable under Paragraph 15 of the Supplementary Penal Code. three years are classed as Category II (and are allowed two letters a month and a visit every six weeks). Category III prisoners who are allowed more letters and visits than the other categories are almost all criminals on short sentences.

No clear pattern emerges as to the length and severity of the sentence which may be imposed for any particular offence. The East German authorities publish no official statistics on political sentences and the West German statistics are limited by the fact that they contain only those noted in the West and thus cannot hope to be comprehensive. The inordinately long prison sentences served indiscriminately for minor political offences during the fifties now no longer occur and the general pattern is one of increasing moderation. So far as is known the death sentence has not been imposed on anyone (except Horst Fischer who was recently sentenced to death on account of his war crimes) since 1962 and sentences to life and to 15 years' imprisonment are considerably less frequent now than they were formerly. Thus, for example, whereas the West Germans noted 16 sentences of life imprisonment in 1961 and 11 in 1962 only 2 were noted in 1965. In 1961 and 1962 sentences imposed for political offences were particularly harsh --- one of the most notorious was the sentence of life imprisonment served on Harry Seidel, an East German athlete who defected to the West when the Berlin wall was built and subsequently organized a number of successful "escape operations" in Berlin. Seidel was sentenced to life imprisonment on account of his "crimes against the peace".

More recently the State Council appear to have been trying to implement their declared policy of enforcing "socialist legality" by education and persuasion rather than by harsh retributive measures. One result has been a noticeable decrease in the numbers of political offenders served with prison sentences. Whereas over 1,000 prison sentences were noted in the West for 1961 and 1962, only 376 have so far been noted for 1965. Political offenders are still, however, treated with considerably more severity than common criminals (who are now very often served with some kind of suspended sentence). In particular those charged with trying to leave East Germany illegally (some of whom are now serving their third term of imprisonment for the same offence) have recently been receiving sentences of up to or more than 5 years' imprisonment.

Amnesties In the period between 1950 and 1960 there were a number of acts of clemency (Gnadeaktionen) granted to ordinary prisoners, some of which included those sentenced for war crimes, but there was no amnesty for other

political prisoners. On October 1st 1960 the State Council proclaimed an amnesty which applied to: persons serving sentences of up to one year; persons serving sentences of not more than three years who had already served half of their sentence; persons serving sentences of more than three years who had already served two thirds of their sentence provided their behaviour indicated that they were, in future, likely to observe "socialist legality". Although this was not a general amnesty many political prisoners were released. According to Ulbricht, 16,000 prisoners were released and among them 3,000 political prisoners. Some further releases were made in July and August 1962 but the exact numbers are not known. On October 7th 1964 Walter Ulbricht proclaimed a further amnesty to celebrate the fifteenth anniversary of Communist rule in East Germany and released approximately 10,000 prisoners. Some but by no means all of these were political offenders. In addition a number of political prisoners have been released to West Germany since the Autumn of 1964 as a result of negotiations between the two German governments. Press reports have estimated the total numbers involved to be around 2,600. It is worth noting, however, that since there has at no time been a general amnesty for political prisoners certain prisoners some of whom have been in prison since the forties and early fifties have consistently failed to benefit from any of these releases.

Numbers of
Political
Prisoners

In January 1950 the Soviet authorities handed over to the East German authorities the 29,632 German prisoners then in Soviet custody with instructions that: 15,000 of these were to be released at once; 3,432 as yet

unsentenced prisoners were to be tried before East German courts (special tribunals were set up in the prison of Waldheim for this purpose); 10,500 sentenced prisoners were to finish their sentences in East German prisons and 649 were to be transported to the Soviet Union for the same purpose. According to these figures there were, therefore, some 13,000 prisoners (the majority if not all of whom were political prisoners) in East Germany in 1951. A few of these prisoners are known still to be in jail in East Germany — including some sentenced for membership of the banned SPD party and others who were sent back from the Soviet Union as free men in the fifties.

Since the East German authorities have published no official figures on political prisoners since 1950 accurate estimates of the numbers subsequently imprisoned are hard to make.

14 27,239 political sentences have been noted in the West since 1949, (including: 13,821 sentences under Article 6 of the Constitution; over 2,000 sentences against the sect of Jehovah's Witnesses; 4,800 sentences according to the Passport Law; 2,579 sentences for incitement ("Hetze") and 2,000 sentences for espionage and by 1960 it was estimated in the West that there were still some 12,000 political prisoners in East German jails and labour camps. On the reports of prisoners released in the 1960 Amnesty this figure was amended to 9,000 for 1961. More recently the number of releases and the shorter sentences served makes an estimate of between 6-8,000 appear realistic. At a recent press conference Josef Streit, the Chief Public Prosecutor (Generalstaatsanwalt), told a West German journalist that there were now only 800 political prisoners in East Germany. A representative from the Ministry of Justice subsequently told our Amnesty International representative that Herr Streit was, however, in fact referring mainly to Republikflüchtiger (those arrested for trying to flee the country) and not with the total number of political prisoners.

### Chapter Three: THE JUDICIAL SYSTEM

Socialist "Socialist legality" in East Germany is closely modelled on the "revolutionary" or "socialist" legality of the Soviet Union. According to Soviet Marxist-Leninism the law is seen primarily as an instrument for the "comprehensive construction of socialism". The protection of the rights of the individual, though mentioned in some laws, is of secondary importance to the central task of the law which is to assist in the re-shaping and moulding of society as a whole. Thus in the preamble to the Law on the Constitution of the Courts of 1963 it was clearly stated that:

"(East German) law has no aims different from and knows no legalities other than, those of the socialist system of society." In 1961 Frau Hilde Benjamin, the Minister of Justice, enlarged on this idea when she wrote in Neue Deutschland, the leading East German newspaper, that:

"In the GDR the workers, the peoples' representative Assemblies and the jurists are constantly working under the leadership of the Party to perfect our law which we regard as a versatile, conscious and readily manageable instrument for the construction of socialism." 3

The leadership of the Party is justified on the grounds that society as a whole is thought to need the direction of members of the Party who, as the "vanguard of the people", are alone able to interpret the various stages in the development of socialism as they occur and so lead the rest of society in the right direction. Thus judges were told in 1954 that:

"The decisions of the Central Committee of the Party of the working class always contain important guidance for all State organs; above all they indicate particularly clearly to the organs of justice the most important areas to which they must devote their attention at a particular time. Rapid implementation in the light of such indications is an important duty for all responsible members of the judiciary and, in particular, judges, attorneys and notaries."

The official position was described particularly clearly by Herr Josef Streit, the Procurator-General, in 1958 when he wrote in Neue Justiz, the official East German law journal, that:

"Several judges and procurators are unclear about the basic questions of our policy. Functionaries of justice have also come to a halt; they do not recognize completely enough that the two German states are constantly influencing each other and that this is expressed in the class struggle .... it leads them to a 'split' personality, where the judge or procurator deviates from the Party member and does not notice at all that he thereby ceases to be a functionary of justice of the Workers' and Peasants' State. One sees here that the comrades are not clear about the questions of the relationship to the Party. They have not understood that they carry a great responsibility to the Party for they were appointed to their functions in their capacity as comrades and as Party members they are subject to control by the Party: they are answerable to the Party for all their actions."2

Party influence over a politically motivated judiciary is then, an acknowledged aim of the East German government; despite the fact that the "independence of the judiciary" which is guaranteed in the constitution aremains on paper one of their cardinal principles.

<sup>1.</sup> Numbers collected and supplied by the Untersuchungsauschuss Freiheitlicher Juristen in Berlin.

<sup>2.</sup> Gerichtsverfassungsgesetz 17.4.63.

<sup>3.</sup> Neues Deutschland 27.9.61 p.4.

Neue Justiz : 1954 p.97. Hilde Benjamin "The 17th Plenary Session of the SED and the tasks of justice in the rural areas".

<sup>2.</sup> Neue Justiz: 1958 9.368. Josef Streit. "For a new way of working in the field of justice - the work of a brigade in the County of Gera."

<sup>3.</sup> Article 127 of the Constitution states that,

<sup>&</sup>quot;In the exercise of their function, the judges are independent and are bound only by the constitution and the law."

# 16 <u>Judicial</u> <u>Structure</u>

The present judicial structure is defined in the second chapter of the Law on the Constitution of the Courts of 1963 referred to above. In each rural district and town in East Germany there is

a district court (Kreisgericht) which is responsible for trying all cases of civil and criminal law in its area. District courts are subordinated to county courts (Bezirksgerichte) which are, in turn, subordinated to the Supreme Court (Oberstes, gericht). As the "highest organ of jurisdiction" the Supreme Court has power not only to try the most important of the state's cases but also to supervise the activities of all other courts and to issue to them "directives and decrees" which must be obeyed. There is an inspection group (Inspektionsgruppe) attached to the Supreme Court specifically for the purpose of supervising the decisions of the lower courts. 2 Both County and Supreme Court have the power officially to criticise the activities and decisions of the lower courts and to change their individual final decisions.` Final decisions may only be reversed in this way as a result of extraordinary appeals by the public Prosecutor or by the President of the Courts and not by private individuals.

Until 1963 the courts were under the control of the Minister of Justice. The 1963 law transferred responsibility to the Peoples' Chamber (Volkskammer) and, between its sessions, to the State Council (Staatsrat). Since the Peoples' Chamber meets only four or five times a year for one-day sessions, this means, in effect, that the courts are now under the control of the State Council. The State Council exercises control through the Supreme Court which is bound to report regularly to the State Council on the work of the courts. In its turn the State Council may recommend to the Supreme Court the "directives and decrees" it should issue to the courts. <sup>4</sup> Thus the State Council is in a position to exercise regular and effective control over the courts at every level.

Minor offences may also be dealt with by a Conflict or Arbitration Commission (Konflikt and Schiedskomission). These
Commissions have been established in most rural districts and
towns and in factories and co-operative farms to deal with the
settlement of minor civil disputes and of offences against
"socialist ethics" such as work-shyness. The Commissioners
are laymen appointed by the Party (that is to say they are nominated
by the National Front and elected by the local Assemblies) for a
two-year period. There may be anything from 2 to 15 members

of a Commission. In addition members of the public may give evidence or offer general comments during the hearing of a case. The Commissions have authority to demand a public apology from a citizen, they may issue a public reprimand and, in the case of civil disputes, require the guilty party to make good any damages caused. They do not have authority to deal with any serious civil or political cases or to commit any offender to prison.

# The Legal Profession

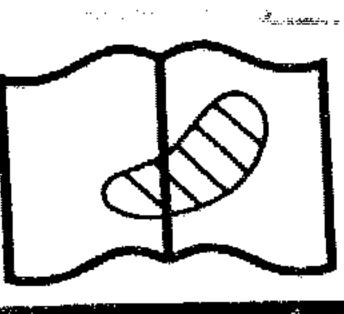
The legal profession is formally divided into different categories so that a lawyer (Jurist) becomes, by profession, either a judge (Richter) or a procurator (Staatsanwalt) or an advocate (Rechtsanwalt).

