

MISAPPLICATION OF ENFORCED PSYCHIATRIC TREATMENT IN THE SOVIET UNION – A FEW EXAMPLES FROM ESTONIAN HISTORY*

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Ideological-medical foundation of enforced psychiatric treatment

In a totalitarian system psychiatry that actually is a means of therapy to relieve suffering, obtained the characteristics of a punitive method. One of the peculiarities of a totalitarian society is the assessment of dissidence based on psychiatric criteria. The doctrine of totalitarian ideology embraces total economic wellbeing, respect of human rights and absence of international tensions. The person doubting the doctrine was supposed to be consciously malicious or suffering from a psychic disorder and so many dissidents were labelled delusional bearers of sick ideas and convictions.¹ Thus one of soviet punitive methods applied for a suspect or, actually, an anti soviet person was closing him or her in a psychiatric hospital, where he could be treated forcefully with drugs influencing his psyche. This treatment could cause changes like spiritual degeneration, resignation, weak-willingness, subsidence or a hypnotic condition, the result of which could be a psychic and moral travesty of personality.²

Soviet psychiatry was not entirely separated from international practice and thus it operated with universally accepted terms and categories. That is why we must deal with its misapplication in the Soviet Union within the general framework, not separated from customary practice.

Several specific matters should be considered when we observe somebody's hospitalisation in a special psychiatric ward for religious or political reasons. Dissident Shimon Gluzman³ has formulated these concerns as follows:

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¹ Shimon Gluzman, "Totaalne psühhiaatria: lagunev kindlus (Total psychiatry: a crumbling fortress,)" *Vikerkaar* (Rainbow) no12 (1989):50

² Heino Noor, "Tervisele tekitatud püsikahjud, (Permanent damages to health)" – *Valge raamat: eesti rahva kaotustest okupatsioonide läbi 1940-1991* (White book: losses of the Estonian nation through the occupations in 1940-1991), editors Ülo Ennuste, Enn Tarvel et al. (Tallinn: the National Commission for studying the repressive policies and the Estonian Encyclopaedia Publishers, 2005), 56-57.

See also Heino Noor "Soviet permanent health damages" <http://kultuur.elu.ee/ke478> (accessed 13.05.2011.).

³ Shimon Gluzman was born in 1946. He graduated from the Kiev Medical Institute in 1970. In connection with Major General Pyotr Grigorenko's case (i.e. counter expertise) he was arrested in 1972, spent seven years in the Gulag and later three years in exile. P.Grigorenko (1907-1987) was a military man, who had risen to the rank of a colonel and served as the division chief of staff until the end of the Second World War. In 1945-1961 he worked as a teacher in the Military Academy named after Frunze. In 1959 he had been promoted to the rank of major general and so he became the head of military cybernetics department. In 1961 he joined the dissidents and spent some time at special psychiatric hospitals. In 1977 he was permitted to go and visit his son in the USA and when he was there he was deprived of his soviet citizenship.

1. Was the victim really hospitalised for political or religious reasons?
2. Did he/she have any symptoms of a psychic disorder before?
3. What were the psychic aberrations like (i.e. were they socially dangerous, or were they a danger to the person himself/herself or to the community)?
4. What was the usual world practice in these cases?
5. What was the common procedure of criminal trials in the Soviet Union?
6. Was every case like that a misapplication of psychiatry or was there something that needed psychiatrists' attention indeed?
7. Was it possible that a mentally healthy person could suffer from psychic disorders due to the enforced treatment or repression?

For an objective research of the subject matter one would need all the documents concerning the inquest and medical treatment. Psychiatrists of these hospitals should express their views too. Discussions are not easy to hold as both parties lack the patience that is needed. The repressed still believe that psychiatrists invented their case histories and they could only hit the doctors' all round defence that hides the functioning mechanisms of the system. The doctors explain and excuse their silence with the patients' confidentiality clause.

It should be pointed out that the role of a psychiatrist in repression cases was always secondary. The psychiatrist was not the initiator of the expertise opinion. Whatever his personal views, he had to observe the medical aspect only. In case the doctor was an orthodox communist or a merely obedient citizen, the psychiatric repression of dissidents must have clashed with his physician's ethics. However, there are always people whose moral principles and professional ethics can be easily bent.

In case of the dissidents we should also consider the evaluation of their political or religious convictions. Generalising, we have to admit that the ideas one makes a big deal of can become a paranoia-like condition. And hence the question – were there people with psychic disorders among the dissidents indeed? Obviously there were, like in any other social group. Whether the symptoms justified closing them in a special hospital is another matter.⁴

The aim of “political psychiatry “ was not only to separate political dissidents from the society. Another, and probably even more important aim was to “break them spiritually” and let the society think that they were, indeed, mentally ill. Andres Lepik who was detained in Chernyakhovsk Special Psychiatry Hospital in the 1970s has described the procedure as follows:

[...] Pursuant to the reputation of the establishment one can find all sorts of figures here.⁵ There are certainly some “normal lunatics” who are more or less realistic and only sometimes suffer from seizures, and there are even under-age lads. The company is profuse and motley but intelligent faces shadowed by the SYSTEM can be noticed immediately. For example a writer (FORMER member of the Writers' Union) who has great self control in his present expression. The paradox of this hospital is

⁴ Gluzman, 50-52; В. Файвишевский, „О роли неоцознаваемых мотивацией в общественно-исторических процессах (взгляд психолога на историю),” – Пути обновления психиатрии. Материалы съезда НПА, под ред Ю. Савенко (Независимая Психиатрическая Ассоциация, 1990 [?]), 148–159.

⁵ According to A. Lepik murderers were in the majority but there were rapists, embezzlers (who could not remember what had happened to the stolen property). There were few political prisoners, some border violators included.

*just that among the numerous self-made generals, writers, Nobel-prize winners and others are the real live ones. Having recklessly underestimated the essence of the SYSTEM we are in danger of soon getting mixed up with the others... The self-made writer can join forces with the real one and nobody cares or notices. In five years one's OWN sight disperses and this, the worst possibility for the patient, is evidently the purpose. Chemistry – the enforced doses from the “pharmacists” – is certainly a great help, like punitive injections and secret treatments. [...]*⁶

The following will not pretend to be a medical analysis – specialists should take care of that. Mechanisms of the enforced treatment of dissidents have remained unclear but they had to have some sort of medical foundation. Like in any other state, the punitive policy of the USSR was directed at those who endangered the society. The basis for criminal policy established:

*[...] Any act committed or neglected can be considered endangering the society if it is anti soviet or violates the juridical state of the workers and peasants' power before the time the changeover to communism occurs [...]*⁷

Thus everything anti soviet was the most severe crime of all as the state's interests were the priority. Enforced treatment was established in the criminal code. This makes forensic psychiatry a part of the repressive system that was subjected to the general principles of the criminal policy. Disturbances with anti soviet symptoms had to be explained somehow in medical terms and this important ideological-medical task was given to Moscow Forensic-Psychiatry Institute named after Serbski.⁸ The special department – no 4 – responsible for political dissidents' case histories, first of all invented them and later also confirmed them.

Dissidents were defined in various ways. One of the main conclusions of A.Kassatchov's dissertation “Clinical and forensic psychiatric evaluation of paranoiac psychopaths” was that enforced treatment should be carried out also in case of persons who continuously protest and present “reforming ideas”. To be exact, one of the diagnoses for the “reformers” was “protesting paranoia as a revelation of schizophrenia”. An example of the latter could be the article by soviet medical research fellows A.Taltse, J.Landau and L.Tabakov – “Criteria for prescribing enforced treatment for patients with paranoiac syndrome schizophrenia” (1981). The article was based on the case histories of 90 schizophrenics who had “reforming delusions”:
[...] Their assessments and interests, side by side with their paranoiac combinations, are on the level of common conjunctures, they do their habitual duties, their formal orientation within their environment has survived. [...] Enforced treatment in a general type psychiatric hospital can be recommended to these schizophrenics who have become passive, whose words and acts are not in correlation, who do not have any background for mood rises and who are indifferent to their fate. [...]

⁶ Memoirs of Andres Lepik, Vikerkaar (Rainbow) no 2 (1990): 56-57.

⁷ See: The Criminal code of the Russian SFSR (1926) with amendments until 1 December 1938. Official text plus supplements arranged according to articles, §3.

⁸ The official name for the establishment was the Central Red- Banner of Labour Institute of Forensic Psychiatry Research named after professor V. P. Serbski (Центральный Ордена Трудового Красного Знамени научно-исследовательский институт судебной психиатрии им профессора В.П. Сербского МЗ СССР).

To make it clearer – the patients who had been tamed could continue treatment in general psychiatric clinics and hospitals. Religious beliefs that did not correlate with the official atheist doctrine belong to a topic of their own. It was hardest of all for the sectarians who were difficult to control as their organisations were decentralised (differently from the Russian Orthodox Church that was almost totally under the control of the KGB). So, for example, D.Lunts and L.Elmonov wrote in their article “Some peculiarities of forensic psychiatry in case of criminal sectarianism” (1961):

[...] Activities of sectarian groups like Pentecostals (or as they themselves like to be called – Evangelical Christians – that had needed forensic-psychiatric expertise, have been described in press. [...] Before we start discussing problems that belong to the field of experts, it is necessary to enlighten these psychically traumatic situations that are connected with the Pentecostals’ cult and rituals. [...]

Already the headline of the article shows that the authors consider the cult psychically traumatic and its activities a religious fanaticism.

Everybody who was concerned knew very well what was going on and while it was declared to be a “wrong diagnosis”, the statements were published again in science journals. So, for example, professor N.Timofeyev had to admit:

[...] We were often convinced that diagnosing the person who had violated the law for religious reasons as a paranoid psychopath, the experts misunderstood his affective reactions and did not have any knowledge about his views that were totally opposed to our reality and the expert’s own system of views. [...]

