

Footnotes

1. This is an edited version of an address given by the author at a seminar on Criminal Justice Futures, sponsored by the Federal Department of the Solicitor General and the Ontario Department of the Provincial Secretary, in July 1980.
2. *Supreme Court Reporter*, vol. 100, no. 18A, 15 July 1980.
3. *F. P. Publications (Western) Limited v. Conner Prov. J.* (1980), 1 w.W.R. 504 (Man. C.A.).
4. Access to Information Act, Bill C-43, First reading July 17, 1980.
5. See G.O.W. Mueller, "The Future of Sentencing: Back to Square One" in Brian A. Grosman, *New Directions in Sentencing*, (Scarborough, Canada, 1980).

SAKHAROV'S LETTER FROM EXILE¹

Introduction by Maurice Tugwell

In January 1980 the Soviet authorities stripped Andrei D. Sakharov of his state awards and sent him to "internal exile". Observers believed that the action had been taken to punish President Carter for his retaliations against the invasion of Afghanistan and for his personal support of Sakharov and the dissidents' cause, and to further suppress internal dissent before the Moscow Olympics.²

Sakharov was credited by Nikita Khrushchev with being "the father of the Soviet hydrogen bomb", which, as a leading Russian scientist, he had helped develop. He won the Stalin Prize, the Lenin Prize, and was three times named a Hero of Socialist Labour. No living Soviet citizen outside the Politburo had received such honours. Khrushchev conceded: "I knew him and was profoundly impressed by him. Everyone was. He was, as they say, a crystal of morality among our scientists".³ Sakharov became known in the West for his 1968 essay, *Progress, Coexistence and Intellectual Freedom*, in which he advocated the eventual convergence of communism and capitalism in a universal democratic system. Earlier, he had been a key actor on the Soviet side in the drawing up of the Nuclear Test Ban Treaty.

His coexistence essay was heresy to the Communist Party and its publication marked the end of his career as a reluctant nuclear physicist. In 1970 Sakharov formed a Committee on Human Rights and gradually moved to a central position in the dissident movement earning the Nobel Peace Prize in 1975. His former status as national hero and his reputation in the West posed difficult problems for the KGB, and for years they seemed uncertain how to deal with him. News of his statements and activities reached millions of Soviet citizens by Western radio broadcasts. Through the tactics of exposing and shaming the authorities, he was able to help countless fellow citizens. But the KGB were patient and resourceful. By putting enormous psychological pressures on Sakharov and his activist wife, they dulled the bright edge of his optimism, and by his exile to the Volga River city of Gorky, an area closed to foreigners, they hoped to silence him.

In some ways these measures may be effective. Isolation from colleagues and information breeds despair and encourages paranoia, while the absence of real deprivation and harsh physical conditions — such as would have been his lot under Stalin's regime — can sow the seeds of guilt. Sakharov in the Gulag might have been the rallying symbol for a fresh wave of dissidence: Sakharov in privileged isolation cannot claim the martyr's crown. But in another sense the plan to silence the activist failed. Through perseverance and with the courageous help of his wife, Sakharov succeeded in May 1980 in smuggling a letter to Moscow, and thence to the West.

The letter from exile begins with Sakharov's analysis of world problems and the West's reactions. One important observation concerns the need on the part of the West to combine efforts to modernize defences with parallel efforts to achieve agreements on arms limitations. He writes:

“Despite all that has happened, I feel that the questions of war and peace and disarmament are so crucial that they must be given absolute priority even in the most difficult circumstances. It is imperative that all possible means be used to solve these questions and to lay the groundwork for further progress. Most urgent of all are steps to avert a nuclear war, which is the greatest peril confronting the modern world.”