### Judges

According to the law all judges must be at least 25 years of age and they must have completed a 5-year period of training at a recognised legal establishment. The method laid down for the appointment of judges is that they should be "democratically elected". Supreme Court judges are elected by the Volkskammer, County Court judges by the County Assemblies and District Court judges by the District or Municipal District Assemblies. The actual process of "democratic election" consists of approving a list of candidates previously nominated, one for each vacancy, by the State Council for the Supreme Court and by the Ministry of Justice and the local committees of the National Front for the other courts. Elections are, in all cases, for a four-year term of office.

Judges are answerable in office to the Assemblies who elect them as well as to the courts above them. They are moreover liable either to being dropped from office at the end of their four-year term or to being removed from office before the end of their term if they are found by these Assemblies to have violated the law of the Constitution or in any way to have "grossly offended against their duties". The "basic duties of a judge" include an obligation to:

"discharge his office in the interests of the working people, and the socialist state; ..... to establish close bonds with the working people, display tact and have an open ear for their complaints; ..... to gain a deep insight into the laws



<sup>1.</sup> Gerichtsverfassungsgesetz 17.4.63. Paragraph 17.

<sup>2.</sup> Gerichtsverfassungsgesetz 17.4.63. Paragraph 21.

<sup>3.</sup> Gerichtsverfassungsgesetz 17.4.53. Paragraph 8.

<sup>4.</sup> Gerichtsverfassungsgesetz 17.4.63. Paragraphs II and 12.

<sup>6</sup> Gerichtsverfassungsgesetz. 17.4.63. Paragraph 1.

<sup>2.</sup> ibid. Paragraphs 49 and 52.

<sup>3.</sup> ibid. Paragraph 57.

underlying the policy of the GDR." 1 Failure to fulfil all or any of these duties may lead to the recall (removal) of a judge by the assembly who elected him, acting on the recommendation of the Minister of Justice. Commenting on these provisions Dr Heinrich Toeplitz, President of the Supreme Court, warned that:

"The fixing of an electoral period and the possibility of recall demonstrate that independence of the judiciary which is one of the basic principles of the GDR must not be confused with irremovability."2

It is then evident that the appointment and continued tenure in office of judges must depend on their gaining and retaining the approval of the Party.

### Procurators

The procurator is an important figure in society wielding a considerable amount of power. His dutie's are described in the Act of the Procurator's Office (Staatsanwaltschaftsgesetz) of 17.4.63. From this it is clear that the procurator has a dual role to perform: first he is responsible for appearing in court as public prosecutor and for presenting the state's case against the accused, and secondly he is responsible for supervising the general implementation of socialist legality. This includes the supervision of the conduct of preliminary investigations, the execution of prison sentences and the prisoner's eventual re-integration into society. Thus the procurator is responsible for all prisoners and at all periods of their imprisonment. He also has the right to lodge extraordinary appeals against final court sentences if he considers any sentence to be illegal. Procurators are appointed by and responsible to the Procurator-General (Generalstaatsanwalt) who is, in turn, appointed by and responsible to the Peoples' Chamber and the State Council.

### Advocates

There is no similar description of the rights and duties of the advocate. As the official defence counsel he is seldom expected to defence counsel he is seldom expected to more than plead in court for clemency for his client on such grounds as character or mitigating circumstances. He is generally unable to do more because his client will almost always have made some statement admitting his guilt before the trial takes place and because official theory, which allows for no

- 1. Gerichtsverfassungsgesetz. 17.4.63. Paragraph 46.
- 2. Toeplitz: Law and Legislation 1963 No.1, p.63. This magazine is published by the Association of Democratic Lawyers in East Berlin and can be considered an official publication.

fundamental conflict between the interests of the state and those of the individual accused makes it likely that the advocate who defends his client too vigorously will, himself, be accused of anti-state activities. The defence counsel is also severely limited by the fact that, in practice, he has no right of access to his client until after the conclusion of the preliminary investigation.

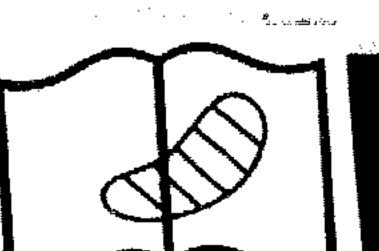
There are estimated to be about seven hundred advocates working in East Germany at the present time. Over 600 advocates are estimated by the West Germans to have been among those who left East Germany before 1961. The majority of advocates in East Germany now work as members of a collegium and receive their work through the secretary of the collegium. A few remain in private practice but it seems that all newly-qualified advocates must enrol as members of a collegium in order to practise. These collegia which were first introduced in East Germany in 1953 are to be found in all Eastern European states.

### Pro-Trial Procedure

Pre-trial procedure is based on the traditional German system which allows for the pre-trial investigation of the accused. This is carried out in East Germany by the security police under the supervision of the Prosecutor-General. There is no time limit set for the investigation period (Untersuchungshaft) which may last as long as eighteen months. There are few rights guaranteed by law to the accused in this period, almost none of which are observed in practice.

Article 136 of the Constitution states that anyone arrested must be brought before a judge within 24 hours of arrest when the reason for his arrest will be communicated to him. This provision is, however, not generally observed. None of the prisoners whose cases we investigated in connection with this report was taken before a judge or told of the charge against him until after the conclusion of the investigation. Prisoners were generally shown the indictment (Anklageschrift) only briefly a few days before their trial but were not allowed to keep even a copy.

There is no guarantee that prisoners' relatives will be informed of their arrest or that the prisoner himself will be allowed to communicate either with them or with a lawyer during the pre-trial investigation period. The procurator, who is responsible for arranging this, may withhold his permission if he considers that the investigation will be affected



as a result. None of the prisoners interviewed was allowed to see or to communicate in any way whatsoever with any member of his family and most prisoners were not allowed to see a lawyer until after the conclusion of the preliminary investigations. The only person many of the prisoners saw during the entire investigation period was the person who interrogated him. Families, particularly families living in West Germany, were sometimes informed of the prisoner's arrest at the time of the trial, for others the first notification they received was the prisoner's first letter to them after his trial.

Prisoners reported that interrogations took place during the preliminary investigation in an ordinary office in the prison (Büro-zimmer) with a fixed stool (Schemel) for the accused. The only people present were the accused and his interrogators. Whenever an additional person entered the room the accused had to stand and to face the wall. Interrogations may take place at any hour of the day or night and may last for many hours on end. Prisoners reported that night time interrogations were used to weaken their resistance. A prisoner would be called for interrogation about half an hour after 'lights out', kept awake through the night and returned to his cell only half an hour before waking time in the morning. He would then be woken with the other prisoners, prevented from sleeping during the day and then questioned again the next night. This would sometimes continue for several nights on end.

Various forms of pressure were brought to bear on prisoners during interrogation. Most frequently these took the form of threats, first to the prisoner himself (along the lines: "You will be here until you admit your crimes; you might as well admit them now"), then to his family and associates ("They, too, might be arrested") and proceeded to threats of torture and beating ("If you don't talk to me I shall have to hand you over to X and he will certainly be able to make you talk"). Prisoners were shouted at by their interrogators but actual cases of physical violence being used on prisoners are extremely rare, especially in recent years. Isolated cases occurred when, for example, an interrogator lost his temper and struck a prisoner, but no prisoner claimed to have been subjected to any kind of systematic torture or beating. In general it seems that prisoners are subjected to psychological rather than physical pressure throughout the invostigation period.

The purpose of all interrogation is to persuade the prisoner to confess his crimes, despite the fact that he has not at any time been informed of the charges against him. Those who persisted

in saying that they had no idea what the whole thing was about reported that their interrogator eventually produced some small item of information concerning, for example, the accused's friendship with a certain person. This person would then be said to have admitted certain facts. This would then be used by the interrogator to persuade the prisoner either to admit whatever was suggested to him or to sign a statement produced by his interrogator. No copy of this signed statement was ever given to the prisoner.

Common practice seems to be to alternate periods of interrogation with periods of isolation when prisoners are sometimes
left alone in their cells for months on end. Since there is no
time limit to the investigation period it seems inevitable that
prisoners will, ultimately, comply with the demands of their
interrogators and make some kind of confession. They know
that no trial will be held until they do so and this, therefore,
is in the end the only way in which they can hope to escape
from the isolation, psychological strain and searching interrogations of the pre-trial period.

Trials All trials are conducted before a professional judge and two lay assessors who are, all three, jointly responsible for delivering judgement on the defendant.

The election of lay assessors follows the pattern outlined above on the election of judges. Although the assessors possess votes of equal value to that of the judge and may thus outvote his decision it appears that, in practice, the assessors tend to agree with the verdict of the professionally qualified judge.

In addition to the state prosecutor and the official defence counsel a representative from the defendant's place of work may also appear as a "prosecutor for society" (Gesellschaftsankläger) or as a "defense counsel for society" (Gesellschaftsverteideger). The State Council Decree of April 4th 1963 referred to above laid the basis for this practice and defined the details of its operation. The person chosen to appear in court will be a layman chosen by one of the mass organizations or by the local Assembly to represent their official view on the character of the accused, the nature of his crime and the punishment he should receive. If the view adopted by this group is unfavourable to the accused then a "prosecutor for society" may appear and may speak, for example, of the anti-social attitude of the accused, his laziness at work, his anti-state remarks and general character defects. If, on the other hand, the defendant is, for

example, a Party member or a person whose previous behaviour has been exemplary then a "defence counsel for society" may appear and plead for clemency. In addition the "defence counsel for society" may propose that the group he represents will assume future responsibility for the accused if the court does not send him to prison.

The declared purpose of this procedure is to involve public opinion in court decisions. Its full consequences are however hard to estimate. On the one hand a representative who defends a prisoner may well influence the court towards leniency; but, on the other, the potentialities for increased Party control both within the courts and within the community are also considerable.

According to the law all trials are held in public, except those which endanger public safety or morals. None of the prisoners interviewed for this report can, however, be said to have had a public trial. In some cases the public were not admitted at all while in others, the "show trials" ("Shauprozesse"), admission was limited to invited guests. In some trials members of the public were admitted only during the introductory statement by the prosecution and again at the end for the sentencing. Prisoners' families were not generally informed of the date and place of the trial. Prisoners' families who were resident in West Germany and had been informed of the date and place of trial were, as a rule, refused the visas necessary for them before they could attend a court hearing in East Germany. Only in very rare cases were members of a prisoner's family allowed to be present at his trial.

Political prisoners are represented by a defence counsel at their trials. The law guarantees to every man the right to choose his own defence counsel<sup>2</sup>. Not all the prisoners interviewed claimed this right and, of those who did, only a few were allowed to be represented by the lawyer they wanted. It has been suggested that a lawyer can only represent a client if he can show evidence of having been paid in advance and this may account for some of the prisoners' requests being refused by the authorities. Where a prisoner does not or cannot choose his own lawyer he is assigned one by the state.

