

Sergei Kovalev: Biologist Denied Due Process and Medical Care

Whether from professional need for free communications or because of their prominent place among the intelligentsia, scientists in the Soviet Union have been particularly active in the civil rights movement. None has been more steadfast in protesting the denial of civil liberties to others, or has been more arbitrarily deprived of his own, than the biologist Sergei Kovalev.

Two documents that have recently reached the United States illustrate the extent to which the Soviet state has been willing to depart from due process in its treatment of Kovalev. One is the covertly made transcript of Kovalev's trial, which reveals a proceeding that fails to meet most of the generally held criteria for the carriage of justice, such as the accused's right to defense counsel, witnesses, and an open court.

The second document is an appeal from Russian physicist and Academician Andrei Sakharov to the Federation of American Scientists. In a letter to FAS director Jeremy Stone, Sakharov says that Kovalev, who was seriously ill before being sent to a labor camp, is being denied a needed operation by prison authorities. "After a year spent in prison, his condition is considerably worse. Now he suffers from strong pains and, almost daily, from heavy bleeding," Sakharov reports. It cannot be excluded, he adds, "that the administration has fixed instructions with respect to Dr. Kovalev and that his situation will constantly deteriorate."

Kovalev is a man who makes a strong impression on those who know him. Moscow University physicist Yuri Golfand had described him as "motivated by pure and noble moral beliefs. . . . Kovalev's brave course of action is the only possible way of life for him, stemming naturally from his character and moral principles." On 28 December 1974, the day after Kovalev's arrest, Sakharov said of him, "He is my close friend. He is a man of great spiritual purity and strength, of unlimited altruism."

Something of the reason for these unusual tributes can be seen in the bare record of Kovalev's actions that has reached the West. Now aged 44, Kovalev is a biologist of unquestionable distinction. He has published more than 60

papers, mostly on the electrophysiology of heart tissue, the synaptic membrane, and cellular interaction. His work is "solid and of high caliber," says George Gerstein, a professor of physiology and biophysics at the University of Pennsylvania, who has made a study of Kovalev's papers.

Kovalev was a senior research officer at Moscow University until 1969 when he was forced to leave because of his activities in the human rights field. From then until his arrest in 1974, he worked at an experimental fish hatchery where he devised a method for use of chemical mutagens to improve breeding.

Kovalev was a founding member of Sakharov's Initiative Group for the Defense of Human Rights, set up in Moscow in 1969. The group's primary duty is the defense of human rights in the Soviet Union. It has refrained from making political statements as a matter of principle. The group "has never sought to discredit the social system or the government of its country. It has protested only against those actions of the authorities which it would consider inadmissible under any system and any government," Kovalev and others declared in a rebuttal of charges that the group engages in slander of the Soviet system.

As a member of the Initiative Group Kovalev was particularly active in signing appeals to international and Soviet authorities on behalf of those whose rights had been violated. He signed statements in defense of many individuals, such as Vladimir Bukovsky, a biologist sentenced to 7 years in a labor camp for protesting the use of psychiatric hospitals to punish those who express dissenting views.

Kovalev and others delivered to correspondents in Moscow documents concerning the illegal punishment by hunger and cold of political prisoners in Soviet labor camps. After the KGB had arrested numerous people in an attempt to suppress the *Chronicle of Current Events*, a journal which lists without comment the violations of human rights in the U.S.S.R., Kovalev and other members of the Initiative Group announced that they would assume responsibility for its circulation.

His last public statement, issued with

Sakharov on 27 December 1974, was a New Year appeal for amnesty for prisoners of conscience. Kovalev was arrested the same day.

He was flown immediately to a prison in Vilnius, the capital of the Lithuanian S.S.R., where his trial was to be held a year later. The ostensible purpose for holding the trial there was that documents relating to the Lithuanian church had been found in his apartment. According to Sakharov, the authorities hoped that a trial held far away from Moscow would receive less publicity.

The trial, when it was held, proved a remarkable judicial proceeding. It started without a defense counsel, progressed to evicting witnesses from the court room, and finished up without a defendant. Kovalev was charged under Article 70 of the RSFSR Criminal Code, which makes it a crime to circulate deliberately false statements about the Soviet state. The evidence against him included statements made by the Initiative Group and information published in the *Chronicle of Current Events*, together with depositions taken under duress from other members of the group who had been arrested earlier.*

Kovalev, acting as his own defense counsel after the court had refused him the counsel of his choice, pleaded not guilty. He admitted that there might be mistakes in the *Chronicle* but was prepared to prove that they were not deliberate.