Negotiations on disarmament, he insists, are possible only on the basis of strategic parity. “The countries in the West must do everything necessary to maintain this parity or, in some categories, to regain it — not allowing themselves to become victims of blackmail and demagoguery as in the campaign against American missiles in Europe.” Many Western researchers in the strategic field would share these views, but may be concerned that, in the West generally, an apparently contradictory policy of arming in order to disarm, of being prepared for conflict in order not to have to fight a war, is not easily understood or accepted. It may seem that one faction, whether they be hawks, conservatives or republicans, tends to see salvation in terms of military power: another — doves, liberals or democrats — looks to political accommodation and disarmament. And sometimes the beliefs overflow party lines and become fashions, so that majority public opinion favours now one, now the other response. The writer believes that lack of understanding lies at the root of this difficulty. It is easier to respond to emotional appeals for “peace” or “security” than to take the trouble to think this challenging problem through to a logical conclusion. Some leaders and opinion-formers are not above profiting by this desire for a simple answer. Our future wellbeing, by which is meant the avoidance of war and the preservation of political independence, surely requires a sophisticated and consistent response, which may need to contain elements of both the rival theories united by a non-aggressive but enduring political will. From his isolation in Soviet Russia, Sakharov's message on this issue is clear.

Turning to the Soviet Union's internal affairs, Sakharov provides an illuminating insight on the human rights campaign.⁴ This section is reprinted below in full.

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LETTER FROM EXILE

by Andrei D. Sakharov

(an extract)

Defense of human rights has become a worldwide ideology, uniting on a human basis people of all nationalities and with the most diverse convictions. I have very high regard for them all, for Amnesty International and its struggle for release of prisoners of conscience, against torture and the death penalty; for the International League for Human Rights, and for the rights activists in Eastern Europe, China and other countries, where they show great bravery in coping with cruel repression.

In the Soviet Union, the movement for human rights emerged in its present form at the end of the 60's with publication of the Chronicle of Current Events, an anonymous underground journal that reports cases of violations in the Soviet Union factually and without subjective comment. Despite severe repressions, the journal has continued to appear, a total to date of 54 issues. In more recent years, appeals by the Helsinki Group (formed in the Soviet Union to check on compliance with human rights provisions of the 1973 Helsinki agreement on European security) began to appear.

The human rights movement has no political objectives and its participants have no desire to gain political power. Their only weapon is the free access and dissemination of information. It is of vital importance that the movement limit itself to nonviolent methods. Such a position is logical in a country that has passed through the violence of every circle of hell. Calls for new revolutionary upheavals or for intervention would be mad and a terrible crime in an unstable world only several steps from the thermo-nuclear abyss.

Participants in the human-rights movement speak out openly for human rights whenever they learn of violations, and they inform the people. They have also set themselves the task of correcting the historical record about a society and individual citizens if the truth has been distorted by official propaganda. They help the families of victims of repression. I am convinced that this is what is needed — a pure moral movement to plant in people's minds a basis for democratic and pluralist transformation. This is crucial to the country and essential to all mankind for the sake of peace on earth.

The consciousness of broad masses of the population has been deformed by a number of factors: Decades of totalitarian terror . . . old and new prejudices . . . the lure of a relatively good life after generations of havoc (I mean of course a very limited good life, nothing like the well being and freedom of workers in the West or the privileged elites in the Soviet Union) . . . the constant need to wheel and deal, to scheme and break the law. The ideology of the Soviet philistine (I have in mind the worst people but they, unfortunately, are rather frequently found among workers and

peasants and throughout the intelligentsia) consists of several uncomplicated ideas:

- *Cult of the state, involving, in various combinations, submission to authority, a naive belief that life in the West is worse than in the Soviet Union, gratitude to a benefactor Government and, at the same time, fear and hypocrisy.
- *Egoistic endeavors to insure a good life for oneself and one's family, to live like everyone else with the help of graft, theft ignored by bosses and ever-present hypocrisy. Yet there is a desire among better people in this category to achieve a good life through their own labor, by their own hands. Nonetheless, it is still necessary to wheel and deal and to play the hypocrite.
- *The idea of nationalist superiority, which takes on a dark, hysterical and pogromlike form among some Russians, and not only among Russians. One often hears exclamations: 'We're wasting our money on these black (or yellow) monkeys! We're feeding parasites!' Or one hears: 'The Jews are responsible!' — or the 'Russians' or the 'Georgians' or the 'Chuckmeki', a derogatory term for the peoples of Central Asia.