Counsel assigned by the state did not generally make much effort to defend the accused. One assigned counsel told his client that the state were paying him 50 DM (very approximately

£3.0.0.1) for his time and trouble — of this 60% had to go to the lawyers' collective and a small tax to the collegium, which left him only 20 DM for himself. His client, he said, could not expect much of a defence for that sum. There are even cases in which the counsel assigned by the state has pleaded for the maximum possible penalty to be imposed. In other cases the defence counsel pleaded for some reduction of the sentence asked for by the prosecutor. In no case did the counsel for the defence whether assigned or chosen suggest that the accused was not guilty. It is possible that political prisoners, who are considered the worst elements in society (many prisoners were told that their crime was more serious than that of a murderer since he only killed one man whereas they wanted to destroy the whole society) were especially inadequately represented and that common criminals are better defended. We have, however, no evidence on this.

None of the prisoners interviewed considered that they had had adequate opportunity to brief counsel before the trial. Although most of them were allowed to interview counsel privately they were hampered by the fact that they had either not seen, or seen only briefly, the indictment to be used against them. They were usually not allowed more than one interview with counsel (especially an assigned counsel) and this generally took place only a few days before the trial. In some cases the first interview took place only a few minutes before the trial, outside or actually within the precincts of the court. In these cases and in some others counsel himself told the prisoner that he had just been given a copy of the indictment and had thus not had an opportunity of reading it. Prisoners who thought of calling defence witnesses at their trial tended to be discouraged by their counsel. Lack of legal advice and the sense of hopelessness experienced by most prisoners who, having already signed some statement admitting guilt, felt there was no point in claiming their innocence, made any sort of adequate court defence almost impossible.

It is worth noting that, in the course of our investigation for this report, we have been unable to find any cases where the accused in a political trial was found not guilty. Cases are known where the accused has been released, either without trial or after he had been sentenced in court to a term of imprisonment which he has already served during the investigation period, but no cases of actual court acquittal. It appears that

<sup>1.</sup> Gerichtsverfassungsgesetz. 17.4.63. Paragraph 4.

<sup>2.</sup> ibid. Paragraph 5.

<sup>1.</sup> It is impossible to obtain a uniform rate of exchange for East German currency. The figures given are, in our estimation, approximately equal to the actual value of East German money in East Germany.

24 the state is unwilling to bring any case in court before the evidence considered necessary for a verdict of guilty has been obtained in the preliminary investigation.

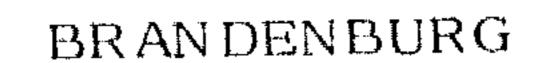
### Chapter Four: PRISON CONDITIONS

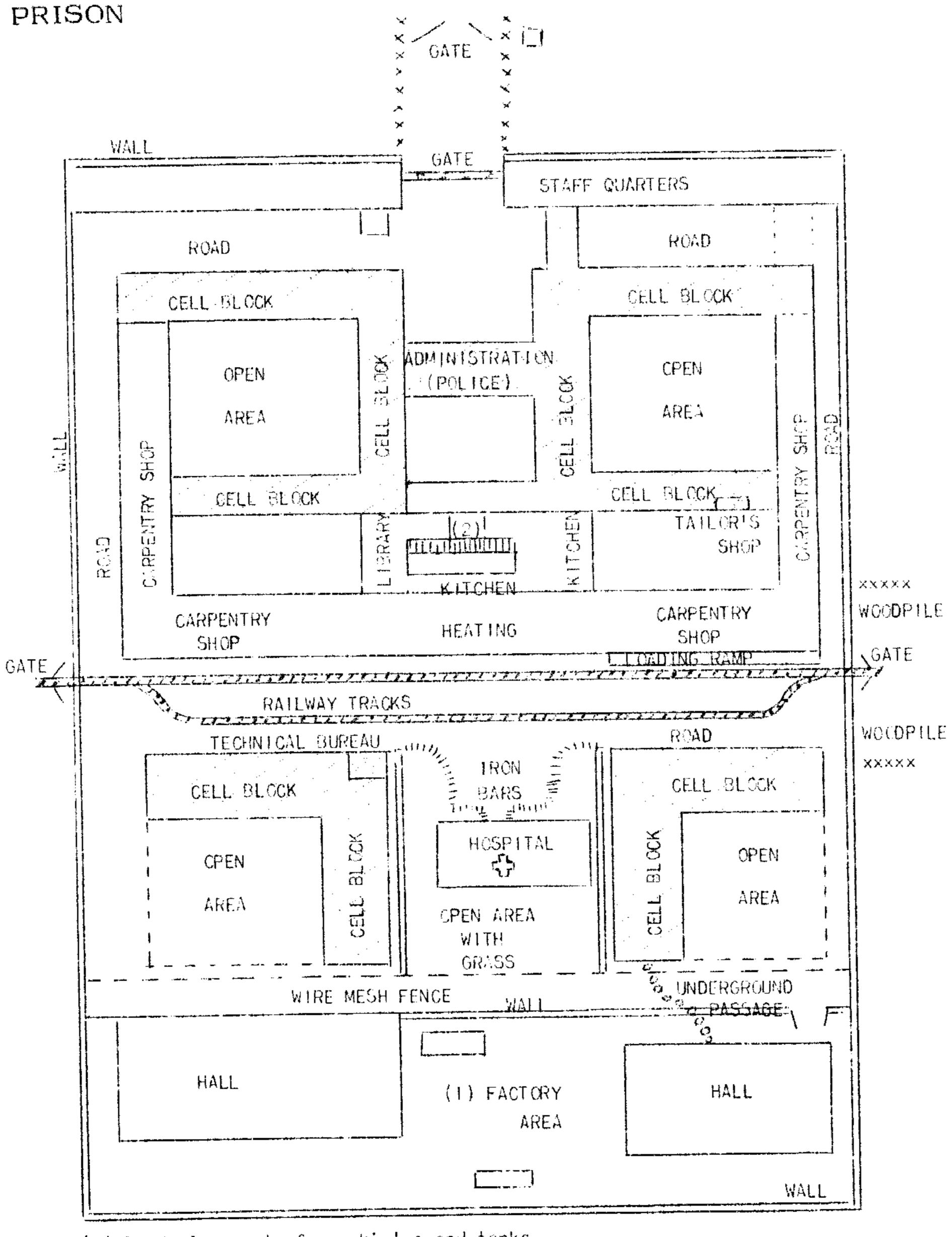
THE CONDITIONS under which political prisoners are kept in jail have varied very widely in the years since the establishment of the East German state. There has been only one constant factor: the view taken by the authorities that a political prisoner is one who has committed the greatest crime of all since he is, by their implication, a war-monger and thus a mass-murderer. Apart from the radical improvements in the penal system instituted since 1959 there have been ups and downs depending on the economic viability of the state, the political "line" being followed at any particular time and the inclinations and moods of the prison authorities and warders. There were differences in the treatment of political prisoners not only in different prisons at the same time but even within the walls of a particular prison. Even more noticeable variations occurred throughout the prison system at particular periods of economic stress or of political difficulty in the 1950s.

The Main Prisons

There is no single prison to which political prisoners are sent. Political prisoners are sent, political prisoners are sent, political prisoners are sent, political prisoners are sent, political prisoners and may, therefore, be allocated to any of the prisons in East Germany. The only distinction is the distinction made between unsentenced prisoners undergoing investigation (who are kept apart from all other prisoners) and prisoners who are already serving their sentences. One of the more important prisons for prisoners awaiting trial is the central remand prison of the State Security service in Berlin — Hohenschönhausen. Here, in a new building constructed for the purpose since the war, prisoners undergoing investigation are detained either in conditions of solitary confinement or in cells with one other person.

The more important of the prisons to which sentenced political prisoners have been sent are: Brandenburg-Görden, Bautzen I and Bautzen II, Torgau, Waldheim, Cottbus, Görlitz and Hoheneck. Of recent years almost all long-term prisoners (many of them politicals) have been sent to Brandenburg which is a large prison built in the 1930s to house 1,400, and now holding approximately 2,000, prisoners. In the 1950s many political





- (I) Producing parts for vehicles and tanks.
- (2) Chimney with Punishment Cells (ELTI) beneath it.

prisoners were sent to Bautzen I (which is situated thirty miles East of Dresden); having been used as a concentration camp both under Hitler and during the immediate post-war period this prison has a particularly bad reputation. Bautzen II (in the town of Bautzen) also has the reputation of being a hard prison and is the prison to which those who are considered particularly dangerous enemies of the East German state are often sent. Prisoners may also be sent to a labour camp¹ (Haftarbeitslager) to serve part or all of their sentences. Conditions in the camps tend to be better than in the prisons; security arrangements are more limited but the work is very hard. Long term political prisoners are, however, rarely sent to labour camps, presumably because they are not considered reliable enough.

Within the framework of this report it is not possible to give a complete account of conditions within all the prisons and labour camps in East Germany. We have therefore chosen to concentrate on conditions in Brandenburg after 1960 although, for the purpose of comparison, references have been made to conditions in other prisons and in earlier years. We should, however, stress that this report cannot attempt to convey the monstrous conditions under which many political prisoners have spent up to fifteen years in East German jails. In general we have avoided giving specific dates for the reason that prisoners who are deprived of writing materials are unable to keep a diary; their recollections as to time can be accurate only within a year or so.

Accommodation The design of Brandenburg prison in the early 1930s incorporated the newest ideas in penology. A book published at the time says that the cells then provided were "normal cells with 22 cubic metres of air space (for strict solitary confinement by both day and night)"; "sleeping cells with 15 cubic metres of air space (for the night-time accommodation of a prisoner working in community during the day)"; and "communal cells for four men and communal cells for six men each (thus small community rooms — for prisoners' accommodation during both day and night)".

Many structural changes have been made in the prison since then. But it is clear that the normal cells mentioned above are now called "Drei-Mann-Zellen" and hold three prisoners (they were occupied by up to five prisoners.

1. For a list of known labour camps see Appendix II.

in the early part of the 1950s). The sleeping cells mentioned above were occupied by two prisoners in the middle 1950s. Later three of these sleeping cells at a time were knocked together to take first eight and then six prisoners. As against the 22 cubic metres of air space considered necessary for each prisoner in the 1930s, six prisoners now have a total of 45 cubic metres of air space. The size of other cells (for single occupancy or for up to 15 prisoners) is roughly in proportion. In other prisons, halls have been used to accommodate up to 250 prisoners at a time. There they ate, slept, washed and defecated; except for the daily exercise period (not more than half an hour), non-working prisoners spent the 24 hours of every day in these conditions.

There may now be a table in each cell, with a stool for each prisoner. Otherwise the furniture consists of a bed (usually wooden with a base of wooden planks, although some metal beds with steel springing have been introduced in the 1960s). Bedding includes a mattress (generally a straw sack in the 1950s, now made of sea grass) and two or three blankets during the summer months. An additional blanket is usually issued in winter. Blankets do not appear to be cleaned at regular intervals; a woman prisoner at Hoheneck until 1965 reports that her blankets were shaken out occasionally but neither washed nor changed in seven years. As from the end of the 1950s bed linen has been provided; it is changed roughly at monthly intervals.