Professor D.Lunts who gave many dissidents “the wrong diagnosis” in 1960-1970 has even described the reasons for them:

[...] One reason for the “wrong diagnosis” is the behaviour of the psychopaths we observed and the conditions in which this behaviour was revealed. There certainly were coinciding features reminiscent of schizophrenia. The erroneous diagnosis in these cases can be explained with neglecting the influences of environmental and social-psychological matters. Unaccustomed lifestyle, extirpation of the healthy environment, use of intoxicating drinks, incomprehensible tendencies of the modern western art, philosophy and literature – discussions of these topics are unjustly considered to be acclimatisation to a schizophrenic mind. [...]

It is quite noteworthy that a reputable psychiatrist directs the fire at himself and, speaking about the erroneous diagnosis does not even hint at the role of the KGB and the court. However, we can also detect the opinion that there is but one short step from literature, art, music and philosophy that have not been officially approved up to schizophrenia.⁹

⁹ Gluzman, 53-56. See also: **palun venekeelset copy-paste** В. Буковский and С. Глузман, „Пособие по психиатрии для инакомыслящих,” Период появления в самиздате: После 1973 года, <http://antology.igrunov.ru/authors/bukovsky/psychiatr.html> (viimati vaadatud 17.05.2011)

<http://antology.igrunov.ru/authors/bukovsky/psychiatr.html> (retrieved 17.05.2011)

Basis for enforced treatment in soviet legalisation

The so-called punitive medicine existed already in the first months of the soviet regime.

The Russian dissident Aleksandr Podrabinek¹⁰ hints at the temporary instruction of the People's Commissariat of Justice on 23 July 1918, recommending that the adversary should be closed in a "punitive medical establishment".¹¹ So it was openly said that it was a punitive establishment where some treatment could be given. A judicial organ or the "revolutionary military tribunal" could decide who had to go. This instruction does not even mention any expertise, everything was based on the "revolutionary conscience", that is the discretion of the decision-maker (or the order of some higher institution). Typically of the anarchist period, a few interesting diagnoses were invented, such as "counter-revolutionary psychosis", for instance.

These establishments did exist and such punishments have been known since February 1919. It was used against the political rivals who were not shot or imprisoned. One example, for instance, is the leader of leftist *essers* Maria Spiridonova.¹²

The Russian SFSR criminal code from 1922 and the code of criminal trials from 1924 gave a more exact definition of the enforced treatment.¹³ In the latter we can already find the term of specialised psychiatry to be used for removing extremely dangerous patients from the society.¹⁴ Both codes were complemented in 1926. The emendatory issues were more exact in defining the means of social protection of compulsory-corrective character. These were enforced treatment and hospitalisation to separate the patient from the society.¹⁵

The directive of the Russian SFSR Peoples' Commissariat of Justice from 17 February 1935 the article was complemented and the enforced treatment as "a means of social protection of medical character" could be sentenced only by court. That means the formal interdiction of prosecution organs to dictate enforced treatment. The enforced treatment could be applied to persons who had committed a crime in a

¹⁰ A. Podrabinek (born in 1953) worked in emergency medicine. He was one of the initiators of "Psychiatry in the service of politics" research commission at the Moscow-Helsinki group. He is the author of "Punitive Medicine" Was arrested on 14 May 1978 and exiled for five years in Irkutsk region.

¹¹ In Russian: *Карательно-лечебные заведения для помещения арестантов с заметно выраженными психическими дефектами* (Punitive and medical treatment establishments for inmates with clearly expressed psychic defects).

¹² M. Spiridonova was arrested in January 1919 and hospitalised in the Kremlin clinic, from where she managed to escape in April 1919. She managed to hide herself until October 1920 when she was caught and sent to a mental hospital, where she was kept until November 1921. When she was released she had to promise never to deal with politics again. She was arrested again in 1923 when she attempted to escape abroad. The rest of her life was spent in prisons and prison camps until she was sentenced to death and shot in 1941.

¹³ See the Criminal Code of the Russian SFSR §§ 17, 24, 46 and the Russian SFSR Criminal Trials Code § 457.

¹⁴ Александр Подрабинек, *Карательная медицина* (Нью-Йорк: Хроника, 1979), 19–21.

¹⁵ *Уголовный кодекс РСФСР (1926). Официальный текст с изменениями на 1 июля 1950 г и с приложением постатейно систематизированных материалов* (Moscow: Государственное издательство юридической литературы, 1950), §§ 11, 24.

fit of insanity, were mentally ill at the time of the trial or to the persons who were taken ill during their detention.¹⁶

Articles 142 and 148 are also significant for the enforced treatment as according to them the hospitalisation in a psychiatric clinic of a person with a sound mind for the personal gain or for any other reason, could bring up to three-year imprisonment. Inflicting intentional bodily harm or injury that caused a mental disorder brought imprisonment up to two years.¹⁷ Today these articles could well be measuring-sticks for the activities of the psychiatrists responsible for hospitalising persons in an absolutely sound mind.

The Criminal Trials Code elaborated on the procedure. The inquest was to be stopped in case the person interrogated had a mental disease.¹⁸ The inquest was stopped until the interrogated recovered or was declared to be mentally ill. In the second case “the means of social protection “ were applied, i.e. the person was hospitalised.¹⁹ The time spent in the mental hospital was included in the sentence.²⁰

The possibility of the mental disease was ascertained by an expertise. Later on this article was specified and the forensic-medical experts had to ascertain the persons’ mental state. The experts were subjected to the medical system and had to observe the criminal code, the criminal trials code and the respective directives, instructions and decrees of the Peoples’ Commissariat in their work. The forensic-psychiatric expertise was formal and carried out at the order of investigation organs, the court or when demanded by the detention establishment. Expertise could be carried out in stationary or ambulatory conditions, at court or at the investigator’s, in special cases even in absentia.²¹ The expert assessment was presented as an official act. First of all there was to be the introduction (the personal data of the observed, the time and performers of the expertise, the name of the establishment that had asked for it, and a brief survey of the crime committed). The data about the previous life of the observed was the next, description of the mental and physical-neurological condition and conclusions (recommendation for the medical treatment included) followed.

¹⁶ “Directive of the Russian SFSR Peoples’ Commissariat of Justice 17 February 1935,” *RSFSR Criminal Trials Code*, 125-126.

¹⁷ *Уголовный кодекс РСФСР (1926)*, §§ 142, 148.

¹⁸ *The RSFSR Criminal Trials Code. Official text with amendments up to 1 August 1944 together with the supplement arranged according to articles. Notarised translation.* (Tartu: Teaduslik Kirjandus, 1947), § 202.

¹⁹ *Ibid.*, § 203.

²⁰ *Ibid.*, § 457

²¹ This was indeed also done in absentia. For example on 9 October 1957 Helmut Valgre (an agent of the KGB 4th department, alias “Kuusk”) escaped from the trade union officials’ tourist group in the port of Ålesund, Norway. The criminal case was started immediately. Oskar Kuul, the chairman of the collective fishery named after Kirov, who had been in the same group, testified and a forensic-psychiatric expertise was set up although Valgre was not present. The Republican Psycho-Neurological Hospital commission (Vsevolod Grünthal, A. Andreyeva, Bella Rosenfeld) declared Valgre *non compos mentis*. The Moscow Serbski Institute commission cancelled this absurd in absentia judgement and the ESSR Supreme Court sentenced Valgre in absentia for a 10+5-year imprisonment. See: Jaak Pihlau “Estonians Escaping to the West: runaway III” *Tuna*, no 3 (2003): 78-87.

In case either the court or prosecuting organ found the expertise faulty or not acceptable, another expertise was allowed. Especially complicated cases were to be transferred to the Moscow Serbski Forensic-Psychiatric Institute of the USSR Commissariat/Ministry of Healthcare.

Permanent forensic-expertise commissions at medical establishments performed ambulatory assessment. These commissions consisted of three members appointed by the local healthcare department. If any complications occurred, they could transfer the case to stationary expertise that was performed at institutes, hospitals and clinics of psychiatry. The observed were accommodated in the special departments of these establishments and if there was none, in the general department, where they had to be isolated. The three members of the expert commission were the head doctor or the head of the medical department of the establishment (chair), the head or somebody else with special training of the forensic-psychiatric department and the doctor that had examined the observed. The assessment had to be completed within 30 days but when the decision was not made, more time was provided.²²

The Russian SFSR Criminal Code and Criminal Trials Code were in force in Estonian territory until 1 April 1961 when the Estonian “own” criminal code became effective. There were no principal supplements as far as the enforced treatment was concerned, some things were more precisely defined only. According to the code only an imputable person could be prosecuted. There were two kinds of characteristics for irresponsibility – psychological and medical ones. In the first case the person was unable to understand either the act or its consequences nor describe and report it. The medical characteristics were divided into chronic mental disease, temporary mental disorders and imbecility. The person was declared irresponsible if both, psychological and medical characteristics were present.

The expertise assessment could not declare the observed imputable or irresponsible. This was the responsibility of the judicial organs that based their decision on the expertise assessment.²³ After recovery the observed was taken back to the former place of detention.²⁴

The “forced medical means” were not called punitive. They could be used until recovery (the time in the psycho-neurological hospital was equalised with that in the place of detention) or until the person could be trusted to the care of the family (a doctor’s surveillance included). The enforced treatment was justified when the person could be a danger to the society. The court decided whether to hospitalise the mental case in a special psychiatry establishment (especially dangerous persons), a general psychiatric clinic (not so dangerous, could be treated in the common way) or in an establishment for chronic mental patients (surveillance excluded the danger they could present).²⁵

²² The RSFSR Criminal Trials Code, § 63.