These are very disturbing symptoms after 60 years of proclaiming 'friendship of the peoples.'

Officially, Communist ideology is internationalist, but it surreptitiously exploits nationalist prejudices. So far, this has been done with some caution and I hope that these forces will not be unleashed. After the class hatreds we have suffered, we certainly have no need for a racist-nationalist ideology. I am convinced that this is dangerous and destructive even in its most humane (at first glance) 'dissident' manifestations. There are few people who react seriously anymore to slogans about building Communism, although there was a time when, perhaps as a result of a certain misunderstanding, Communist slogans reflected a wish for justice and happiness for all in the world.

But internal propaganda intensively exploits the nation-wide tragedy of World War II and the pride that people feel in their active part in historic events of that time. The irony of life is that it was only during the war that the ordinary person felt his importance and his dignity in an inhuman world of terror and humiliation. There is intensive exploitation of the risk of war and the much decried American military bases around our country. Feelings of suspicion are stirred up about schemes of the 'imperialists'. A nation that has suffered the horrible losses, cruelties and destruction of war yearns above all for peace. This is a broad, profound, powerful and honest feeling. Today, the leaders of the country do not, and cannot, go against this dominant desire of the people. I want to believe that in this regard the Soviet leaders are sincere, that when peace is involved they are transformed from robots into people.

But even the people's deep wish for peace is exploited and this is perhaps the cruelest deception of all. The deep yearning for peace is used to justify

all the most negative features in our country — economic disorder, excessive militarization, purportedly ‘defensive’ foreign policy measures (whether in Czechoslovakia or Afghanistan) and lack of freedom in our closed society. And those negative features also include the ecological madness, such as the destruction of Lake Balkal, meadows and fields, the country’s fish resources and the poisoning of our water and air.

The people of our country submit uncomplainingly to all the shortages of meat, butter and many other products — though they do grumble at home. They put up with the gross social inequality between the elite and the ordinary citizens. They endure the arbitrary behavior and cruelty of local authorities. They know about the beatings and deaths of people in police stations but as a rule keep quiet. They do not speak out — sometimes they even gloat — about the unjust treatment of dissidents. They are silent about any and all foreign policy actions.

A country living for decades under conditions in which all means of production belong to the state is suffering serious economic and social hardship. It cannot grow enough food for its people. It cannot, without the benefit of detente, keep up with the contemporary levels of science and technology.

From the time I wrote ‘My Country and the World’ (published in 1975), the average salary has risen, but the cost of living has evidently risen even higher because daily life has not improved. The much acclaimed free medical care steadily gets worse. (It is ‘free’ because the wages of most workers are kept so low and because one must pay for expensive medicines.) The situation in education is not much better, especially in the countryside. It is no longer possible to explain away all those problems as a result of the war or occasional mistakes.

There is an urgent need for economic reforms that would increase the independence of enterprises and allow elements of a mixed economy. There is need for more freedom of information, a free and critical press, freedom for people to travel abroad, freedom of emigration and a free choice of one’s place of residence within the country. In the long run, there should probably be a multiparty system and elimination of party monopoly over all ideological, political and economic life.

But all of this, even though obvious to most people, remains for the time being nothing but wishful thinking. The dogmatic bureaucrats and the new people replacing them — anonymous and shrewd cynics, moving in the many ‘corridors of power’ of the departments of the Central Committee, the K.G.B., the ministries and the provincial and regional party committees — are pushing the country toward what they consider to be the safest path but that is in reality a path to suicide.