Although cell windows walled up with glass bricks are still usual in some prisons where prisoners are kept during the pre-trial investigation period, most cell windows can be opened to the extent of about 20 cm. At times, cell windows have been fitted with projecting shutters which prevent the prisoner from looking out. While there is central heating during the winter months, this is considered by many prisoners to be inadequate. A general lack of fuel even in the 1960s occasionally prevents central heating for shorter periods or (as in Torgau during the winter of 1962/63) for the whole winter. A method in use to save fuel during the 1950s was to switch on the central heating only for two three-hour periods daily.

Sanitary Facilities

Some larger cells are now fitted with running water and W.C., but the lavatory facilities in many cells still consist of buckets. They are

no longer made of earthenware (which was sometimes cracked) and are now generally provided with lids. Ex-prisoners complain that the amount and regularity of bucket chlorination depends on the mood of the warders. The size of the buckets or their number is still frequently insufficient. They are emptied once daily in the case of working prisoners who are assumed to have an opportunity of using the lavatories at their place of work. For other prisoners, the rules provide for the twice-daily emptying of the buckets, although again this depends on the mood of the warders. Prisoners now make their own lavatory paper from newspapers.

Prisoners in cells without running water each have a jug which is filled daily with several litres of water to serve all drinking and washing purposes. They wash in an enamelled or metal basin; at one time this basin was the general hold-all and had to be used, for instance, to contain the potatoes distributed at lunchtime. Working prisoners can now buy toilet requisites from the prison shop, which may include soap, nailbrush, comb, toothbrush, block of tooth cleaner and shaving things. In earlier years they were supplied with soap and a wooden toothbrush and a comb where necessary (prisoners with life sentences had shaved heads during the early 1950s). There are also washrooms to which the inmates of cells without running water may be brought to wash daily. The time allowed for about 50 prisoners to wash in a washroom containing 14 handbasins is 15 minutes. As a general rule, prisoners are taken to have a weekly shower, although non-working prisoners even in the 1960s are frequently allowed to shower only once a fortnight. Working prisoners engaged in particularly dirty (carpentry shop, boiler-house, outside work generally) or dangerous work have daily showers. Baths are available on medical prescription only.

Women prisoners are now given a monthly supply of sanitary towels. In the 1950s, menstruating women had to request them: male warders distributed them one at a time in a humiliating manner.

Clothing The prisoner's clothing consists of old, dyed uniform pieces with coloured stripes. He has a cap, a collarless shirt, underpants, a handkerchief, socks (footrags in the 1950s) and shoes. Wooden shoes, which were the rule during the 1950s, are still worn by many non-working

28 prisoners. Additional clothing may now be issued during the winter, such as a coat (as from 1962), gloves (sometimes only on medical prescription), scarf, wadded underjacket, pullover or vest. Depending on the work on which the prisoner is engaged he may also have a working uniform (often made of ticking) and working shoes, in addition to his cell clothes. Clean under-clothing is issued weekly (usually at the time of the weekly shower), except in the case of some non-working prisoners who are given a fortnightly change of underclothes. No clear pattern emerges for the cleaning or exchange of outer garments. In the early 1950s certainly they were worn until they literally fell to bits; they now appear to be exchanged at intervals varying between six months and two years. Where special working clothes have been issued they are kept clean; in some instances they are washed weekly, in others when necessary. Some ex-prisoners have mentioned house-shoes or slippers as part of their equipment.

Women prisoners wore men's clothes until the middle 1950s. In Waldheim in 1953/54, for instance, the clothing issued was one thin grey ticking uniform (male), one man's vest, one brassière, one pair of knickers, one pair of men's socks and wooden shoes. Women prisoners in Hoheneck in the 1960s are outfitted with three sets of underclothes, two nightdresses, three pairs of stockings, two slips, three brassières, one suspender belt, three towels, one scarf and one headscarf, and shoes and house-shoes. They wear a second-hand police-woman's uniform (which has a skirt) with yellow stripes. Their linen bears identifying marks and may be sent to the laundry weekly.

The quality and quantity of the prisoners' food has varied greatly. Rations generally are now divided into workers' rations, non-workers' rations, supplementary rations for hard labour or for work injurious to health, and sick diets. The three meals a day basically consist of bread and coffee substitute (Ersatzkaffee) at breakfast, a lunch of "Eintopf" (in German household cooking the term denotes a thickish soup containing all the ingredients — meat and vegetables — normally served separately at lunch-time), and bread and coffee substitute again at supper with the addition of portions of margarine and sausage. Black bread (Schwarzbrot — a coarse rye bread of a type although not of the quality eaten in German households) is the bread provided. It is not now rationed except for some non-working prisoners; in earlier years the daily bread ration did not exceed eight

slices. The coffee substitute is sweetened; there is now also a weekly ration of sugar (about 50 grammes). A portion of jam (about 50 grammes) is now issued twice weekly. Generally prisoners receive a 30 to 50 gramme portion of sausage every second day; some working prisoners get a daily sausage ration. On the other hand, it appears that non-working prisoners may be given only margarine on six days of the week, with a slice of sausage instead on the seventh. Butter may replace margarine once or twice a week. The cold food (bread, margarine, sausage) is as a rule issued in bulk once a day, at lunch- or supper-time, and is apportioned at the discretion of the prisoner himself. An ex-prisoner with medical training remarks that fats (margarine, occasionally butter, oils) are the only nutrients in comparatively plentiful supply but that the quality is deplorable (margarine found faulty after manufacture, stale butter). Blood sausage (Blutwurst) and a large sausage made of finely minced waste products are the two types of sausage supplied. Cheese is a rarity; it may appear two or three times a year. There are neither eggs nor milk except as part of medically prescribed diets.

The lunch-time "Eintopf" contains little or no meat; it is a thin soup of vegetables such as cabbage, carrots, peas, turnips and potatoes (during the occasional potato famines prisoners are given no potatoes whatsoever). The soup may also be thickened with barley or rice. While prisoners generally are given a second helping of soup on request, this does not apply to non-working prisoners.

On Sundays and possibly also on one other day a week, lunch may now consist of separately-cooked potatoes (boiled in their skins or peeled and boiled), vegetables (mainly cabbage) and a small portion of meat (often minced, in the form of a hamburger) with sauce. There is no pudding except on very rare occasions. Fruit has been served about once a month as from 1962; in general it is available only during periods of glut. There may be tea instead of coffee substitute on Sundays.

It is clear that this diet is seriously deficient in vitamins. It is also clear that working prisoners are very much better fed than non-workers; some working prisoners have even been given an additional oatmeal soup before the start of each shift. In addition, working prisoners have the opportunity of supplementing their diet with food bought in the prison shop from their earnings. Working prisoners are forbidden to

30 share food with their non-working fellows; any infringement of this rule is punished.

Prison Shopping The prison shop is part of the complex of stateowned retail shops known as "H.O." (Handelsorganisation — trade organisation) and stocks

items such as writing materials, stamps shoelaces, toilet requisites and cigarettes and tobacco apart from food. The food on offer appears to depend on the goods in plentiful supply or surplus to requirements outside the prison walls. It may include sausage and tinned sausage, margarine, lard, jam, sugar, sweets, biscuits, pickled vegetables and tinned fish. On one occasion prisoners were instructed to buy smoked fish for immediate consumption — it would have gone bad over the weekend in the civilian shops nearby. The shop has fruit and onions two or three times a year, depending on harvest conditions. On two or three exceptional occasions over the years, small portions of roast chicken were offered for sale at a very high price. The provision of a dining room in which lunch is eaten in Brandenburg as from about 1961 (until then all meals were eaten in the cells) has meant that a counter is available there for the selection of purchases. Ex-prisoners say that this is a great improvement on the earlier system of ordering from a list, which often meant the receipt of items other than those ordered.

Mork In the prisoner's life in jail, the work assigned to him plays a large part. According to the authorities, his chances of an early release depend very largely on whether he carries out his duties to their satisfaction. While prisoners who had been given life sentences (many if not most of them political prisoners) were refused permission to work during the early 1950s, on the grounds that such arch-criminals as they were did not deserve to work, this principle appears to have been re-thought towards the end of the decade. The conclusion reached was that the labour potential represented by long-term prisoners particularly should be exploited. This decision has been put into effect with great thoroughness.

Prisoners are engaged in a wide variety of jobs, usually in branches of state-owned enterprises (their names all bear the prefix VEB — volkseigener Betrieb) set up within the prison walls. The state-owned enterprise supplies the necessary machinery and the technical management and pays rent to the prison authorities for the building or space occupied as well as a sum to cover the provision of personnel for guard duties.

The state-owned enterprise also pays the prisoners' wages at the same rate as that payable to civilian workers under the collective wage agreements in force at the time. However, the regulations covering the employment of prisoners provide for the deduction by the prison authorities of a sum to pay for the prisoner's keep. The sum in fact deducted for this purpose is 75% of the prisoner's wages. The allocation of the remaining 25% of the prisoner's gross wages is also laid down in the regulations. Half of it goes in support payments to the prisoner's family or other persons for whose support he is liable (or, if he has no dependants or, possibly, no family in East Germany, is put into a reserve fund which is handed to the prisoner on release). One quarter is, according to the regulations, kept in a reserve fund for the prisoner's release. The final quarter (which is 6.25% of the prisoner's gross wages) is the prisoner's spending money, although deductions may be made from this for rejects (Ausschuss) from the prisoner's work or for compensation payable by the prisoner for the crime he has committed (this provision naturally does not often affect political prisoners). The cash sum in fact received by the prisoner each month naturally depends on the type of work on which he is engaged; an average figure might be DM15.- to DM 20.- (very approximately £1.0.0.), although the figure might reach DM100.- for technical specialists and might sink as low as DM10.- for physically hard work classed as untrained manual labour.

Prisoners who worked in the prison accounts department estimate that Brandenburg is almost if not entirely self—supporting as a result of the deductions made for the prisoners' keep. Other prisons such as Waldheim, Cottbus, Bützow and Berlin-Rummelsburg, with a comparatively high turnover of short-term prisoners, are unlikely to be self-supporting to the same extent. On the other hand the labour camps (Haftarbeitslager) are likely to be even more efficient in that security measures and the number of guards employed are reduced to a minimum.

In 1964, Brandenburg prisoners might be employed in the manufacture of tractors (Werk IV of the Brandenburger Traktorenwerk — BTW), the manufacture of kitchen furniture for export (Branch of the Holzverarbeitungswerke Burg — HVB, or Burger Küchenwerke — VEB), or the manufacture of uniforms and radiation suits (Branch of the Burger Bekleidungswerke — BBW). There was also a department I. Verordnung über die Beschäftigung von Strafgefangenen, 3.4.52.

producing electric motors (Elmo — Elektromotorenabteilung), an agricultural production co-operative (Landwirtschaftliche Produktionsgenossenschaft — LPG), a shoe-making or cobbler's shop, a toy factory producing scale-model cars for export, a laundry engaged in contract work for the Soviet and East German army and the Stahlwerk Brandenburg (a prison industry) as well as servicing the prison itself, a technical bureau, and a bureau of standards. Other prisoners were engaged in tradesmen's work (manufacture or repair) for the prison as such, or in the cleaning and maintenance of the prison.