The state throughout the 3-day trial never attempted to show that Kovalev deliberately circulated any falsehood. Witnesses were produced to dispute details of certain incidents described in the *Chronicle*, but even with the judge's best efforts to help them they had trouble in presenting a coherent story. Here is the evidence of the first witness, L. A. Lyubarskaya, a doctor at the Special Psychiatric Hospital of Dnepropetrovsk. The case under discussion is that of Leonid Plyushch, an engineer-mathematician and a member of the Initiative Group; he was arrested, tried in his absence and in

* One such member was Victor Krasin, who reportedly supplied extensive information on the activities of the human rights movement during his investigation by the KGB. After a year's imprisonment, Krasin left the USSR for New York, where he learned that the depositions taken from him had been used against Kovalev. In a statement issued in April this year, he says that the information was given under repeated threat of execution. "The fear of violent death finally broke me, and I began to talk." Krasin, who had been arrested twice before, in 1949 and in 1969, says as follows: "I categorically protest against the authorities' use of my depositions given in a state of desperation when I had lost all control over my behavior. . . ."

"I feel deeply my guilt before all those against whom I supplied testimony. I ask their forgiveness and also the forgiveness of all my friends for the pain and grief I caused them by my dishonorable behavior."

secret, and sentenced to compulsory treatment in the psychiatric hospital, where he was forcibly injected with drugs that turned him into a mental wreck.

The Judge: The *Chronicle* writes that the treatment of Plyushch constitutes a premeditated undermining of his mental and physical health.

Lyubarskaya: Everything is being done in accordance with instructions and the treatment is directed at the improvement of his health.

The Judge: The *Chronicle*, No. 30 page 85: "The doctor assigned to Plyushch in conversation with the wife of the patient refused to tell her what drugs were being administered. Subsequently it was learned that the patient was being forcibly given haloperidol."[†]

Lyubarskaya: There was no such conversation. Questions of patients' relatives are answered within the limits of what is possible.

Kovalev: I would like to have some quotations from the *Chronicle*.

The Judge: The documents were in your hands long enough, and you could have written out all the quotations you needed.

Kovalev: But I could not copy everything. [The Judge refuses the request.]

Kovalev: I request that this be entered in the record. [To Lyubarskaya] Please tell me exactly what Plyushch's illness consisted in.

Lyubarskaya: The diagnosis was perfectly clear. The special medical terminology will not be entirely clear to the audience.

Kovalev: So you don't want to give examples of his illness? Indicate in general terms the criteria of the illness. . . .

The Judge: The question is overruled.

Kovalev: I request that my objection be entered in the record. I assert that in the Soviet Union psychiatric hospitals are used for purposes of repression. I am being deprived of the opportunity to defend myself or to call my witnesses. . . .

The court made equally determined efforts to arrive at the truth with the case of General Pyotr Grigorenko, whom the *Chronicle* reported had been released from compulsory treatment at a psychiatric hospital following a series of heart attacks and a resolution by the Moscow city court that the treatment should be stopped. The court heard this exchange in reply to a question put to the hospital's doctor, A. A. Kozhemyakina:

[†]Haloperidol is a tranquilizer used to treat psychotic disorders. Adverse reactions, particularly to high doses of the drug, cause reactions similar to Parkinson's disease. The highest initial dose recommended is 5 mg. Plyushch was given doses of considerably more than 30 mg. His wife described his symptoms after visiting him in the hospital: "... he began to have convulsions, his face was distorted by twitches, he could no longer control the movements of his arms and legs. . . . It was noticeable that he was losing his sense of hearing at times. But he persevered—before him stood his wife and son, who was completely disheartened at what he saw—he tried to speak, twitching and swallowing saliva. Convulsions seized his throat, and affected his speech. Leonid Ivanovich could not bear it and himself asked for the visit to be terminated, 10 minutes early."—From *The Case of Leonid Plyushch*, Westview Press, Boulder, Colorado, 1976. After a demonstration by 5000 people in Paris in October 1975, the French Communist Party appealed publicly for Plyushch's release for fear of losing electoral support. Plyushch was released this January and now lives in France.



Westview Press Photo

Sergei Kovalev (left) with a fellow member of the Initiative Group, Tatiana Khodorovich.