²³ Estonian SSR Criminal Code with commentaries. Compiled by Ilmar Rebane. Emendatory issue, 1 January 1972 (Tallinn, Eesti Raamat, 1972) § 11.

²⁴ Ibid., § 52.

²⁵ Ibid., § 59.

Technical details of the enforced treatment were defined in the Criminal Trials Code. Forensic-psychiatric expertise was the basis for hospitalisation.²⁶ The inquest could be stopped when the accused was seriously ill (or was suspected to be ill, mental illness included).²⁷ The time spent under treatment was included in the sentence.²⁸ The suggestion to conclude the inquest and pass it to the court was made by the prosecutor.²⁹ The trial had to decide whether the defendant had committed a crime that endangered the society, if the defendant was not answerable or whether the illness occurred after committing the crime and whether “medical means of enforced character” had to be applied. The decision could be appealed.³⁰ In case the “medical means of enforced character” were no more necessary, the hospital could suggest that the treatment should be concluded.³¹ Thus the hospitalisation for enforced treatment consisted of several steps and included various establishments like committees of inquiry, prosecutor’s office and court instances. Doctors were used as experts whose assessment was not exactly the basis for enforced treatment but could have some influence on the court’s decisions. The court did not have to take the experts’ assessment into account but it could consider it partly. For instance – the experts recommended a general psychiatric hospital but the court decided on the special one (see further: the case of S. K.). Or vice versa. It is not known who decided to send dissidents of sound mind to a special psychiatric hospital and how exactly it was done. The forensic psychiatrists had their right to appeal as well and unusual cases could be transferred to the Moscow Serbski Forensic-Psychiatric Institute that had quite close connections with the KGB. The Serbski³² Institute was founded in 1927. They did research work, too, not only psychiatric expertise. Their responsibility was to work out methods and ideology for forensic medicine. Officially the institute was subjected to the USSR Ministry of Healthcare, but many of its staff were MVD or KGB officers. A high concrete wall surrounded the territory of the institute that was guarded by a quasi-military unit. According to several memoirs the “political” patients were in department 4 (also called a special department) that contained three wards “for especially dangerous anti state mental patients”. Each of these wards could accommodate 30 patients and there was also an isolation ward for 5 patients.³³

²⁶ Estonian SSR Criminal Trials Code. Official text with amendments and complements up to 29 May 1970 (Tallinn, Eesti Raamat, 1970 /Tallinn, Estonian Book Publishers), §§ 58, 156-162,281.

²⁷ Ibid. , § 163.

²⁸ Ibid. , § 333.

²⁹ Ibid. , §§ 281,282.

³⁰ Ibid. , §§ 283-287.

³¹ Ibid. , §§ 288-289,336-337.

³² Vladimir Serbski (1858-1917), a Russian psychiatrist, founder of the Russian forensic psychiatry. Graduated from the natural science department at the University of Moscow. Defended his doctor of medicine thesis on psychiatry in 1891. In 1892-1911 taught forensic psychiatry at the law and medical schools of the University of Moscow, in 1902-1911 professor extraordinary.

³³ Справка об институте психиатрии им. Сербского, 31 July 1956, Hoover Institution ASCPSS; RGANI (TsKhSD) 6. June 1684, 1–19; *Казнимые сумасшествием. Сборник документальных материалов о психиатрических преследованиях инакомыслящих в СССР*, edited by А. Артемова, Л. Пар, М. Славинский (Frankfurt am Main: Посев, 1971), 187–188, 12–13; Подрабинек, 88–101; Kalju Mätik,

Specialised psychiatry hospitals

The Criminal Code and the Criminal Trials Code let us understand that for especially dangerous mental patients there were prisons-psychiatry hospitals that later were renamed specialised psychiatry hospitals. They were at first subjected to the People's Commissariat of Internal Affairs, from 1946 to the Ministry of Internal Affairs and later to NKVD and MVD respectively. Psychiatric hospitals of general type were subjected to the USSR People's Commissariat of Healthcare (since 1946 Ministry of Healthcare), the so-called prison hospitals to NKVD/MVD system.³⁴ Although the victims of "political psychiatry" were hospitalised also at psychiatry hospitals of general type, the main form of detention was "treatment" at a MVD specialised psychiatry hospital, were especially dangerous patients, among them serial killers and rapists, were kept.

Initially this sort of an establishment was only in Kasan. There were, however, closed psychiatric departments and wards within several hospitals and prisons, the data about which is scarce. Memoirs have mentioned the Butyrka prison in Moscow (President of Estonia Konstantin Päts was detained there for some time), others in Vladimir, Gorki (Nizhni-Novgorod). At the state farm *Chekist* in Tomsk region was a prison-hospital for patients with mental illness and the so-called malingerers and there were evidently several more that were neither prisons-psychiatry hospitals nor specialised psychiatry hospitals in the true sense of the word. In 1953 there were three establishments of that type – in Kasan, Chistopol (Tatarstan) and Leningrad.³⁵ Later there were more specialised hospitals in Blagoveshchensk (upon the Amur in East Siberia), Sytchevsk in Smolensk region, Oryol (opened in 1970), Chernyakhovsk (in Kaliningrad region that used to be Insterburg in East Prussia, 1966), Dnepropetrovsk (1968), Smolensk, Minsk (1966) and others.³⁶

These hospitals, like prisons and prison camps, were guarded by MVD troops³⁷. The specialised psychiatric hospitals had two administrations – the military and the medical one. The head of such a hospital was a military and the head doctor was usually a military, too. The latter might have graduated from a military medical school or he might have been transferred to the army system from the civic sector (in the Soviet Union all students of university medical schools had to pass the basic military surgeon's training and as conscripts were officers in reserve).

"My Forced Excursion to the Serbski Forensic-Psychiatric Institute," <http://kultuur.elu.ee/ke492-serbskihtm> (retrieved 09.05.11)

³⁴ In Russian: *Психиатрическая тюремная больница*.

³⁵ А. Кокурин „Тюремная система 1934–1960,“ – Система исправительно-трудовых лагерей в СССР 1923–1960 : справочник (Moscow: Звенья, 1998), 538–539.

³⁶ *Казнимые сумасшествием*, 140–172.

³⁷ Some of the troops in the Soviet Union were under the command of the Ministry of Internal Affairs. The troops were mainly used for guarding prisons and prison camps but they might have had other duties as well. The so-called internal forces that wore the letters BB (from the Russian *внутренние войска*) on their red shoulder straps did their obligatory service on par with the troops commanded by the Ministry of Defence. So most of the prisons and camps and other places of detention were guarded by youngsters doing their compulsory army service.

Generally the regime of these hospitals was not different from that of prisons. So, for example, the wards had lights on at night, the loos were either in the rooms or in the corridor. One had to ask for permission to use the corridor loos. Bed sheets were to be changed in every ten days according to the instruction. The food was scant and even from that meagre fare a big part was stolen by doctors, nurses, nurses' aids and guards.

It was possible to get food parcels – not heavier than five kilograms. Just like in soviet prisons, part of these parcels went to staff and part to the other patients, depending on the interior hierarchy and the patient's ability to protect his property. Two letters a month, only in the Russian language and to the family, could be sent. All the correspondence was censored, no mention of the detention or "treatment" was allowed. More often than not, the letters were not received, may-be because of censorship but quite possibly due to the generally dominating chaos and sluggishness of the administration.

Immediate family could come visiting once a month for two hours. These families who lived far away from the prison-hospital were allowed four hours every two months. The meetings were watched by a guard or guards and certain topics of conversation, like living-conditions and treatment, were prohibited.

Labour-therapy was carried out in various workshops like sewing-, cardboard- and others and even some pay – ten roubles – for the completed product was provided. Only those who really could not be made to work were free of the obligation, others could not refuse. The ones who dared to protest were quickly "put on their place" by nurses aids who were usually prisoners with a criminal charge.

As everybody else in the Soviet Union, a patient in such kind of an establishment was also given political instruction. It was mostly formal and depended on the administration and place but quite a common form of it was watching films. These were mainly films of soviet propaganda but sometimes a feature film might have been shown. The idea of libraries was similar. Theoretically it was possible to subscribe even to newspapers. "For security reasons" Russian-language journalism was preferred. Depending on the place and time the patients were sometimes forced to do sports and participate in amateur activities that could be rather grotesque in the outcome.³⁸

A few specialised psychiatric clinics had a separated part for criminals who were used as nurses' aids and to do various maintenance chores. They were hospitalised for the same reasons as the mental patients but had a less strict regime. One can easily imagine what their attitude to their patients was like. Andres Lepik has described the "calming down" process as follows:

[...] I remember a case with a senile patient: at that time I was for the first night in a ward under close observance when in the early hours somebody started to bawl, "Guard! Guard!" Well, the guards, of course, came in and gave him and the EVIL SPIRIT in him a thorough beating with fists and everybody except me was surprised at the bawling that did not die down but got louder and louder. His limbs were wrested and twisted, it did not help. The nurse with an immense syringe did not help either. Somebody was trying to squeeze the bleeding body into a straightjacket when other militiamen and officers on duty arrived from their room that for the old man's

³⁸ Подрабинек, 85-88; Казнимые сумасшествием, 5-220.

misfortune happened to be nearby. They seemed angry to have been disturbed but eager to participate in the beating. The department head happened to hear about it somewhat later and all the participants were called into his office one by one and evidently scolded – tchort poberi!³⁹ –Why couldn't you be less noisy? [...]⁴⁰

It is difficult for a layman to describe the treatment methods and the drugs, but in the memoirs it is mentioned that the medicaments turned the patient something totally inefficient, unable to think or act. Long treatment brought along permanent mental damage even for those who were hospitalised in sound mind and body.⁴¹

So, for example Ivan Ikkonen,⁴² a Roman Catholic, writes about his treatment (not in a specialised psychiatric clinic, but the methods were the same.)