Prisoners have reported that, at various times and in different prisons, they worked as translators, technical draughtsmen, gardeners, electricians, metal-workers, weavers, kitchen help, and clothes-menders. In Cottbus, for instance, upholstered furniture was manufactured for export. An ex-prisoner reports that Messrs. Carl Zeiss Jena have a branch factory in Torgau. Parts for Soviet tanks are reported that have been included in the production of the Brandenburg tractor factory. Work performed by women prisoners includes the manufacture of lingerie and ballpoint pens, the glueing of paper shopping bags, the assembly of electric irons and technical translation.

Working conditions are, in principle, subject to the same rules as those which govern the employment of workers generally in East Germany. In practice these regulations do not appear to be enforced. Industrial safety measures on machinery are reported to be minimal; where they exist, they are often of such a nature as to slow down the possible output. In such cases prisoners frequently prefer to run the risk of accidents rather than risk any reduction in their limited spending money. Prisoners in Brandenburg Traktorenwerk were told at the time that their accident rate was the highest in East Germany. Machinery is usually old, not to say antiquated: most of the machinery used to equip the Burger Bekleidungswerke enterprise when it was re-established in 1961 had been built in 1914. Emergency repair jobs are carried out on existing machinery because of lack of the necessary spare parts. Lighting, heating and ventilation are frequently inadequate for the particular job, especially in view of the high norms set.

According to prison rules the set norm must be over-fulfilled. Various forms of punishment are imposed on prisoners who do not at least fulfil their quota. Conflicts have been known to arise between the civilian management of a prison industry on the one hand and the prison authorities and prisoners on the

other on the question of the norms. The civilian management is naturally interested in both an over-fulfilment of the norm and the greatest possible reduction of the time allowed. While the prison authorities are also interested in seeing that the norm is over-fulfilled, any reduction in the norm time reduces the 75% of the prisoner's wages payable for his keep. This may be taken to explain the fact that prisoners' resistance to a reduction of the norm time in the tractor factory in 1962 was not opposed by the prison authorities; on the contrary, prisoners were permitted to discuss the matter openly at production meetings (which they were forced to attend regularly). Other conflicts arise as a result of special shifts on Sundays and holidays, so that warders who normally have the day off have to do guard duty, and the intensive general inspection occasionally carried out by the prison authorities during which no work can be done. Since many state enterprises with branches within prison walls appear to rely on the work extracted from prisoners to fulfil the overall annual quota for the concern as such, civilian pressure has been successfully brought to bear on the prison authorities to limit the number of such general inspections very strictly.

Apart from the threat of punishment or reduction in spending money and of an adverse entry on the prisoner's file, prisoners are exhorted to work hard by promises of incentive bonuses (cash payments of DM10.- or DM15.- from which no deductions whatsoever are made and which are thus available as additional spending money—the regulations governing the employment of prisoners specifically provide for such cash incentives) and of favourable entries on the prisoner's file. Prisoners are told that their performance on the job will count in their favour when appeals for a remission of their sentences are being considered; in fact the regulations provide that there shall be a one-day remission of sentence for every two days on which the prisoner, being of general good behaviour, has regularly carried out the work assigned to him.

A short history of Brandenburg's clothing factory in the 1960s may serve to illustrate working conditions. The factory initially manufactured blue uniforms for the German Red Cross bearing the abbreviation DRK (Deutches Rotes Kreuz). The initials were later changed to read DAK (Deutsche Arbeitskleidung — German Working Clothes); prisoners report that these clothes were supplied to African

34 liberation armies who added the necessary badges to turn them into uniforms. 10-hour shifts (instead of the normal 8-hour shifts) working under extreme pressure were introduced to sew thousands of Anoraks (Windjacken) at high speed; prisoners later realised that this was at the time of the building of the Berlin wall. The production programme then changed to the manufacture of radiation suits SB 61 (Schutz-Bekleidung 1961 --- protective clothing 1961) for the army and the State Security Police from a lead-containing rubber fabric with wooden fasteners. A nitro solution is used as an adhesive to glue re-inforcing strips over all seams on the inside of the garments. Prisoners employed on this job were, because of the great danger to health involved, given skim milk (milk does not form part of the prison diet) and a longer period of open-air exercise. In spite of these measures prisoners on all shifts were soon affected by a skin disease which they called "rubber fleas" (Gummiflöhe) in the form of intolerably itchy pimples spreading rapidly over the whole body. The affected prisoners were treated by being painted with a liquid solution from head to toe. To prevent the further spread of the disease arrangements were then made for the issue of separate sets of clothing for wear at work and in the cells; prisoners changed their clothing in a special shower room and took a shower there after work. Many of the ex-prisoners interviewed complain bitterly that these and other similar welfare measures, forced on the prison authorities to prevent the collapse of the labour force, are shown to visiting commissions who may well be impressed because they think such provisions are generally applied to all prisoners.

Supervisory jobs tend to be held by criminal rather than political prisoners although the pressures of norm overfulfilment and the interest of the prison authorities in keeping prisoners' wages at a high level have on occasion forced them to accept the employment of political prisoners with superior mental or technical abilities in these positions. Some exprisoners who were among the very small minority engaged in intellectual work report a deliberate circumvention of patent and copy-right laws in that text-books printed in foreign languages are taken apart, each page photocopied and then translated for use in East German industry. Technical draughtsmen are employed to re-draw patent drawings.

According to the regulations quoted throughout governing the employment of prisoners, prisoners shall work only if they agree to do so. In fact, prisoners are offered no choice in the matter. Because of minimal food rations supplied to

non-working prisoners, few prisoners make the attempt to refuse to work. Those who do are punished by periods of up to 21 days' incarceration in special cells (Arrest), during which they may be given a warm meal on only every third day or, in extreme cases, denied any form of food and drink. Old, sick or crippled prisoners who are unfit for many of the jobs described earlier may still usefully be employed in the toy factory. The remainder who for reasons of health or age (some are blind, some war-disabled) are exempt from work number 200 to 250 in Brandenburg, which has a prison population of approximately 2,000. Non-working prisoners naturally have no spending money with which to supplement their meagre diet, although, as a special concession, prisoners over the age of 65 who are considered to be of good behaviour may be permitted to receive a monthly allowance of DM 10 from their families as spending money. A prison rule which forbids working prisoners to share their food with non-working prisoners is very strictly enforced and punishment is meted out for any infringement. The differential treatment for non-working prisoners extends to all aspects of prison life and is referred to on other occasions in this report. We feel justified in stating clearly that the pressures exerted are such as to produce a system of forced labour throughout East Germany's jails.

Medical
Care

Prisoners injured in the course of their work or those who fall sick must report to a warder on his morning rounds (no regular medical inspections are carried out) who will decide whether or not the prisoner should be allowed to see a doctor. There are many instances of delays lasting several days before the warder concerned permits the prisoner to attend for medical examination.

Every East German prison, with the exception of some which are used only for prisoners under pre-trial interrogation, contains a hospital department. Klein-Meusdorf near Leipzig is the only prison hospital as such. Seriously ill prisoners who are not too ill to be moved may be transferred to Klein-Meusdorf for treatment there. Tubercular and psychiatric cases may be transferred to the hospital department of Waldheim prison, in which there are about 240 beds. All other cases are normally treated as in- or outpatients by the hospital departments attached to the prison in which they are serving their sentence.

The Brandenburg hospital department has about 85 beds in

36 cells for two, three, four or nine patients. The hospital department employs about 20 prisoners, of whom some are usually doctors or have some medical training. There are also about ten warders who are responsible for security within the hospital department, as well as about ten staff members engaged in medical work (some but not all of these have had some medical training). Civilian doctors attend weekly (in the case of the surgeon, the radiologist and the ear-nose-andthroat specialist) or monthly (the dermatologist, the oculist and the orthopaedic surgeon) for about an hour at a time. An optician attends for a couple of hours every few months. Doctors' visits, examinations and treatments invariably take place in the presence of warders; this circumstance as well as the very short time they spend in the prison prevents the civilian doctors from establishing any proper doctor/patient relationship. The consultants are unable to ensure that their instructions are carried out in their absence. In fact, the treatment they prescribe is frequently not or only incompletely carried out.

The hospital department in Brandenburg includes two laboratories, two X-ray rooms, an operating theatre with a preparation room, a sterilising room, two treatment rooms, a bathroom containing four baths, a massage room, two offices, a dental surgery, a dental mechanic's room, three rooms for the storage of pharmaceuticals, a disinfection room, a linen room and a tea kitchen. Although the technical equipment is limited and out-of-date (instruments for serious internal or bone operations are borrowed from outside hospitals), 700 to 800 operations were carried out in Brandenburg between 1961 and 1964, more than half of them as a result of accidents but including appendectomies, tonsillectomies, hernia and inguinal hernia operations and various abdominal operations. A civilian nurse and an anaesthetist are imported to assist the civilian surgeon in difficult operations; on these occasions the warders go to great lengths to ensure that there is no conversation between prisoners and civilians.

In Brandenburg, one out of every four prisoners is being treated for bleeding gums. Otherwise the prisoners' dental health appears to be as good as that of the population at large, with the exception of long-term prisoners whose teeth had frequently been knocked out. Many ex-prisoners have praised the excellent work of the prisoner employed as a dentist in Brandenburg. There is praise, also, for the courage of the prisoners who worked as doctors; they are said to have achieved the impossible in the face of great odds, often

endangering themselves by their persistence in trying to improve conditions for their fellow-prisoners.

Supplementary or special diets may be prescribed but are available only for a fixed number of prisoners, regardless of the number who may at any one time actually require them. There is some evidence to show that the total amount of food available for the prison remains the same at all times, so that any improvement in the rations of a limited group automatically means a reduction in the rations supplied to the majority of prisoners. The supplementary diet for T.B. patients includes milk; ex-prisoners have complained that a visiting commission saw the issue of milk rations for T.B. patients and wrongly assumed from this that milk formed part of the normal prison diet. Two types of bread (white bread and a bread made from a mixture of flours) are available for special diets apart from the normal issue of black bread. An oatmeal soup now supplements the breakfast of hospital patients. Vitamin tablets may be prescribed for prisoners with skin complaints. The issue of medicines prescribed to out-patients is entirely in the hands of the warders and totally dependent on their frame of mind.