Kovalev: Could the idea have been mentioned that the discharge [of Grigorenko] did not depend only on the personnel of the hospital?

Kozhemyakina: No.

Kovalev: Are you really not aware of the fact that he was discharged pursuant to a decision of the court?

Kozhemyakina: In the hospital, discharge is based only on medical indications and on nothing else.

The Judge: Do not ask questions like that any more.

Kovalev: In what precisely did the improvement of Grigorenko's health consist at the time of his discharge pursuant to the decision of the court and of the commission?

The Judge: I overrule the question.

Kovalev asked for Grigorenko to be called as a witness. The state prosecutor, in arguing that there was "no necessity" for that, fluffed his lines by referring to the "freeing" of Grigorenko from the hospital when he meant to say "discharge."

What residue of dignity the court still retained was dissipated when those of Kovalev's friends who were present as state witnesses (Sakharov was denied entry to the courtroom, others were detained by the KGB in Moscow) were tricked into leaving the courtroom and were then refused reentry. Kovalev, hearing the commotion outside of those trying to get back in, said that unless the witnesses were readmitted, he would not himself remain. The judge ordered a recess until the next day, when Kovalev immediately restated his position that the exclusion of witnesses from an open trial was illegal, and that he did not propose to participate in an illegal proceeding. "The court manages so easily without a lawyer that it will, of course, have no difficulty in finishing the case without the defendant," he said.

Which is just what happened. The trial continued much more smoothly in Kovalev's absence. There was no statement for the defense, but the following passage from the state prosecutor's summary reveals what the trial was all about:

I wish to emphasize that he [Kovalev] was in court not for his views and opinions, but for specific actions, criminal acts, for the violation of laws forbidding anti-Soviet agitation and propaganda. The Soviet government is indifferent to the opinions of a person, if he only keeps them to himself and does not commit criminal acts. In the discourses on freedom in the documents which he has signed, one theme is clearly apparent: to impose on the Soviet people the bourgeois concept of freedom, the attempt to present freedom as independence from society. We know that freedom is the product of the historical development of society, that in each society it has a definite character. Lenin himself said, "To live in society and be free from society is impossible." One can describe freedom as much as one wishes and however one wishes, but everything depends on society. Of course, in a socialist society freedom is not something without limits. It is the task of every state to define the limits of what is permitted. Our state places a prohibition on actions which are alien to its nature. . . .

A defense plea, of a kind, was made some 6 months after the trial. The lawyer assigned by the court as Kovalev's defense counsel, A. Rozhansky, emigrated to Israel, whence he has made the following statement:

Kovalev was in no way proved guilty of the charges laid against him. He is innocent, not only by common law by which a man cannot be convicted for his sincerely held beliefs, but also (and as a jurist specializing in this area I can vouch for this) by Soviet law. Article 70 of the RSFSR Criminal Code, under which Kovalev was convicted, requires that the actions of any accused person be directed at undermining the Soviet state and social order, on the one hand, and that he has spread slanderous, that is, deliberately false statements, on the other. Kovalev did neither of these things. He did not engage in politics at all, and it was no part of his intention to change sociopolitical relations in the USSR. He fought only to make the authorities in his country observe their own as well as international laws, and to prevent them from harming totally innocent people.

The court sentenced Kovalev to 7 years in a strict corrective labor camp, followed by 3 years in exile. Since the court happened to be the Supreme Court of the Lithuanian S.S.R., the sentence was not subject to appeal. According to Tass, the sentence drew applause from those in the courtroom.

Kovalev's treatment has aroused considerable sympathy both within and outside the Soviet Union. It would have taken considerable courage for members of the Soviet Academy of Sciences to have spoken out on Kovalev's behalf, and the Academy didn't. Nonetheless, 50 Russian intellectuals, including mathe-

maticians and scientists, signed an appeal organized by Academician Sakharov. In the United States the Federation of American Scientists set up a Committee in Defense of Sergei Kovalev. The committee wrote just before the trial to Soviet ambassador Dobrynin asking, with the endorsement of 92 biologist members of the National Academy of Sciences, for clemency or amnesty for Kovalev. (The committee had also tried to enlist the support of members of the Federation of American Scientists for Experimental Biology and of the American Institute of Biological Sciences, but the executive directors of both organizations refused to make their list of members available for circulation of the appeal.)