[...] Already on the first day I was forcefully tied up and injected – it was such an injection that did not let me even pray. [...] A talk with Dr. Michelson followed and he declared me ill because I believe in God. Then some nurses gave me an electric shock to release me from my religion. In a week's time Michelson showed me to a group of students and asked me to talk about my religion. I did but the students were only grinning. A little later I was called to Dr. Adamsoo, who was together with some other doctors. They peppered me with questions like "Why is religion necessary? What will arrive first, Paradise or communism? Why do you believe?" After this talk another electric shock was given, but my belief persisted. The medical commission decided to treat me with insulin. [...] On 3 August my insulin therapy ended, after which I thanked the God that this had not taken my belief either. My treatment continued with pills and some liquid that made me unable to speak and eat. Michelson and other doctors talked to me after the insulin therapy and they all asked me only about my religion. I was told that I was still ill and had to be sent to a home for the disabled persons but before that they had still to cure me from my religion. They decided that the religion disturbed my life and gave me another electric shock. [...] A nurse brought me "Scientific atheism" to read and I refused. [...] On 31 August I was released. [...] This year I am not able to go to a technical school as my head simply cannot get round anything after all this "therapy". [...] The doctors still consider me ill because I have not given up my belief in spite of everything done to me. All in all I received five electric shocks and 60 insulin comas. [...]⁴³

³⁹ Blast you! (in Russian).

⁴⁰ Andres Lepik's Memoirs, 58-59.

⁴¹ See in greater detail Буковский and Глузман.

⁴² Ikkonen was called up to the Military Commissariat on 19 April 1978, where it was discovered that he was religious, a Roman Catholic. He spent four months and 11 days at Tartu Psycho-Neurological Hospital. Having been released he spread his memoirs first among the religious people and later, thanks to the *Lisandusi mõtete ja uudiste vabale levikule Eestis/ Supplement to the unhindered spread of thought and news in Estonia* (the so-called Self-print) the material reached Sweden and via that into the world.

⁴³ Ivan Ikkonen "Üks lõik minu elust /A passage of my life" (*Lisandusi...II, 1979 Lisandusi mõtete ja uudiste vabale levikule Eestis / Supplement to the unhindered spread of thought and news in Estonia, vol.1, 1-7: 1978-1980* (Stockholm: Eesti Vangistatud Vabadusvõitlejate Abistamiskeskus/ The Centre of Assistance to the Estonian Imprisoned Freedom-fighters, 1984), 39-40.

As a special psychiatry hospital was still a place of detention, the regime in it was fixed. For the violations of this regime the patients could be “calmed down”, procedures were more-or-less like described before – a straightjacket or an injection. There were other punishments at the discretion of the medical staff and the guards. It did not matter whether the patient was mentally disturbed or not, the whip and the carrot-method was popular: either curbing or enforcing the right for walks and work, cancelling the right to get and write letters, get parcels, have meetings, smoke, use the library or watch TV. The worst was transfer into the department of the “unstable” or reconsidering the decision about the patient’s release.⁴⁴

The release from a special psychiatry hospital was rather haphazard and happened at the discretion of the doctors or the commission. The aim was to suppress the patients whether by attitude or “therapy”. In case the patient could stay calm and leave that impression, he could be released if he was lucky or he could be sent to a general psychiatry hospital with a bit more lenient regime and that was an establishment of treatment. When the detainee did not show any signs of having given up his ideas, he could be detained in a special psychiatry hospital indefinitely. The commission who made the release decision played a significant role, they made the proposal to the court that made the final decision. According to the law the commission had to make their decisions in every six months. The only chance for the dissidents was to hide their real thoughts and viewpoints, only then might they have a chance to be released.⁴⁵

Some examples of the practice of “political psychiatry”

Rearrangements after Stalin’s death

Data about this form of psychiatry in Stalin’s time is rather scarce but it is known that it was used widely enough, especially in case of “contra revolutionary mental patients” neither shot nor arrested. This was a general practice that the so-called contra revolutionaries (basically those who had been arrested according to § 58 of the Russian RSFR Criminal Code) were considered to be much more dangerous than those who had committed severe crimes concerning other people. Dissident Vladimir Gussarov,⁴⁶ for example, spoke about a woman, who was at the Kasan specialised psychiatric hospital in 1834-1954 because she had thrown a stone at Lenin’s mausoleum in 1934. After Stalin’s death the punitive system was relieved and this also concerned the special psychiatry. Sergei Pissarev could be considered the initiator for the move as he wrote a letter to Stalin in 1953 and attempted to draw attention to the MGB falsification of documents in the so-called “doctors’ criminal case”. On the day of Stalin’s death, 5 March 1953, he was arrested and detained in the Butyrka prison, from where he was transferred to Leningrad prison-psychiatry hospital. After his release in 1955 he attempted to launch an investigation about the staff of the Leningrad prison-psychiatry hospital and the Serbski Forensic-

⁴⁴ Подрабинек, 92,95 (Podrabinek).

⁴⁵ Буковский и Глузман (Bukovsky and Gluzman).

⁴⁶ Vladimir Gussarov (born in 1930) was arrested in 1953 and spent the next year (1953-1954) at the Kasan specialised psychiatry hospital. Later he was several times detained for political reasons in general psychiatric hospitals.

Psychiatric Institute but did not succeed at first. He appealed to the Central Committee of the SU Communist Party and was finally heard – a commission was appointed and the investigation started.⁴⁷ It was ascertained that the expertise assessments of the Serbski Institute were not and could not be proved. It was also ascertained that the Institute was closely connected to the security organs whose commissions it fulfilled, diagnosing persons of sound mind psychopaths, schizophrenics, paranoiacs and so on. A destructible assessment was also given to the specialised psychiatric hospitals and it was ascertained already at the time of the investigations that the people detained were innocent and most of them had no mental disorders either.⁴⁸

A few things did get better, but most changes were merely cosmetic. Russian dissidents consider the year 1961 the beginning of a new era in “political psychiatry”. This happened when the USSR Healthcare Ministry, The USSR Prosecutor’s office and the Russian SFSR Ministry of Protection of the Social Order⁴⁹ confirmed the instruction for “ Special hospitalisation of persons who are a danger to the society.” What is especially noteworthy about this instruction is that there was no need for a court decision any more, a special commission of three could make the decision. The instruction contained also five points that should help to ascertain the “unusual case”, but the term became even more vague as the characteristics of a mental disease were rather indefinite. The instruction was nothing special actually and there was no mechanism to check how it was followed but a little later some principles of the instruction were put into practice.⁵⁰ It is difficult to estimate how many people were subjected to the enforced treatment without the court’s sanction.⁵¹ In principle it was not in concord with the USSR laws, especially the criminal and criminal trials codes.

Beginning from the 1960s special psychiatry was extensively applied to dissidents and fighters for human rights. Detention in specialised hospitals and special camps was widely used. The peak period was the end of the 1960s and the beginning of the 1970s. These hospitals were responsible to law enforcement authorities and the medical staff did not have much say. While the detainee had at least some kind of legal protection at prison camps, the patient at a specialised hospital was absolutely at the mercy of the staff – that is, a mental patient was mad and his protests could

⁴⁷ Sergei Pissarev had belonged to the Communist Party since 1920. See in greater detail: Казнь и смещение, 187-188.

⁴⁸ See: Certified statement of J.Kalashnik, assistant director of the Serbski Forensic-Psychiatric Institute on 21 June 1956, Hoover Institution ASCPSS; RGANI (TsKhSD) 6. 6. 1684, 1-19, 22-24.

⁴⁹ The document was signed by the deputy chief prosecutor A.Mishutin, assistant minister of the protection of social order P.Romashkov and confirmed by the USSR Healthcare assistant minister I.Kotchergin.

⁵⁰ „По неотложной госпитализации психически больных, представляющих общественную опасность,” 10 October 1961 – Подрабинек, 180–181.

⁵¹ Rein Randmaa has recalled his arrest in November 1977. He was accused of spying, nationalism, planning to escape to Sweden, anti soviet ideas etc. As he refused to admit to any of these accusations he was forcibly hospitalised at the Tallinn Psychiatry Hospital. Randmaa said he was a “voluntary” patient, actually the KGB forced Randmaa’s wife to admit just this. Randmaa spent four months at the hospital and his case history bears the mysterious words “reactive state”. See: Rein Randmaa’s *My Flight over the Cuckoo’s Nest*, *Eesti Aeg/ Estonian Time*, 23 March 1994.

be ignored. When the period of detention was determined by a term at camps, the patient could be kept at a hospital as long as the authorities wished (it was only a formality that they had to re-examine every case once in six months). In addition the means and methods that were used to “calm the patients down” were such that could easily lead to mental instability.⁵²

Six cases of “political psychiatry” connected with Estonia follow. The selected cases differ from each other and not all of them are connected with dissidents. The reader has probably heard most about the case of Konstantin Päts, who was detained for years in confined psychiatric hospitals and prisons. He was detained for a bit different reasons than the other victims of “political psychiatry”. Two of the cases (those of H.K. and S.K.) definitely concern dissidents and spreading the self-print materials. J.L. was a legendary escapee whose wish to get out of the Soviet Union was so overwhelming that the authorities finally decided to give him a mental disease diagnosis. The last case is a good example of fabrication in the evidence materials and of how a person could be confined in a hospital without any proof of his anti soviet ideas and activities. The sixth case is not connected with any anti soviet activity but shows how psychiatry could be used to conceal some bigger problem.