The list of ailments from which prisoners suffer is a long and comprehensive one, ranging from the many injuries resulting from accidents at work (including eye injuries from metal splinters) through heart disease, circulatory disease, diseases of the digestive system, bronchitis, asthma, T.B. and diabetes to malignant tumours and cancers of the lung. Mobile X-ray units are used for regular T.B. detection in all prisons. Six cases of attempted suicide are known to have occurred in Brandenburg between 1961 and 1964; none was successful. (Eight prisoners are known to have died of various causes in Brandenburg during this period.) There is no question of a prisoner's being considered unfit to serve his term of imprisonment on grounds of age or fatal illness. Appeals for the release of prisoners who are medically certain to die within a few months are consistently rejected outright by the authorities. Nor is there any question of malingering; being unable to work, prisoners in hospital do not earn any spending money. Thus they try to report well long before they are, in fact, medically fit to work.

The Klein-Meusdorf prison hospital, to which serious cases may be sent for treatment, has about 800 beds including the

38 women's wards. The average length of a prisoner's stay there is four weeks; new admissions sometimes mean that prisoners are returned to the hospital departments of their jails before treatment is complete. The civilian doctors here include academics from Karl-Marx-Universität in Leipzig. The standard of professional medical attention by civilian doctors is generally agreed to be good, but again the day-to-day nursing and treatment suffers from being left in the hands of prison staff who deliberately or through lack of concern ignore the doctor's instructions. Matters are said to have improved in recent years as a result of the constant complaints of the civilian consultants. The standard of cleanliness is dangerously low; much if not most of the cleaning is left to be done by the pateints themselves, to whom cleaning materials are issued daily for the purpose. The newly-admitted patient is expected to clean the bed and locker assigned to him; the mattress and blankets are not changed between occupants. Ambulant patients (for instance patients with skin diseases) are employed to make up the beds for patients returning from the operating theatre, without regard for the infections they may spread. Typhoid broke out in Klein-Meusdorf during the 1950s; in the 1960s there have been several outbreaks of dysentery. A woman prisoner reports that it is the prison rule to issue no painkilling tablets or drugs after an operation with the exception of an injection on each of the first two evenings following the operation. A patient who had undergone a serious gynaecological operation was given tea on the first day following her operation, gruel on the second and a special diet on the third. On the fourth day she was put back on the normal prison diet (including the usual white beans or cabbage and black bread, etc.). These facts may serve to explain why prisoners tried to avoid being removed to Klein-Meusdorf; they feel that their chances of recovery, although limited in any case, are better elsewhere.

Although the printed instructions on Correspondence letter forms issued to prisoners even in the 1950s state clearly that every prisoner (including prisoners under pre-trial detention) may write and receive one letter a month, in practice his right to do so is limited. The prisoner's correspondent must be a relative and, what is more, the same relative throughout his period of imprisonment. In the early 1950s letters by both prisoners and their relatives had to be written in clear block capitals, the length not to exceed 15 lines. The permissible length has since been increased to one sheet of DIN A4 (21x15cm.). Both incoming

and outgoing letters are censored; a letter which does not pass the censorship may be withheld without any notification being made to either the sender or the addressee. On the other hand, the prisoner may be asked repeatedly to rewrite the same offending letter; until he has done so to the satisfaction of the authorities any post due to him is not handed out. The prisoner may not make any reference whatsoever to his life in jail (it seems possible that praise would be permitted but our enquiries did not come across any such instance), or to the circumstances of his trial or the charge against him; any breach of these regulations will mean the withholding of the letter. Anxious relatives enquiring about the missing monthly letter are likely to be told that the prisoner has broken prison rules and is himself by his intransigent behaviour to blame for the disruption of normal correspondence. A recent rule permits prisoners to write and receive a special additional letter at Christmas. During pre-trial imprisonment, the universal practice has been to allow no correspondence whatsoever.

Parcels The regulations about parcels provide a clear illustration of the economic difficulties of the state. While the East German economy was under severe strain in the early 1950s prisoners were allowed to receive a monthly food parcel, weighing not more than three kg., the contents of which were prescribed and included fixed amounts of fat (butter, lard, margarine), cheese, fat bacon, sausage, sugar (not lump sugar); fruit, onions and biscuits in the original brand wrapping might be included to make up the weight. Prisoners whose relations lived in West Germany were not, says an ex-prisoner, allowed to receive monthly parcels at that time (presumably because the quality of the contents compared too favourably with those dispatched by East Germans); they were allowed to receive only one parcel a year.

With the improvement in the food situation in East Germany as a whole this has now become the general rule; every prisoner is permitted to receive one parcel a year on his birthday, although there is some evidence to show that a parcel at Christmas may occasionally be permitted too. The maximum weight of the parcel remains three kg.; its contents are still limited to those specifically permitted (which now include more items than those mentioned above) and do not include tins or preserving jars of food. Parcels are opened by a warder in the prisoner's presence, after he

40 has agreed in advance that any forbidden articles may be retained by the prison authorities (in earlier years they were returned to the sender). If the prisoner does not give his consent, the parcel is returned, unopened, to the sender. A random check is made on packaged goods. Cigarettes, for instance, (which are now permissible although they were forbidden earlier), are taken out of their packet. One cigarette is broken through as a check. A box of chocolates will be inspected to ensure that it does not contain liqueur chocolates (alcohol in any form is strictly forbidden). Slab chocolate is also broken.

Wisits A prisoner who is considered to be of good behaviour may have one visitor (who must be a relative; children under 16 years of age are not admitted) for a half-hour visit every three months. In exceptional cases, for instance, if the home of the prisoner's family is at a great distance from the prison, permission may be granted for an hour visit every six months instead. Appeals by relatives who may have to undertake an eight-hour journey for the sake of a visit lasting half an hour have also on occasion resulted in the transfer of the prisoner to a prison nearer to his home.

Prisoners are prepared for visits by being given special clothing (clean uniforms without stripes) and sent to the barber. Before they leave a special pre-visit cell, in which they may have been kept for up to four hours without adequate sanitary facilities, they are reminded of the rules governing the conduct of visits. These include a prohibition of any conversation about the prisoner's case, and of any remarks about life in jail. The visitors' room is decorated with pictures and curtains. There the prisoners (usually up to three of them at a time) greet their visitors by shaking hands with them across a large table; embraces and kisses are not permitted. It seems likely that this regulation is designed to prevent the passing of any written messages. Prisoners and their visitors then sit on opposite sides of the table; a warder sits at the end and monitors the conversation. There have been instances of the visit being brought to an abrupt and early end because the conversation ranged outside permitted limits.

Smoking is permitted for the duration of the visit. Flowers brought by visitors may be placed on the table during the visit; as a general rule they must be taken away at the end of the visiting time, although exceptions have been made to allow the prisoner to take the flowers to his cell. Relatives are not usually permitted to bring presents of food. Fruit is occasionally allowed; when it is, it must be eaten by the prisoner during

visiting time — which, because his constitution is unused to fruit, has often led to bouts of diarrhoea. Depending on the mood of the supervising warder, relatives may be able to show photographs of other members of the family to the prisoner.

Personal Possessions

The number and type of possessions which a prisoner is now allowed to keep in his cell show very clearly the easing of

conditions over the years. In the 1950s prisoners were allowed to keep the last letter they had received (on receipt of a further letter the previous one was removed; this rule still obtains) and one photograph of a near relative. This is still the basic rule. Some prisoners are now permitted to have two photographs; it appears that these may be exchanged for others at twiceyearly intervals. However, even in the 1960s a prisoner in Brandenburg had to choose between a photograph of his mother or of his fiancée. Eating implements (knife, fork, spoon and a tin-opener) are kept in the cell; before 1960, prisoners were permitted to have only a spoon, often a home-made wooden one. Permissible toilet articles now include a mirror. Strict punishments were earlier imposed for the possession of any form of writing materials; now they are, in general, allowed. Working prisoners, who are permitted to buy a rationed number of cigarettes from their earnings at the prison shop, may now keep cigarettes, matches or lighter in the cell and are allowed to smoke there. Spectacles where necessary are permissible; during the period of pre-trial imprisonment the prisoner's spectacles are sometimes removed and given to him only during interrogation. Textbooks for study are now allowed in some instances, especially where they help the prisoner in the work he does in jail. Members of the prison orchestra are sometimes allowed to keep their musical instruments in the cells. The prisoner may be given a Bible if he specifically requests it, unless he shares his cell with a member of the sect of Jehovah's Witnesses. A former woman prisoner mentions the short but blissful period in 1963 during which prisoners in Hoheneck were allowed to purchase needlework materials and do needlework in their spare time.

During pre-trial imprisonment, prisoners are not permitted to keep any possessions whatsoever in their cells; even such articles as comb and brush are kept outside the 42 cells and given to them only for the brief period of use. A few sheets of lavatory paper are handed to the prisoner when he requests them for immediate use.

Exercise The prisoners' outdoor exercise is limited to 30 minutes a day which includes the time taken in unlocking the cells, bringing them to the exercise yard, and returning them to their cells. There is no outdoor exercise when the weather is bad or when the prison is short-staffed (on holidays, or while political indoctrination classes are held for the warders). Some 50 to 70 prisoners at a time, separated by a regulation distance, walk in a circle. They are not allowed to speak, and anyone breaking this rule is liable to punishment. During the pre-trial interrogation period, prisoners take their daily exercise in individual openair pens; an armed prison guard walks up and down on a raised catwalk to ensure that there is no possibility of contact.

Towards the end of the 1950s, the exercise yard in Brandenburg was turned into a grey wilderness by the systematic uprooting of every bush and blade of grass; in 1962 flowers and shrubs were planted there.

Sports facilities are provided for working prisoners at the labour camps.

Monthly or even fortnightly film shows are among Leisure the privileges of working prisoners; ex-prisoners say that the films shown are politically orientated and rather than artistically good, and that many films Culture are Russian. Prisoners may be taken to watch television programmes or to listen to radio broadcasts, usually with an ideological bias. Prison orchestras, choirs and drama groups have been established in various prisons at different times. Our information on these is limited for two reasons: initially, political prisoners were usually not allowed to take part in them, and later, they frequently refused so as to avoid having to perform propagandist works on occasions determined by the authorities (for instance, for visiting commissions or on State holidays). Board games such as chess or Halma are now available to cells in rotation. The possession of playing cards is strictly prohibited and prisoners found with home-made cards are punished.

In 1954, all books in East German prison libraries published before 1945 were destroyed; these included the German classics

and Shakespeare. Accordingly, the prison libraries now contain only books published since then in East Germany. Up to the end of the 1950s books were distributed without choice; a card index is now kept and prisoners can put in a request for a specific book. This does not necessarily guarantee that they will receive the book they want. Books are exchanged at fortnightly or monthly intervals; prisoners sharing a cell are able to exchange books within the cell. For some years, the special permission of the authorities was required before political literature in the prison library (Lenin, Marx, Ulbricht, Pieck) was issued to a prisoner.

More recently, some prisoners have been permitted to have privately-owned books if they agreed in advance to leave these books in the prison on their release. Dictionaries and language textbooks are proscribed except for prisoners working as translators and the favoured few who have received official permission to learn a foreign language. As a general rule, books sent to prisoners by their relatives are not handed over. On one occasion in the 1960s, a local bookshop mounted an exhibition in Brandenburg prison; working prisoners were permitted to order books, either for themselves or to be sent to their families, up to the value of DM 50.-.