The FAS held a press conference after Kovalev's trial and conviction, protesting that the actions "are in direct violation of the Helsinki agreement in which the Soviet Union and other signatories pledged themselves to 'promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms.'" Kovalev, the FAS said in a statement signed by Matthew Meselson, John Edsall, Thomas Eisner, Torsten Wiesel, and nine Nobel laureates in biology, is an important

test case of the Soviet Union's intentions under the Helsinki agreement.

At the FAS committee's request, several senators wrote about the Kovalev trial to the Soviet embassy. Their reply was the copy of an interview given to a Soviet paper by U.S.S.R. First Deputy Minister of Justice Alexander Sukharev. In Sukharev's opinion, Kovalev had an open trial and "all standards and guarantees of court procedure were observed. The case was held in the biggest courtroom. Many of those who wished to attend were present at the trial, their number being limited, of course, by the courtroom's seating capacity," the minister of justice explained.

Following the letter from Academician Sakharov that warned of Kovalev's failing health, the FAS committee wrote this August to the Soviet Ministry of Internal Affairs renewing the appeal for clemency and amnesty and requesting that Kovalev be transferred to a prison hospital for the rectal prolapse operation he needs. Many who supported the earlier FAS appeal on his behalf have made the same request to the commandant of the Perm labor camp where Kovalev is held. Return receipts indicate that the letters were at least delivered.

Cornell University's Section of Neuro-

biology and Behavior recently offered Kovalev an appointment as a visiting scholar, and Representative Matthew McHugh (R-N.Y.) has introduced a resolution asking that the President urge the U.S.S.R. to let Kovalev accept the invitation "in accordance with the spirit of détente." "Be assured," FAS director Stone wrote to Kovalev recently, "that we consider your defense and good health to be a matter of conscience for us and will pursue this question as long as necessary."

When the state prosecutor asked for the near maximum sentence for Kovalev, he explained that "I have in mind the damage which has been done to the prestige of the Soviet Union in the international arena in the eyes of world public opinion." But, if the Initiative Group's information is correct, it is the Soviet state which has prostituted psychiatry, abused its own judicial procedures in the prosecution of Kovalev, punished him for the mere expression of beliefs, and is even now withholding the medical treatment on which his life may depend. What could do greater damage to the state's prestige in the eyes of world public opinion than its own undisguisable contempt for its laws and its citizens?

—NICHOLAS WADE

ICSU: Seeking to Separate International Science, Politics

The International Council of Scientific Unions (ICSU) is best known as advocate and organizer of international scientific programs such as the International Geophysical Year (IGY) and the International Biological Program (IBP) and as a champion of freedom of scientists to participate in its activities. ICSU prides itself on being a "nongovernmental" organization and, indeed, it has managed to buffer itself against some of the more direct political pressures that afflict U.N.-based intergovernmental scientific organizations.

But in the international arena in which ICSU operates there obviously can be no freedom from politics, as was evident at ICSU's biennial general assembly held in Washington, D.C., from 11 to 15 October. At that meeting, ICSU sought to find a formula under which the People's Republic of China, which is not now

represented in ICSU, could be brought into the organization without expelling Taiwan. As has been true of such efforts in international organizations over the last quarter century the attempt failed, and there is still no formula for having scientists from the two Chinas active in the same organization.

There was no direct request before the assembly that the People's Republic be admitted—but it was logical that the matter be dealt with since the absence of Chinese scientists constitutes the most obvious gap in ICSU's membership. The way ICSU handled the matter illustrates its approach to this complex issue.

At stake was ICSU's basic principle of "universality" which holds that members of scientific communities in any country ought to be able to participate in international scientific activities whatever the relations between countries

may be. For years, ICSU officials actively have sought the participation of scientists from the People's Republic, but China's terms have been the same as it has insisted upon as a condition for participation in all international organizations—that Taiwan be expelled. This is something ICSU refuses to do.

At issue, of course, is formal recognition of which government represents China. The government of the Republic of China on Taiwan still claims to represent all of China, so the Peking regime will not join any organization of which Taiwan is a member. When this question came up in the United Nations, it finally was settled on Peking's terms, with Taiwan expelled from the world organization; the issue still blocks progress toward full diplomatic relations between the United States and China.

One thing which made things awkward for ICSU officials was the controversial decision of the International Union of Geological Sciences (IUGS), to expel Taiwan and vote the People's Republic into membership. (IUGS is a strong union within ICSU.) The rationale of the IUGS action at its own congress in Sydney was that the Taiwanese science academy which adheres to ICSU was in "er-