The case of Konstantin Päts

The first president of the Republic of Estonia who was deported together with his family in the summer of 1940 was at first exiled in the town of Ufa. When the war with Germany broke out, he was arrested on 26 June 1941 and accused of connections with the German espionage and military and diplomatic circles. He was also accused of anti Soviet Union activities when he was president. And even after deportation he had used anti soviet expressions. It goes without saying that these were fabricated accusations that were necessary to complete the order of arrest.⁵³

Päts was interrogated continuously already in Ufa, the last interrogation took place on 25 August 1942.⁵⁴ On 28 August he was transferred to Moscow and the 3rd department of the NKVD continued interrogating him.⁵⁵ According to the decision of the assistant people’s commissary of internal affairs Merkulov, interrogations ceased on 23 February 1943 up to a special order.⁵⁶ Beginning from March 1943 K.Päts was detained at the Kasan prison-psychiatry hospital as “prisoner no 12”. He was never officially tried or declared guilty.

⁵² Introduction to Arvo Pesti’s collection of documents – *Dissident movement in Estonia in 1972-1987* (Tallinn National Archives, 2009), 27.

⁵³ Постановление на арест (Order for arrest), Ufa, 26 June 1941, issued by the chief of department 1 of Bashkir ANSR NKGB, Lieutenant Leshchinski, Estonian National Archives (Further on: ERAF) 198SM.1.28796.

⁵⁴ Протокол повторного допроса (Record of interrogation), 25 August 1942, ERAF 129SM.1.28796(A).

⁵⁵ Decree of the Bashkir ASSR NKVD espionage department, 18 September 1942, ERAF 129SM.1.28796 (A).

⁵⁶ Decree of the USSR NKVD 3rd department. 22 February 1943. ERAF 129SM.1.28796 (A).

The head doctor of the MVD Kasan prison-psychiatry hospital, major of medical service H.Jerzhov signed a certificate about K.Päts' medical state in April 1950. The diagnosis was senility (*старческий психоз*).⁵⁷ As there is no expert assessment this statement may be considered the document replacing the latter and the basis for the enforced treatment, although this kind of form was contrary to the Criminal Trials Code.

Interrogations were opened again on 5 April 1952. The decree has a note that as Päts had been declared irresponsible, the posterior decision had to legalise his detention in a mental hospital.⁵⁸

According to the summarised prosecution's closing speech on 7 April 1952, Päts was an active participant in anti USSR activities, had contacts with German espionage and when exiled in Ufa, used anti soviet expressions. As experts had ascertained Päts' mental disease, he had to be hospitalised in a psychiatric hospital.⁵⁹ The USSR MGB special counsel made the necessary decision on 29 April 1952.⁶⁰

After Stalin's death in 1953 during the rehabilitation and amnesty procedures the cases of the three former Baltic republics' leaders were also discussed. These men had been arrested and/or deported together with their families in 1940-1941 and detained in camps, special prisons or psychiatric hospitals. Among them were President of the Republic of Estonia Konstantin Päts and the Commander-in-chief, General Johan Laidoner (who died in the Vladimir prison a week after Stalin, on 13 March 1953). On 1 June 1954 the chairman of the State Security Committee (further on KGB) at the Council of Ministers Colonel-General Ivan Serov and the USSR Chief Prosecutor Roman Rudenko sent a memorandum to the USSR CP Central Committee. It ascertains that the investigation on the leaders of the three Baltic countries⁶¹ had been closed at a special order during the Second World War. As proposed by the MGB, the USSR Council of Ministers made the decision to transfer the cases to the USSR MGB special counsel on 4 February 1952. Every one of the leaders still alive was sentenced to 25 years of imprisonment and Päts' diagnosis of a mental disease was confirmed. That justified his detention in the Kasan specialised psychiatry hospital. Rudenko and Serov proposed that the cases should be reviewed and the

⁵⁷ Statement of the USSR MVD Kasan prison-psychiatry hospital head doctor, major of medical service H.Jerzhov, 13 December 1950. ERAF 129SM.1.28796 (A).

⁵⁸ Постановление о выделении материалов (Decree for separating documents from the file), 5 April 1952, ERAF 29SM.1.28796 (A).

⁵⁹ Prosecution's closing speech on 7 April 1952, confirmed by assistant minister of the USSR State Security Affairs Ryaznyi, 8 April 1952, ERAF129SM.1.28796 (A).

⁶⁰ Выписка из протокола № 32 Особого Совещания при Министре Государственной Безопасности Союза ССР (Excerpt of report no 32 on the special counsel at the USSR state security minister's), 29 April 1952, ERAF129SM.1.28796 (A).

⁶¹ Next to Päts and Laidoner the memorandum mentioned also Konstantin Päts' son Viktor, Johan Laidoner's wife Maria, the former minister of war of Latvia Janis Balodis (with wife), the former minister of foreign affairs of Latvia Vilhelms Munters (with wife), the former Lithuanian prime minister Antanas Merkys (with wife and son) and the former Lithuanian minister of foreign affairs Juozas Urbshys (with wife).

convicts released on condition they would not live in Estonia, Latvia and Lithuania and the towns under special regime.⁶²

The CC Political bureau of the USSR CP seems to have agreed with the decision and the KGB chairman Serov confirmed the decree to release Konstantin Päts from the special psychiatry clinic and transfer him to a general psychiatric hospital but not in the so-called regime towns or Baltic republics.⁶³

Posterior forensic-psychiatric act was also composed. It was dated 28 September 1954 and signed by the Kasan specialised psychiatric hospital head doctor Balashev and two department heads. According to the expertise the detainee was sometimes calm but then again restless, did not let anybody close to him, heard voices and talked to himself. Recently (i.e. in 1952-1954) he had been peaceful, did not show any interest to anything and kept generally quiet but sometimes talking to the doctor he could be garrulous. Had problems with memory. The expert assessment was that Päts was “calm, inactive chronic mental patient, his detention in a specialised psychiatric hospital is not necessary”.⁶⁴ It is difficult to ascertain or confute the diagnosis. Considering Päts’ age (born in 1874), the imprisonment that had lasted over 10 years already and his isolation, it might even have been true, although opinions on the contrary have been expressed.⁶⁵ His last letters (in the Estonian language) that were written either in 1953 or 1954 at the Kasan special psychiatric hospital and smuggled out by two Lithuanians could actually be a proof of his sound mind. Antanas Keblys had evidently urged Päts to write these letters and Kestutis Stepshys smuggled them out. Keblys got these letters in his hands later and his cousin of the same name who lived in Montreal and managed to visit Lithuania in 1977 took them sewn in his underwear from Vilnius to New York. Two of these letters were addressed to the secretary of the United Nations organisation and to his compatriots, the third and the longest letter described the conditions of eighty-year-old Päts’ detention and the injustice he had to endure. Already the same year, 1977, the letters reached Ernst Jaakson, the chief consul of Estonia to New York.⁶⁶ The contents of the letters does not allow us to suggest that Päts would not be of sound

⁶² „Записка Р. А. Руденко и И. А. Серова в ЦК КПСС о политзаключенных – бывших руководителях Эстонии, Латвии и Литвы” (Roman Rudenko and Ivan Serov’s memorandum to the CPSU CC on political prisoners, former Estonian, Latvian and Lithuanian leaders); Реабилитация. Как это было. Документы Президиума ЦК КПСС и другие материалы. В 3-х томах. Том 1. Март 1953 – февраль 1956 (Rehabilitation- as it was, documents of the CPSU CC Presidium in three volumes, Volume 1, March 1953-February 1956), compiled by A.Artizov a.o, edited by A.N. Yakovlev (Moscow: МФД Материк, 2000), 153-154.

⁶³ USSR KGB decree, 29 July 1954, ERAF 129SM.1.28796 (A). As the last page of the document is missing it is not known who compiled it. Confirmed by the KGB chairman Serov, this can be seen.

⁶⁴ Акт судебно-психиатрической экспертизы на душевнобольного Пятс Константина Яковлевича (Act of the forensic-psychiatric expertise on mental patient Konstantin Päts), 28 September 1954, ERAF129SM.1.28796 (A)

⁶⁵ Heino Kään *The Last Years of Konstantin Päts’ Life* and Hilda Kaudre *Memoirs of Konstantin Päts in Jämejala – Between the Anvil and the Hammer*, Articles and Memoirs about Konstantin Päts, compiled and edited by Anne Velliste (MTÜ Konstantin Pätsi Muuseum, 2007), 160-177, 274-275.

⁶⁶ The USA never recognised the occupation of the Baltic States. That is why it was possible for the diplomatic representatives of these countries to continue working there. Before the Second World War Estonia had no embassy in the United States, the highest representative was the chief consul in New York.

mind but the expertise proved that the handwriting was not his. The signatures, however, were.⁶⁷ It might be possible that his condition did not allow him to write the letters himself and he dictated them.

The proposal of USSR Military Prosecutor's assistant, judicial-lieutenant-colonel Krisko was dated on 19 October 1954 and suggested that the former decision of the special counsel should be changed and the patient should be sent to a general psychiatric hospital.⁶⁸ On 15 November 1954 the same kind of decision was reached by the central commission for reviewing the cases of contra revolutionary crimes of the detainees in camps, prison colonies and in exile.⁶⁹

On 8 December 1954 the head doctor of the Kasan specialised psychiatry hospital, A.Halfin, reported to the KGB accounting-archive department and the chief of the MVD prison department Kuznetsov that Päts was to be released from his hospital and should be sent to Estonia. There he should be first placed in ESSR MVD prison no 1 and from there to be transferred to the Jämejala psychiatric hospital.⁷⁰

From 18 December 1954 to 29 December 1955 Päts was at the Jämejala mental hospital near Viljandi in Estonia. Due to extensive public attention he was transferred to Burashevo psychiatric hospital in Kalinin district.⁷¹ Witnesses say that Päts was of sound mind but had some peculiarities due to his age. According to Heino Noor, a legal aid consultant, Päts was "burdened with long psycho trauma, followed by stress and senility"⁷² The first president of the Republic of Estonia died in Burashevo on 18 January 1956.