No printed material (either books or newspapers) is given to prisoners during pre-trial imprisonment. In the 1950s, non-working prisoners were not permitted to see a newspaper. However, they were issued weekly with 16 sheets of lavatory paper (about  $10 \times 15$  cm. each) cut from newspapers from which --- in order to deprive them of potential writing paper — all blank margins had been removed. Working prisoners were allowed to order the "Tägliche Rundschau", the newspaper published by the Soviet military administration in Germany, or, later, the "Berliner Zeitung". As from 1955 the S.E.D. party newspaper "Neues Deutschland" could be ordered by favoured prisoners. In 1960 the "Berliner Zeitung" was discontinued and prisoners can now order only "<u>Neues</u> Deutschland". Although the newspaper available to prisoners at any one time is clearly chosen on a political basis, a form of censorship was in operation during the 1950s. In some instances particular items had been cut out; on other occasions the day's newspaper was not distributed at all, presumably so that prisoners could not make an educated guess at the contents of the missing piece from the items surrounding it on the page.

Since 1960, working prisoners have been allowed to place an order for magazines from a list of about 30, mainly technical or trade papers but including sports magazines and those catering for a particular hobby (chess, for instance). However, they must first place an order for the approved daily newspaper. The illustrated magazine of the Society for German-Soviet Friendship, called "Free World", became available to prisoners who wished to order it in 1964. During a short period in the middle 1950s, pictorial magazines could be ordered; permission was withdrawn when it was found that some prisoners had cut out pin-up girls.

Religion

Religion

Religion

Prison etal

An ex-prisoner, by profession a teacher, says that he found a number of prisoners who were unable to read and write. On three occasions he made written application for permission to teach the illiterates in his own time and without pay; none of his requests was acknowledged.

Political Re-Education Although it is the expressed aim of the East German penal system to re-educate the prisoner and thus make him fit for integration in society on his release, in

practice this aspect is neglected. Some of the film shows and radio broadcasts referred to earlier are, of course, designed to re-orientate the prisoner's views. At irrgeular intervals and apparently not as part of any over-all programme, lectures on historical or political subjects may be held by visiting officials. Such lectures are not as a rule followed by a discussion period. On the infrequent occasions when prisoners have been asked to take part in a discussion, the lecturers have been known to break it off because the trend was not to their liking.

However, the authorities do take a close interest in the prisoners' political views. At irrgeular intervals (about twice a year) each prisoner is brought to attend an interview with the prison authorities. He is questioned on his attitude to the East German state, to the Socialist ideology, and to the offence for which he was sentenced. He is clearly told that the date of his release depends very greatly on his acceptance of approved ideas and is encouraged to take a more "positive" attitude.

On these occasions he is also likely to be offered an opportunity of informing on his fellow-prisoners. Various inducements are offered, principal among them that of a favourable entry on his file.

Religion Prisoners who wish to do so may be permitted to attend the Catholic or Protestant religious services which are held monthly in the room also used for concerts or film shows. Prisoners in solitary confinement (some political prisoners spend years in solitary confinement) and prisoners serving a period of incarceration in a special punishment cell for an infringement of the prison rules are not permitted to attend. There are no religious services for prisoners under pre-trial interrogation; neither are there any for prisoners in the labour camps.

Prison staff are present during all religious services; warders often keep on their caps or have a chat. In such cases the Catholic priest in Brandenburg has been known to interrupt the Mass and look in the warders' direction until they stopped talking. A Protestant church choir was amalgamated with the general prison choir in the 1960s; some members dropped out as a result because they did not want to sing the songs set by the authorities.

While prisoners are far from being encouraged to attend religious services, neither are they in general prevented from doing so except when it conflicts with their work. A prisoner who, in 1957, insisted that he would work only after he had attended Mass was given 21 days in a punishment cell for "refusal to work", although Sunday work is officially called "voluntary". Warders may also try to cut down their work by not unlocking the cells of all the prisoners who wish to go to a religious service.

Prisoners can request an interview with the Protestant pastor which, when it takes place, will be in the presence of a warder. The pastor has a small library of religious books and will pass on to the authorities the prisoner's request for a Bible. The Catholic priest who said Mass at Brandenburg in the 1960s decided that he could not offer spiritual advice in the presence of warders and therefore did not give interviews.

Jehovah's Witnesses imprisoned in East Germany to-day include some who have not been at liberty since before 1939. They were originally held in concentration camps under the National Socialists. During the 1950s these prisoners were kept apart from other prisoners as far as possible. They continue to try to convert their fellow-prisoners; 21 days' strict incarceration was the usual punishment imposed on all participants in their baptisms (which they carried out in the prison bathroom). The

46 discriminatory practices of warders against prisoners who are Jehovah's Witnesses may not be the policy of the authorities, but they are not checked. These include the deliberate issue of blood sausage to these prisoners as part of their rations, when the sausage available for distribution is half blood sausage and half of some other kind; since a rule of their religion prohibits them from eating anything made with blood, Jehovah's Witnesses do not eat the sausage and are regularly deprived of a basic component of their diet.

No prisoner who is a member of the sect of Jehovah's Witnesses is ever allowed to have a Bible. A prisoner who possesses a Bible and is then moved to another cell in which there is a Jehovah's Witness will have his Bible taken from him. An ex-prisoner reports that he lent his Bible to a member of the sect of Jehovah's Witnesses in 1958; he was punished by the banning of his annual parcel.

Relationship with

Warders

There is no separate prison service as such and warders are generally recruited from the regular police force (Volkspolizei). Ex-prisoners have reported that warders are sometimes delegated to prison work as

a punishment for some offence and, more recently, that some warders joined the prison service in order to escape conscription, either because they were conscientious objectors or because of the better pay offered. In Brandenburg, Cottbus and Bützow warders are confined to their own floors and all messages and odd things have to be conveyed on a pulley system. A prison regulation which provided that prisoners were not to know the names of their warders has been changed in the 1960s; warders are now introduced by name and rank.

The relationship between prisoners and warders is of its nature a strained one. Before trial, prisoners are kept under almost constant observation through a spy-hole. Women prisoners have complained that this included their observation by male warders while they were washing. The observation by warders of prisoners serving their sentences seems to be only a matter of routine control.

Reference has been made throughout this report to the warders' attitudes. In many details of prison life, their actual power over the prisoners appears to be absolute. Although there are no reports of systematic beatings, individual warders are known for their violent nature. A prisoner who has in some way annoyed a warder, perhaps by insisting on some

privilege he regards as a right, may well be kicked, slapped, 47 or beaten with a rubber truncheon. The ill-treatment which has occurred in the punishment cells and during the pre-trial interrogation period, appears to be the action of individual warders rather than the result of policy. Some ex-prisoners have mentioned that there were decent men among the warders. However, it appears that humane treatment of a prisoner by a warder may cause trouble for the warder himself; while an individual may be kind, he will revert to a contemptuous and sometimes brutal attitude in the presence of his colleagues.

It is theoretically possible for a prisoner to complain about his treatment, either in general or in relation to a particular warder. An oral complaint to a warder does not, however, stand any chance of being passed on. To make a written complaint, prisoners in the 1950s (who did not have any writing materials) had to ask the warder for pencil and paper. In some instances it might take weeks before the warder agreed to provide them; in others the request might be completely ignored. Written complaints in the 1960s are not always, it seems, forwarded to the authorities; it is rare for any acknowledgement to be received, and action taken to meet the complaint is rarer still. Most prisoners accordingly feel that there is little point in drawing possibly unwelcome attention to themselves by complaining. Complaints concorning the behaviour of a particular warder are considered to be inadvisable; in practice, the warder will always retaliate.

Punishments The concern of the authorities to ensure the greatest possible work output has meant a complete change in the kinds of punishment meted out to prisoners for any breach or supposed breach of the regulations. While terms of strict solitary confinement in special punishment cells (usually in multiples of seven days, but also of six or nine months) were imposed during the 1950s, when political prisoners as a rule were not allowed to work, the punishments imposed in the 1960s usually take the form of a withdrawal or one or more privileges.

Most of the facilities mentioned in this report are considered privileges rather than rights by the authorities. Punishments imposed on ex-prisoners interviewed by us include a ban on letters and parcels, a ban on newspapers and books, a ban on attendance at cinema performances, withdrawal of permission to sing in the church choir, a ban 48 on shopping in the prison shop, etc.

The offences for which prisoners are punished include the writing of letters which do not meet with the approval of the authorities; refusal to work on Sundays; sharing food with non-working fellow-prisoners; lending a Bible to a member of Jehovah's Witnesses; refusal to carry out a particular kind of work; not coming to attention in the presence of a warder; refusal to accept the position of cell leader; making statements considered to be pro-Western or anti-State propaganda; showing photographs illegally received during a visit to fellow-prisoners; and so forth.

The special punishment cells in Brandeburg are in the cellar; prisoners are sometimes kept in complete darkness. Prisoners refusing to work may be kept without food of any kind; otherwise a cooked meal may be screed only on every third day. The punishment cells contain only a bunk; blankets are given out only at night.

Appeals Ex-prisoners say that their opportunities of appealing for a remission of sentence on any grounds are strictly limited in law and in fact. Since the prisoner may not in his monthly letters or during the three-monthly visits refer to his trial or to the charge against him, his family has no information on which to base an appeal in law. The special permission of the authorities is required and may in some instances be granted for the prisoner to give his family information on which they can base an appeal. In such a case he may also be given permission to speak to a lawyer.

Permission to make an appeal is frequently refused by the authorities on the grounds that the prisoner has not changed his opinions. The prisoner is told that there can be no question of his appeal being granted while he continues to hold the same views; it would therefore be pointless to give him permission to appeal, and the authorities do not do so.

Prisoners whose sentences are remitted are usually released on parole. There are instances in which a prisoner's sentence has been remitted apparently without any appeal having been made on his behalf; ex-prisoners say that this happened as a result of a change in the general climate of opinion which meant that the very heavy sentences imposed in the late 1940s and in the 1950s were seen to be excessive.

Political prisoners are sometimes subjected to a second trial (Nachschlagverfahren — second helping) at which they are

sentenced to an additional term of imprisonment. The charge is usually one of "staatsgefährdende Hetze" (agitation endangering the State) and is based on the prisoner's political utterances while in jail as reported to the authorities by an informer,

Prisoners are encouraged to spy on one another by the authorities; they are told that if they co-operate with the authorities in this manner, it will mean that a favourable entry will be made on their file. Unscrupulous people—especially criminal prisoners—are thus greatly tempted to make up or exaggerate political statements made by their fellow-prisoners. The authorities rely very greatly on their network of informers.