Everything is as it was under the system of power and economy created by Stalin. The leaders carry on the arms race, concealing it behind talk of their love of peace. They interfere in troubled areas around the world, from Ethiopia to Afghanistan, in order to increase prestige, to strengthen the nation’s power and to insure that the guns don’t get rusty. They round up dissidents, returning the country to the quiet “predissident” period, as

my son-in-law, Efrem Yankelevich, has described the situation. (Mr. Yankelevich, who emigrated in 1977, is a researcher at the Massachusetts Institute of Technology.)

In the last 10 or 15 years there has been a worsening of the traditional Russian curse, drunkenness. The Government has attempted some timid half-measures — more in word than deed — but it is unable to accomplish much. Alcoholism is a worldwide phenomenon, not wholly a result of conditions in our country. But certain specific factors do play a major role. Expenditures for drinking reduce surplus purchasing power of the population, but the main point is that an alcoholic poses no threat to the Government. Also, drinking is the only real freedom available and the authorities are not foolhardy enough to take this away without giving something in return. There are economic, social and psychological elements to all this. And the result. Instead of dry wine and good quality old vodka, the authorities flood the market with cheap and poisonous fortified wine, known as “bormotukha,” which swiftly destroys men, women and youngsters. As the “quiet” Czar Aleksei Mikhailovich said 300 years ago: “Don’t drive the hotheads away from the taverns.”

The people of our country are to some extent confused and intimidated, of course. But there is also a conscious self-deception and an egoistic escape from difficult problems. The slogan, “The People and Party Are One,” which hangs from every fifth building consists not entirely of empty words.

But it was from the ranks of the people that the defenders of human rights emerged, standing up against deceit, hypocrisy and silence, armed only with pens, ready to make sacrifices, yet lacking the stimulus one derived from the certainty of quick success. They had their say. They will not be forgotten. On their side, they have moral force and the logic of historical development. I am convinced also that their activity will continue in one form or another, whatever the size of the movement. What is important is not the arithmetic but the qualitative fact of breaking through the psychological barrier of silence.

But history develops according to its own slow (and tortuous) laws. We are now living through difficult and troubling times — a worsening of international tensions, Soviet expansionism, shameless anti-American, anti-Western, anti-Israeli, anti-Egyptian and anti-intellectual propaganda and threats of still greater tension ahead.

Inside the country, these are times of ever greater repression. It is terrible to think that the most honorable and generous people, who have devoted many years to defending others through public protest, have fallen victim to arbitrary repression.

I feel obligated to tell something about a few of them. Tatyana Velikanova a mathematician and mother of three children, a grandmother, participant in the struggle for human rights for more than 12 years, from the very beginning to the present. Showing no interest in fame, glory or personal gain, sacrificing much of her personal life, she has always been at the center of the battle, committing herself to the fate of hundreds of victims of injustice, speaking out on their behalf, helping them in every

way she could, not caring whether their opinions were close to hers or distant. Her only consideration was whether someone had suffered injustice.⁵

I do not reproach those who could not bear up under the many years of strain, those who quit the struggle or even those who in some way betrayed themselves. But they demonstrate all the more why we should admire the courage of this woman.

Another is Malva Landa, a geologist, an active member of the Helsinki Group, one of the volunteers in the aid fund helping dissident families, and for many years, for decades in fact, a friend of political prisoners and their families, totally dedicated to the idea of justice.

It is the same with Sergei Kovalev, a talented biologist and a deep and penetrating thinker, kind, patient and strong. We all were devoted to him when he was free. I was often impressed by the deep respect he received from many of his fellow prisoners during six years in a labor camp.

Another is Viktor Nekipelov, who gave his utmost to help others in trouble or subjected to injustice, a sensitive poet, a loving father, a brave man.⁶

All the world knows of Prof. Yuri Orlov, the physicist, a courageous man always in the forefront, founder of the Helsinki Group.

The world also knows of Anatoly Shcharansky, falsely accused of espionage in an attempt to intimidate the Jewish emigration movement.

I have deep respect for the talented writer and World War II invalid Mykola Rudenko; Vyacheslav Bakhmin, the courageous and honorable member of the Working Commission on Psychiatric Abuse; Leonard Ternovsky, a radiologist and member of the same commission and also of the Helsinki Committee in Moscow, a remarkably kind and steadfast man.