H. K's case

The criminal case was opened on 4 August 1961 due to H.K.⁷³ having been "anti soviet and with national attitudes, spreading respective leaflets." When his home

⁶⁷ See, for example: *An Extraordinary Moment in the Life of Antanas Keblys – His Smuggling of the Letters of the President of Estonia during the Soviet Era*, http://www.keblys.com/index_en.html (retrieved on 25.05.2011).

⁶⁸ USSR chief military prosecutor's summary of the prosecution's closing speech, 19 October 1954, ERAF129SM.1.28796 (A).

⁶⁹ Выписка из протокола № 27 заседания Центральной Комиссии по пересмотру уголовных дел на лиц, осужденных за контрреволюционные преступления, содержащихся в лагерях, колониях, и тюрьмах МВД СССР и находящихся в ссылке на поселении (Extract of the statement no 27 on revision of cases of detainees found guilty of contra revolutionary crimes who are in USSR MVD prisons, camps and colonies or who are in exile, 15 November 1954, ERAF 129SM.1. 28796 (A).

⁷⁰ Report of the Kasan special psychiatric hospital's head doctor major A.Halfin to the USSR KGB accounting-archive department and the USSR MVD prisons department chief Kuznetsov, 8 December 1954, ERAF 129SM.1. 28796 (A).

⁷¹ See the note of the ESSR KGB chief A.Pork to the USSR KGB 10th department's head Major-General S. Seryogin on 24 April 1954, ERAF 129SM.1. 28796 (A). (Surveillance file 3), 12-14.

⁷² Noor, 57.

⁷³ H.K. was born in 1904 and graduated from the law school of Tartu University in 1932. He worked as a barrister's assistant in Tallinn and in 1939-1940 as accountant of St John's parish congregation in Tallinn. In 1940-41 he was accountant of the sports society *Dünamo*. He was mobilised into the Red army in the summer of 1941 and taken to the ship *Eestirand* that was wrecked off the Estonian coast. So the mobilised and the prisoners escaped being sent to the soviet rear. During the German occupation K. lived on his father's farm and managed to escape the German mobilisation in 1944. In

was searched, written texts were found, e.g. *“Message no 4. Devoted Estonian!”* that starts with the words, “[...] on the 16th of March the Estonian people are going to be asked again whether they approve of the present politics or want changes. Every Estonian has to watch the present politics with open eyes and ears in order to be able to vote for or against. [...]”⁷⁴

He slipped his messages into people’s letterboxes. They were signed either “Rescue committee” or “Group of honest citizens” or “Estonian principal socialists”.

Vigilant citizens took some of these messages to the KGB, of course. So, for example, E.Kuslap who sent the message to the KGB on 2 February added a note:

“[...] I received the enclosed anonymous letter with an anti soviet content that begins with the words – “The brave people, keep and save our messages!” As the letter is anti soviet I pass it on to you. [...]”

There are several letters of the kind in the file.⁷⁵ It was not always the addressees’ loyalty to the system or vigilance – quite often the people were evidently afraid of a provocation that was one of the items of the KGB control over the population.

At the interrogation K. explained his views as follows:

“ [...] I am a principal supporter of socialism. I am for all the right principles of socialism like, for example those –

- 1. Every nation must have a right for freedom and happiness.*
- 2. Every nation has to be the master of their country.*
- 3. An end must be put to the colonisation of other people’s lands.*
- 4. Everybody must have the right to live free and happy in his/her land⁷⁶.*

At the next interrogation that was carried out by the KGB senior lieutenant Kasak K. explained his letters and leaflets as follows:

“[...] I have been making similar messages since 1957, spreading them by post. [...] I do not admit that they are anti soviet, only national and socialist in content. What makes me dissatisfied is the fact that so many Russians migrate to Estonia, and that, as I understand, would make Estonians a minority in their own country and a minority cannot be the master of his country. [...]”⁷⁷

There was actually nothing wrong in his utterances, but the security authorities still made a conclusion that he was mentally unbalanced and should be taken to psychiatric expertise.⁷⁸

The Tallinn State Psychiatric Hospital presented the expertise act signed by head doctor Udo Luts, department head Risto Reala and department chief physician Ellen-

1944-1946 he worked as a fire fighter in Nõmme, in 1946-1949 lived on his father’s farm again. In 1949-1961 he was accountant, later a furnace- and watchman at the furniture factory *Standard* . In 1961-63 he was under enforced treatment, in 1963-66 worker at the metal plant *Vasar*. He retired in 1966. Died in 1992.

⁷⁴ *Message no 4. Devoted Estonian!* Compiled by H.K. 1958, ERAF 130SM. 1.4271, 79. On 16 March 1961 elections to the Supreme Soviet took place.

⁷⁵ E.Kuslap’s letter to the ESSR KGB Committee, 2 February 1961, ERAF 130SM. 1.4271. 53.

⁷⁶ Explanation of H.K., 4 August 1961, ERAF 130SM. 1.4271. 53.

⁷⁷ Interrogation report of H.K., 5 August 1961, ERAF 130SM.1.4271, 20-21.

⁷⁸ ESSR KGB investigation department regulation, 21 August 1961, ERAF 130SM.1.4271, pp.101-103

Erika Härma on 24 August 1961. The experts ascertained that K. "propagated bourgeois nationalism, hatred between nations, slandered soviet reality and the policy of the SU CP, behaved in a peculiar way during the interrogations, giving illogical explanations that were unrealistic and naïve for a person of his age and education." Due to the expertise it became clear that his unbalanced mental state became apparent in his ideas about socialism that declined from the party line. The expertise assessment was that K. was irresponsible and the diagnosis was "psychopathic personality chronic mental activity disturbance paranoiac development"⁷⁹

Although he was neither a (political) criminal nor a mental case and might have been only an eccentric, they could not let him be free and that is why he was detained for enforced treatment. The latter was worded by the ESSR Supreme Court (presiding judge was H.Uusküla) on 29 September 1961. His criminal case was closed and he was declared irresponsible.⁸⁰

He was transferred to the special psychiatry hospital in Leningrad. A new expertise on 13 March 1963, with S.Torubarov from the Serbski Forensic-Psychiatry Institute presiding, decided that the treatment must continue (with small doses of insulin, labour therapy, psychotherapy etc.).⁸¹

Based on the expertise before, the ESSR Supreme Court decided on 22 April 1963 that the patient may be transferred to the residential psychiatric hospital and the enforced treatment was concluded the same year.⁸²

Juhan Lapmann's case

Juhan Lapman's story is considerably more adventurous. He had migrated to the USA in 1937. In January 1940 he returned home and in 1941 he was the chairman of the Nõva Parish Soviet of Workers' Deputies Executive Committee. Together with the rest of "soviet active cadres" he was evacuated into the soviet rear. In 1942 he was caught when he attempted to cross the border in the vicinity of Motovabad, Central Asia. He was accused of espionage but he was soon released. He was not mobilised due to ill health. In 1945 he was caught again on board of the British ship *Empire Peacemaker* in Archangel. In 1947 he, under the name of Oskar Kuuse, was sentenced to eight-year imprisonment. This time the security authorities did not discover his real name. In 1948 he escaped the Gnesbekost camp (in the Komi ASSR). After a hazardous journey he managed to get back to Estonia.

He managed to hide himself for some time at his home village in Nõva. There he built a sailing boat of twigs, a trench coat and other available materials and sailed towards Finland in November 1948. As he had no compass he sailed straight into the Soviet naval base in Porkkala-Udd. At the beginning of the interrogations he called himself Henry Parker, born in New York and living in Stockholm without a Swedish citizenship. He could not conceal his true identity for long and at the interrogation

⁷⁹ The forensic-psychiatric ambulatory expertise assessment act of the Tallinn State Psychiatric Hospital, 24 August 1961, ERAF 130SM.1.4271, 104-106.

⁸⁰ Minutes of the session of the ESSR Supreme Court, 29 September 1961, ERAF 130SM.1.4271, 114-114v.

⁸¹ Act of the forensic-psychiatric expertise, 13 March 1963, ERAF 130SM.1.4271, 118-118v.

⁸² Decree of the ESSR Supreme Court, 22 April 1963, ERAF 130SM.1.4271, 123-124.

on 29 November he admitted to his “real” name Oskar Kuuse and said where he lived.⁸³ This was reason enough to arrest his sister and uncle. On 20 July 1949 Lapman was sentenced for 25 and his assistants for 10 years of imprisonment.⁸⁴ Lapmann was released in 1958.

But all this did not put an end to his wish to escape from the USSR. In 1972 he made a new attempt. In a motorboat he managed to reach about the centre of the Baltic Sea, where Danish fishing trawler picked him up. Unfortunately, his boat had been sighted from the Latvian trawler *Kutum*, the crew of which reported about it to their base in Ventspils. Several Soviet border guard ships started to pursue the Danish trawler. Although the captain of the latter denied any escapee’s presence on board, the Soviet border guard attacked the Danish trawler in international waters and took Lapman away.⁸⁵

At the interrogation on 12 September Lapman admitted that he had been aware of his location and activity but all the info that he had, belonged to the competence of the USSR CP CC. To the question why he had been on board of the Danish fishing trawler he answered that he had lost his bearings in the dark and having no proper map had had no opportunity to turn back. At the 14 September interrogation in the military border guard unit that had captured him, he admitted that he had been arrested after the war but did not remember for what and for how long he had been detained. As he did not want “his sister to know that he was spending money on trifles” he registered the boat on the name of a local boy Aare Hagus. He said that he had spent most of his August vacation in the boat on the inland rivers and lakes and the coastal waters off Pärnu, Riga and Haapsalu. He said he did not remember how he left the coastal waters behind and got lost. He had encountered the Danish trawler quite by chance and as the weather had changed and he was short of fuel, he decided to board the trawler. The Danes had promised to take him to Gotland and Lapman agreed. The question why there had been such an amount of water and food on board he answered that this was fixed in the rules in case you get shipwrecked. He answered the question about his personal belongings with an explanation that he was afraid of burglars during his absence from home. Actually, there was nothing strange in his story, perhaps only his demand that he wanted to be connected to the USSR CP CC and the USSR Council of Ministers in order to discuss the publication of his theoretical work on economy.⁸⁶

⁸³ Протокол допроса арестованного Паркер Генри Генрихович Records of interrogating detainee Henry Parker, 18 November 1948, 29 November 1948, 28 December 1948, ERAF 130SM.1.9126 (I), 33-36, 58-68v, 122-125; Справка по материалам следствия и ареста нарушителя Государственной границы (Certificate of the interrogation and detention materials concerning a demarcation line violator, compiled by Major Shkurko, deputy commander of troop no70085 espionage department, 11 April 1949. ERAF 130SM.1.9126 (V), 133-136.