Conclusion The ex-prisoners interviewed have been unanimous in stating that the worst feature of their imprisonment was the enforced close association with criminals of all kinds, including homosexuals, sex criminals and murderers. Political prisoners frequently asked (in vain) to be put in cells on their own in order to get away from their criminal fellow-prisoners (one prisoner attempted a hunger strike in protest). The authorities choose criminals for any positions of authority within the prison and largely give them a free hand in their treatment of political prisoners. They encourage criminals to inform on political prisoners and give credence to all their reports. Some ex-prisoners have said that a deliberate attempt was made to corrupt young political prisoners by putting them in cells with prisoners sentenced for homosexual offences; at any rate, homosexuals were not as a rule segregated.

We have consciously excised from this report the understandably strong feelings about many facets of their time in jail of the ex-prisoners we interviewed. But we must record the passion and bitterness with which they expressed their sense of deep degradation at being forced to live with and as criminals.

WE HAVE only been able to obtain limited information about the treatment of released political prisoners in East Germany. The state system of prison after care seems excellent in principle. The prison authorities and the local organs of state are together responsible for finding every prisoner a job and a place to live and any subsequent form of discrimination against a person because of his prison record is punishable by law.

In principle all prisoners return to the work they were doing when arrested and, perhaps because of the labour shortage, no prisoner seems to have had difficulty in getting work of some kind. One ex-prisoner reported that he was, in fact, given a great deal of help by the local state officials and encouraged to find a job suited to his interests. His lawyer offered to support his application for the job in question and he was impressed by the fact that no reference was made to his prison record in his contract, nor was his salary in any way affected, (since he had studied for a time at University before his arrest he was actually paid more than was customary for the particular work he was doing).

On the other hand teachers are seldom if ever allowed to return to their former profession if they have been imprisoned on a political charge and for all white-collar workers the chances of getting a job which is commensurate with their ability and training are small. Students who are unable to continue with their University studies may sometimes be allowed to pursue alternative courses (correspondence courses, evening classes, etc.) in their spare time. In addition there is evidence that, since 1961, fixed work and domicile orders have been served on many political prisoners for a certain period after their release.

ONE of the more encouraging features of East German policy over the last few years has been the large-scale releases of political prisoners that has taken place. It is estimated that over three and a half thousand political prisoners have benefited from these releases since 1964. On the other hand while more than twice the number remain in prison and more are continually being sentenced (according to the latest figures there have already been 126 trials of political offenders in the first six rnonths of this year) one cannot unfortunately conclude that political imprisonment in East Germany is, in any way, a feature of the past. Since, moreover, many if not most of these prisoners have been sentenced only for activities which according to the United Nations Declaration of Human Rights every citizen has the right to undertake, it is also evident that there is as yet no fundamental respect for, nor recognition of, individual freedom in East Germany.

It is hard to see how a society which guarantees to its citizens any kind of elementary 'human rights' may be developed in East Germany without some radical changes not only in the penal code but also in the whole concept and organization of the judicial system. Until the authorities are prepared to grant to every person arrested --- not just in theory but also in everyday practice — adequate legal advice, humane and unprejudiced pre-trial investigation in the presence of lawyers and an open trial before an impartial judiciary it is impossible seriously to consider their claim that socialist legality embodies a fundamental respect for 'human rights'. All the ex-prisoners interviewed pointed out that the period of pre-trial imprisonment was the worst part of their imprisonment as a whole while, in some cases, the psychological pressure exerted on prisoners during this time was such that their minds gave way under the strain. This kind of treatment together with an official attitude which automatically equates all those arrested on political charges with the worst of criminals and murderers, and treats them as such, are among the factors which suggest that freedom of conscience is not respected in East Germany.

### ARTICLE 6 OF THE CONSTITUTION

Inditement to boycott of democratic institutions or organizations, incitement to attempts on the life of democratic politicians, the manifestation of religious or racial hatred and of hatrod against other peoples, militaristic propaganda and warmongering as well as any other discriminatory acts are felonicus crimes within the meaning of the Penal Code. The exercise of democratic rights within the meaning of the Constitution is not an incitement to boycott. Whoever has been convicted of such a crime is disqualified from holding public office or a leading position in economic or cultural life. He also loses the right to vote."

# EXTRACT FROM THE LAW SUPPLEMENTING THE PENAL CODE. December 11th 1957.

(Strafrechtsergänzungsgesetz. GBI.L.p.643)

### Paragraph 14. Espionage.

Anyone who undertakes to hand over or to betray facts, objects, the results of research or other information which must be kept secret in the political or economic interest or for the protection of the GDR to other states or their representatives, to organizations or groups who conduct a fight against the Workers' and Peasants' State or against other peace-loving peoples or to their (the above organizations!) representatives or accomplices shall be punished for espionage by penal servitude of not less than 3 years; confiscation of property may also be imposed.

### Paragraph 15. Collection of Information.

Anyone who collects or passes on to organizations or persons named in Para. 14 designed to assist their activities directed against the Workers' and Peasants' State or against

other peace-loving peoples shall be punished by penal servitude of up to 10 years.

# Paragraph 16. Contact with Criminal Organizations or Authorities.

Anyone who makes contact with the authorities or persons names in Para. 14 in knowledge of their activities directed against the Workers' and Peasants' State or against any other peace-loving peoples shall be punished by imprisonment of up to 3 years.

# Paragraph 13. Propaganda and Incitement endangering the state.

- (1) Anyone who 1. glorifies or proper gates fascism or militarism or incites against other peoples or races,
  - 2. incites others against the Workers' and Peasants' state, incites, undertakes activities against or threatens with acts of violence its organs, social organizations or one of its citizens on account of his state or social activities or on account of his membership of a state or social organization
- shall be punished by imprisonment of not less than 3 months. The attempt is punishable.
- (2) The same punishment shall be imports posed on anybody who produces, imports or distributes literature or other objects with such contents with the intention of incitement.
- (3) In severe cases, particularly when the act has been committed by order of the authorities or persons named in Para. 14, or when it has been committed according to a plan, penal servitude shall be imposed.

### Paragraph 20. Defamation of the state.

Anyone who - I. publicly slanders or distorts the measures or activities of state institutions or social organizations,

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# Paragraph 21.

# Inducement to leave the GDR.

- (I) Anyone who undertakes to induce a person - I. by order of organizations of agents, espionage agencies or of similar offices or of business enter-
- prises or - 2. for the purpose of service in
- mercenary military units
  to leave the GDR shall be punished by
  penal servitude; confiscation of
  property may be imposed.
- (2) Anyone who undertakes to induce by threats, deceit, promises or by similar methods influencing the free-dom of choice, a young person or a person undergoing vocational training or a person because of his professional work or because of his special caoacities or achievements, to leave the GDR will be punished by imprisonment of not less than 6 months.

## EXTRACTS FROM THE PASSPORT LAW

September 15th 1954. (GBI.No.81, p.786)

- as formulated by the amending laws
of August 30th 1956 (GBI.No.81, p.735)
and December 11th 1957 (GBI.I.No.79,
p.650).

### Paragraph !.

- 1. German citizens who leave the territory of the GDR for abroad or enter from abroad are obliged to identify themselves by a passport.
- 2. For every crossing of the frontier a visa stamped into the passport is required, unless this requirement is waived by the implementing regulations.

### Paragraph 8.

I. Anyone who leaves or enters the territory of the GDR without the required permission or who does not comply with the prescribed destinations, routes, time limits or other limitations

concerning the journey or sojourn, shall be punished by imprisonment of up to 3 years or by a fine.

- 2. The same punishment shall be imposed on anybody who obtains surreptitiously by false declarations for himself or for somebody else a permission to leave or enter the territory of the GDR.
- 3. Proparation and attempt are punishable.

# EXTRACT FROM THE DECREE CONCERNING THE RESTRICTION OF RESIDENCE

August 24th 1961. (GBI.No.55.p.343)

### Paragraph 1.

- 1. When imposing a prison sentence or a conditional sentence, the court may in addition impose a restriction of residence on the convicted person.
- 2. Restriction of residence may be imposed if it is in the general interest or in the interest of an individual to keep the person away from certain places and districts or if public safety and order are in danger.

### Paragraph 2.

By the imposition of restricted residence the convicted person is prohibited from residing in certain places in the GDR. The sentence entitles the organs of state to impose on the convicted person residence in certain places or districts. In addition they may oblige him to undertake special work.

## Paragraph 3.

- I. At the request of the local organs of the state restriction of residence may also be imposed by sentence of the County Court without the violation of a definite penal law having occurred, if the behaviour of a person endangers the public or an individual or if public security and order are threatened. Paragraph 2 of this decree applies.
- 2. At the request of the local authorities educational labour may be ordered for persons reluctant to work.
- 3. The provisions of the criminal procedure shall be applied accordingly.

#### Paragraph 4.

I. If the restricted person evados the restriction of residence or the labour service imposed on him, in the case of a conditional sentence the period of suspension shall be terminated.

(Educational labour)

Rossleben - Unstrut

Röcknitz, District Wurzen

Riesa

2. If the restriction of residence follows a prison sentence or has been ordered independently, violation of the restriction of residence or failure to carry out obligatory work shall be punished by imprisonment.

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LABCUR CAMPS - May 1966		No. of prisoners - where available.	
Berlin-Hohenschönhausen (State Security camp)	Building works, construction office.	750 including 450 political prisoners.	
Gernsdorf nr. Uckermünde (Military detantion centre)	Brick-making	200, approx. 50 conscientious objectors.	
Bitterfeld	Brown coal mine		
Eisenhüttenstadt- Fürstenberg	Steel works, work with waste material (Schlackenstein)		
Falkenbach-Himmelmühle District Zschopau	Mills - women.		
Freital	Pure steel works	200 (on May 8th 1966)	
Fürstenwalde	Construction of bunkers		
Gera-Liebschwitz	Fabric weaving		
Lübbenau	Construction of power stations		
Mallis, District Ludwigslust	Brick-making		
Mildenberg, near Zehdenick	Brick-making		
Nitzow near Havelberg (Military detention centre)	Brick-making		
Cberhof-Thüringen	Dam construction, earth construction work.		
Oelsnitz-Erzegebirge	Coal mining		
Ottendorf-Okrilla near Dresden (Youth)			
Parchim (Military detention centre)	Brick-making		
Pöten-Volkenrode District Mühlhausen	Potash mining		
Rackwitz near Dolitzsch	VEB - light metal work		
Rassnitz near Halle	Brown coal mining		
Regis Breitingen I and II	Brown coal mining		

Steel works

Stone quarrying

Potash mining

Potash works 56 Rustock-Langemort and building work 400 including Lime-stone works Rüdersdorf nr. Berlin 100 political prisoners. Brick-making Schacksdorf, District Finsterwalde Schwarze Pumpe, nr. Spremberg 200 including Cement works, 50 political prisoners Schwedt foundation construction Potash mining. Sollstedt, District Nordhausen Railway line construction, Unterwellenborn, cement works. District Saalfeld. Copper mining, Volkstedt, District Schlackensteine. Eisleben. Coal mining. Zwickau-Brückenberg

List compiled in May 1966 by the Untersuchungsauschuss Freiheitlicher Juristen in Berlin.