Repression has been intensified against religious believers and those who defend their cause. Noteworthy among these are the names of the priests Gleb Yakunin and Dmitri Dudko and of Viktor Kapitanchuk, Lev Regelson, Aleksandr Ogorodnikov and Vladimir Poresh. Also, the names of the Church elder Nikolai Goretoi and of 84-year-old Vladimir Shelkov, who recently died in a camp, should be well known.

Mustafa and Reshat Dzhemilev and Rolan Kadyev, fighters on behalf of the Crimean Tartars, are once again imprisoned.

As I was writing this article, more tragic news reached me: the arrest of Aleksandr Lavut, a talented mathematician and one of the veterans of the struggle for freedom of information. I have known Lavut for many years. Modest, serious-minded and good-natured, he never sought to draw attention to himself. But he worked on behalf of many people. Many of them, including me, will miss his kind words and sound advice. All those I have listed have either been sentenced to long terms or are awaiting an illegal trial. All those who are free have the inescapable duty to speak out on their behalf and on behalf of the many others I have not mentioned.

Footnotes

1. Andrei D. Sakharov, "A Letter from Exile", translated Raymond H. Anderson, *The New York Times Magazine*, 8 June 1980. (Extracts reprinted with permission.) The letter is dated May 4, 1980.
2. *Washington Post*, 23 Jan. 1980.
3. Quoted Robert Kaiser, "Sakharov: Gentle professor who fought Kremlin", in *Washington Post*, 23 Jan. 1980. Compare Khrushchev's words with today's official Soviet description. In response to letters protesting Sakharov's exile, the Soviet embassy in Ottawa issued duplicated letters describing him as "a frantic opponent of the Soviet State, an instrument in the hands of the enemies of the Soviet people . . . advocates of the cold war and opponents of detente".
4. See also Amnesty International Report (updated and revised edition), *Prisoners of Conscience in the USSR: Their Treatment and Conditions*, (London, 1980).
5. Tatyana Velikanova was sentenced to four years in a labour camp, as well as five years' internal exile, by a Soviet judge on August 29th, 1980. Spectators in court, described by Velikanova's family as "hand picked" by the authorities, cried "not enough, not enough", when sentence was pronounced. See AP report, (Moscow), 20 Aug. 1980.
6. Viktor Nekipelov was sentenced in June 1980 to seven years in a Siberian labour camp to be followed by five years internal exile. AP (Moscow), 23 June 1980.

PRACTICAL HELP FOR AFGHANISTAN

by G.P. Armstrong

Ten months have passed since the Soviet Army invaded and occupied Afghanistan. Although news reports about the fighting remain sketchy, one fact is clear: armed resistance to the Soviet occupation continues. An earlier article in *Conflict Quarterly* argued that the West has a moral duty to support this opposition movement, even to the extent of supplying arms.¹ This article will suggest a practical means of arming the Afghan freedom fighters.

Apart from a small but growing number of officers and men who have served as "advisers" in low-intensity conflicts,² the Soviet Army is not oriented to counter-insurgency. Developed, trained and battle-tested in the European military tradition, it relies heavily on modern mobility and massive firepower. From the outset the Soviets have applied these techniques to the Afghan war and, like the Americans in Vietnam, have found them wanting. They are able to control the main cities to a limited degree, but their hold on the rest of Afghanistan is tenuous at best.³ The nature of the war and the geography of the country do not favour the Soviet method: the freedom fighters rarely offer targets suitable for massed firepower and the mountainous terrain which dominates most of Afghanistan limits the off-road mobility of Soviet armoured forces. Thus far then, modern technology has not made the pacification task any easier. Nowhere is this more clear than in the "battle for the highways".

Although the army is reinforced and supplied by air from the Soviet Union and relies heavily on air mobility to fight the resistance,⁴ the highway system remains an important lifeline for the occupation forces. Furthermore, if the