⁸⁴ Выписка из протокола № 39 Особого Совещания при Министерстве Государственной Безопасности Союза ССР (Excerpt from record no 39 of special counsel at the minister’s of the USSR State Security), 20 July 1949, ERAF 130SM.1.9126 (III), 153-155.

⁸⁵ Record of J.L’s arrest, 8 September 1972, recorded by Captain of the third rank Shunkov of the boarder guard ship no 580, troops no 2335. Record of the search of personal belongings. 14 September 1972, ERAF 129SM.1.29052 (I), 8-16p, 18-55.

⁸⁶ Протокол допроса подозреваемого (Records of the suspect’s interrogation), 12,14, 15, 20 September 1972, ERAF 129SM.1.29052 (I), 71-101v.

His last workplaces, the V.Klementi Garment Factory and the experimental mechanical plant *Mehis*, gave the locksmith Lapmann character references of “a diligent, modest, introvert but friendly person who did not take an active part in social life”.⁸⁷

Several people were interrogated but it does not become clear whether anybody was aware of Lapmann’s plans to escape. Some witnesses, though, hinted at a possibility of such plans. So, for example, the captain of the yacht that belonged to the V.Klementi Garment Factory said that once, half-jokingly, Lapmann had asked to be taken to Sweden. The provisions in the boat had also been a proof of the wish to escape. It seems that Lapmann’s past became the pointer of balance. There were no direct accusations against him. The formal reason for sending him to have psychiatric treatment might have been his manuscript *Anatomy of Economy* that contained a few apolitical pointers how to fight the economic crises.⁸⁸ The character reference given from the Klementi Factory also mentions that economy was Lapmann’s hobby but that he never bothered anybody with his opinions and did not have any supporters either.

Accordingly to the decree of the KGB investigation department on 4 October 1972 Lapmann was sent to the forensic-psychiatric expertise. It was decided that as Lapmann was interested in the theory of economy and had tried to escape from the Soviet Union for several times, he must have been mentally ill. Lapmann had also got therapy for his radiculitis in the Tallinn Psycho-Neurology Hospital in 1961.

The forensic-psychiatric commission that consisted of Udo Luts, Regina Kon and Vsevolod Grünthal reported the results of the expertise on 26 November 1972. The case history started with the statement that Lapmann was psychically disturbed and needed treatment. A survey of the patient’s’ biography and his attempts to escape from the SU follow. The therapy for radiculitis at the psychiatric hospital was mentioned, too. The patient’s physical condition was declared normal, in his psychic assessment it was mentioned that he understood very well, where he was and that his conversation with the doctors was tense, the patient was watchful and suspicious. He did not answer the questions immediately, he first thought them over and then replied briefly. He refused to say anything about his life and advised the doctors to ask that from the security authorities. Making an “inadequate” joke, the patient mentioned that his conversation with the doctors was exactly on par with that he had had with the KGB officers. He considered himself an expert of economy but he had only six-year education. This was the only reproach as the doctors were not interested in the article itself. Obviously it was concluded that a six-year education would not allow him to assess economic problems.

The conclusion was that Lapmann was schizophrenic and not able to be responsible for his actions. The act of expertise does not show what exactly was schizophrenic in Lapmann’s conduct. It may be concluded that the whole assessment was a political commission, as there is nothing in the case history that would show that the patient might be a danger to himself or to other human beings. However, he might have

⁸⁷ Character references of J.L. from the V.Klementi Garment Combine and the experimental mechanic plant *Mehis* at the ESSR Ministry of Food Industry, September 1972, ERAF129SM.1.29052 (I), 63-65.

⁸⁸ J.L. (the document bears the full name). *Anatomy of Economy*, ERAF129SM.1.29052 (II), 36-100.

been dangerous to the society, as he had tried to escape from the Soviet Union for several times. Besides, it was not proper for unauthorised persons to doubt the state's economic-political foundations.⁸⁹

The decree of Captain Pimenov, senior investigator of the Estonian SSR KGB investigation department, is dated on 8 December 1972. ESSR prosecutor Karl Kimmel confirmed the document on 11 December and the case was transferred for trial.⁹⁰ The ESSR Supreme Court criminal college's judge H.Uusküla decided to send Lapmann for enforced treatment in a specialised psychiatric hospital on 19 December 1972.⁹¹

In March 1973 Lapmann was sent to the Chelyabinsk specialised psychiatric hospital where he was detained until August 1976. Then the enforced treatment was concluded and the patient was to be transferred to a general psychiatric hospital. On 24 August 1976 he was registered as a patient in the Tallinn Psycho-Neurological Hospital. On 17 May 1977 a forensic-psychiatric assessment concluded the enforced treatment. The assistant head doctor Endel Päll, department head doctor Helve Gofman and department chief physician Leili Cherkassova signed the expert assessment. The commission ascertained the following about Lapmann who had spent years under enforced treatment:

[...] He is single, lived alone. Is said to have coped with his life. The beginning of the mental disease is impossible to determine. Was restless already in childhood, had lots of fantasy. Later became interested in various philosophical problems. Attempted to cross the border on poetic motifs.⁹² As can be seen from the material gathered in the special hospital, he behaved well there, worked properly and his delusional production decreased. Having been at the present hospital since August 1976, he has behaved well. He goes to work at the therapy workshops and has not violated the regime. His mental processes seem complicated and are hard to observe. Has disturbances in the thought process, his concentration ability has diminished. A few single paranoid delusions have appeared but they have lost their actuality. He does not write any more. Emotional-intentional level has lowered, he is numb and insensitive. His critical ability has subsided. He goes to work regularly and takes care of himself. Aggressiveness and antisocial thoughts have not occurred. [...]

Conclusion – “Suffers from chronic mental disease in the form of schizophrenia.” It was established that Lapmann was not “a danger to the society” any longer. On 23

⁸⁹ Акт стационарной судебно-психиатрической экспертизы № 160 Act of the stationary psychiatric expertise no 160. 28 November 1972, ERAF 129SM.1.29052 (II), 200-203.

⁹⁰ Постановление о направлении дела в суд для применения к лицу, совершившему общественно опасное деяние принудительных мер медицинского характера (Decree on transferring to court the case of a person who has committed a socially dangerous crime in order to force him to be medically treated), 8 December 1972, ERAF 129SM.1.29052 (II), 206-209.

⁹¹ Minutes of the ESSR Supreme Court criminal collegium's session and the court's decision, 19 December 1972, ERAF129SM.1.29052 (II), 215-218v.

⁹² Expertise assessment – “Had been compiling an economy collection in his free time and wanted to go abroad to publish it in Switzerland.”

May the proposal to put an end to the enforced treatment was sent to the Estonian SSR Supreme Court.⁹³

The Estonian SSR Supreme Soviet criminal-case college presided by A.Tooming decided that the forensic-psychiatric assessment expertise was justified and should be granted. To be more exact – to conclude the enforced treatment and continue in a general psychiatric hospital “on general basis”.⁹⁴ Later Lapmann was sent to the Võisiku (in Central Estonia) Old People’s Home as a person without active legal capacity and told not to leave the place. In 1989 Lapmann managed to get a certificate that annulled “without active legal capacity” and declared him responsible. On 20 September 1989 the expert commission of the Tartu Psychiatric Hospital (the head doctor A.Adamsoo, H.Ligi and department head H.Lepp) decided that “accordingly to his psychic condition J.Lapmann is able to live alone and participate at the trial”. On 11 October 1989 the Jõgeva People’s Court decided that J.Lapmann was “with active legal capacity” and the guardianship was annulled. On 28 October he was released from the Võisiku “hostel”. In 1989 at the Hotel *Viru* J.Lapmann managed to get acquainted with an American journalist John Hamer, who provided him with an invitation to the United States. Juhan Lapmann took off in the Leningrad-New York plane on 11 October 1990 and thus finally, after numerous attempts, he managed to leave the Soviet Union.⁹⁵

S.K’s case

The Estonian SSR KGB opened a criminal case against S.K. based on the accusation of Ats Suvisild on 23 December 1974. It started from a parcel that had been addressed to Heiki Sähka that the latter had to pass to Ats Suvisild. Suvisild and Sähka became curious, opened the suitcase, found two texts with anti soviet content and handed the suitcase over to the KGB.⁹⁶ On 31 December S.K. was interrogated and admitted that he had started to write articles critical of the Soviet Union under the name of Lev Gorn in the 1960s but had never spread them anywhere.⁹⁷

S.K. had been working as a manager in the Pärnu Drama Theatre named after L.Koidula. His flat and workplace were searched on 24 December⁹⁸ and on 20 January 1975 he was arrested.

[...] in 1967-1973 composed the texts “For not bureaucratic socialism” and “What the Russian people are going to do now?” in order to spread them and weaken the soviet

⁹³ Act of the stationary forensic-psychiatry expertise no 92, 17 May 1977, ERAF 129SM.1.29052 (II), 230-231

⁹⁴ Decree of the ESSR Supreme Court criminal-case college, 6 July 1977, ERAF 129SM.1.29052 (II), 245-246.

⁹⁵ Certificate of the Republic of Estonia Prosecutor’s Office department head M. Tibar, 19 November 1990, ERAF 129SM.1.29052 (II), 254; Jaak Pihlau, “Lehekülgi Eesti lähiajaloo” (Pages from Estonian Latest History. Escapes over the Sea from Occupied Estonia) Tuna no 2 (2001), 76-80.

⁹⁶ ESSR KGB investigation department’s decree about opening a criminal case and procedure, 23 December 1974, ERAF 130SM.1.11181 (I), 1-2.

⁹⁷ Record of S.K.’s interrogation, 31 December 1974, ERAF 130SM.1.11181 (I), 15-17.

⁹⁸ Search warrant from the ESSR KGB investigation department from 23 December and records of the search on 24 December 1974, ERAF 130SM.1.11181 (I), 8-14.

power. The texts contain slanderous and denigrating expressions about the state and social order. He kept these texts at his place of residence until 1973, when he passed them to a person, not ascertained, for copying.⁹⁹ In the summer of 1947 he got 44 complete and 27 incomplete copies together with a duplicator from that person. [...]

The charge was based on Estonian SSR Criminal Code's § 68, section 1 (i.e. anti soviet agitation).¹⁰⁰ At the interrogation K. admitted that he had written the texts but emphasised that there was nothing anti soviet or disparaging the social system in them. Thus they could not weaken soviet power and he was not guilty.¹⁰¹ What he thought about the soviet system was as follows –

[...] I began to write texts including critical remarks about the soviet social order I 1964, By that time I was convinced that our society did not operate properly, in my opinion. I found that although the personal cult period had been publicly condemned, not all the political and economic errors of the period had been liquidated. In my opinion the soviet citizens have yet not been granted all the rights the international conventions foresee. Among other rights the right for freedom of speech and the right to leave the Soviet Union freely. [...]

This was the reason for having written the before-mentioned texts. When he was in Moscow in August 1974, he put about 20 texts in Russian translation¹⁰² into some letterboxes in the Arbat region. About the same number of texts were spread in Leningrad on Vassili Island and in Nevsky Prospect. A few copies that he could not spread were in the above-mentioned suitcase and got into the KGB hands thanks to vigilant citizens.¹⁰³

At the interrogation on 30 January 1975 S.K. said more about his activities on 2 – 18 January 1975. He had asked his friends to forward his letters to the Estonian SSR Council of Ministers, the KGB and the ESSR Writers' Society. In these letters he had described his situation and said he had given up his soviet citizenship and wanted to leave the country. A little different letters were addressed to writers Uno Laht and Aadu Hint, to the elder of the Tallinn Baptist congregation Osvalt Tärk, to Mikhail Bronshtein from Tartu University and some others.¹⁰⁴

All his workplaces – the Pärnu Information and Computation Centre, the Pärnu Council of Workers' Deputies Executive Committee and the Pärnu Drama Theatre

⁹⁹ According to K's own testimony given during the interrogation this person was a German Wolf, 50-60 years of age, a sturdy man who spoke Russian fluently. On 22 January 1975 he confessed that he copied the material himself when he was the manager of the Pärnu information and computing centre and had access to the necessary technology. He had copied the texts in his own bathroom and used his washing machine's roller. As for Wolf, he really existed and K. knew him, but never gave his texts to Wolf.

¹⁰⁰ Decree of the indictment of the accused, 20 January 1975; decree on applying the deterrent, 20 January 1975. Recorded by ESSR KGB investigation department lieutenant Tutk, ERAF 130.1.11181 (I), 18-19, 23-25.

¹⁰¹ Record of S.K.'s interrogation, 20 January 1975, ERAF 130.1.11181 (I), 20-21.

¹⁰² Ahto Siig, S.K.'s acquaintance translated the texts and his criminal case was opened as well.

¹⁰³ Record of S.K.'s interrogation, 22 January 1975, ERAF 130.1.11181 (I), 38-42.

¹⁰⁴ Ibid., 43-44v.

gave him rather good character references. He was said to have been a dutiful and polite colleague who sometimes neglected some smaller things in management.¹⁰⁵

Quite possibly the enforced treatment decision was caused by his check-up at the Tallinn Psycho Neurological Hospital in April 1970. It does not become clear in the file, why the check-up was needed.¹⁰⁶

Witnesses' interrogations led the investigation department to the conclusion that S.K. is "remote from life and tries to express his thoughts in written form that has left a strange impression on people". On 7 March 1975 the assistant head of the Estonian SSR KGB investigation department Nikitin confirmed the expert assessment that sent S.K. to psychiatric expertise.¹⁰⁷

The expert commission consisting of Udo Luts, V.Jänes and Regina Kon presented their assessment on 7 May 1975. It included composing and spreading of manuscripts, mentioned the check-up in the Psychiatric Neurological Hospital and also recalled S.K.'s parents who had been declared "people's enemies". His father had died during his detention in Siberia in 1950 and his mother had emigrated in 1944. The expert assessment considered his ability to read at an early age and his interest in politics. His contemplation of the issues of philosophy and social life was rebuked as he "did not have corresponding education". The final conclusion of the commission was that K. was mentally ill and needed to be treated in a hospital subjected to the Ministry of Healthcare.¹⁰⁸

On 26 May 1975 the ESSR prosecutor Karl Kimmel confirmed the KGB investigation department's decree, according to which:

*[...] The stationary forensic-psychiatric expertise act shows that S.K. (full name given in the original) has been suffering from a chronic mental disease in the form of schizophrenic paranoia since childhood. During the actions incriminated to him, he was irresponsible, i.e. he could not control himself or understand what he was doing. At present he is not able to accept the criminal responsibility and needs enforced treatment in a general psychiatric hospital. [...]*¹⁰⁹

The Estonian SSR Supreme Court presided by judge H.Uusküla still decided on 3 June 1975 to send S.K. to the USSR MVD specialised psychiatry hospital.¹¹⁰ He never got

¹⁰⁵ S.K.'s character references from the Pärnu Information and Computing Centre, Council of Workers' Deputies Executive Committee Dwelling management and Pärnu Drama Theatre, 24-28 January 1975, ERAF 130.1.11181 (I), 31-37.

¹⁰⁶ Certificate of the Tallinn Psychiatric Neurological Hospital head doctor U.Luts and department head A.Augla on 8 January 1975. ERAF 130.1.11181(IV), 153.

¹⁰⁷ Expert assessment 7 March 1975, recorded by ESSR KGB investigation department's senior lieutenant Veinberg, ERAF 130.1.11181, 154-156.

¹⁰⁸ Акт стационарной судебнопсихиатрической экспертизы № 92 Act of stationary forensic-psychiatric expertise no 92, 7 May 1975, ERAF 130.1.11181(IV), 160-166.

¹⁰⁹ Decree on transferring to the court the criminal case of a person who has committed a socially dangerous act, imposing the medical enforced treatment, compiled by ESSR KGB investigation department's senior lieutenant Veinberg, ERAF 130.1.11181(IV), 130-135.

¹¹⁰ Record of the session of the ESSR Supreme Court (Uusküla, Lall, Prokofyeva) on 3 June 1975; criminal case no KI-041 1975, decree, 3 June 1975, ERAF 130.1.11181(IV), 186-187.

there as he committed suicide in the preliminary confinement prison on 8 August 1975.¹¹¹

L.K.'s case

On 22 July 1971 the *Dvigatel* plant director E.Kuznetsov and the secretary of the party committee A.Lazarev addressed a complaint to the KGB. The complaint was about the electrician of the plant, L.K. who was said to be anti soviet and had behaved outrageously. He had made anti soviet propaganda and disfigured the soviet reality, simultaneously praising Israel, the USA and the Federal Republic of Germany.¹¹²

K.was arrested on 22 October 1971 (for anti soviet agitation) according to the ESSR Criminal Code § 68 section 1. Evidently even more significant was the complaint of Viktor Kanosh to the KGB on 22 September 1971. K.had asked him for "dynamite in order to explode the *Dvigatel* powerhouse".¹¹³ Another criminal episode that was ascertained was K's anonymous letter to the editor of the newspaper *Birobidzhaner Shtern* B.Miller in the Jewish Autonomous Region. The letter contained expressions that were "anti soviet and Zionist".¹¹⁴

After the interrogations of K. and the witnesses it was decided to send K. to forensic-psychiatric expertise and the decree about that also contains what he was accused of. He had been making anti soviet propaganda among his friends and colleagues already for years, he had denigrated the state system of the USSR, the communist party etc. The expertise discovered and used it against him that he had had several unpleasant events in his private life, at school and at work. (He had studied at the Tallinn Polytechnic Institute but by the time of the interrogation he was not a student any more.) He also admitted that at the age of 13 he had fallen from horseback and lost consciousness. When he was conscripted to service in the border guard troops in 1962-1963, he had had headaches and been hospitalised. All this was used later in the expertise act, just like his diary that contained anti soviet expressions had been used. The investigator concluded that K. was psychically unstable and transferred the case to the Tallinn Psychiatric-Neurological Hospital

¹¹¹ Notice of the ESSR Ministry of Internal Affairs no 1 to the ESSR KGB investigation Department, 1 September 1975, ERAF 130SM.1.11183 (IV), 196. See also: *Dissidentlik liikumine/Dissident Movement*, 201-219; Jaak Pihlau, *Eesti demokraatlik põrandaalune ja kontaktid Läänega 1970-1985, /Estonian Democratic Underground and Contacts with the West 1970-1985, part 4*, Tuna no 1 (2005), 104-105; *Lisandusi uudiste ja mõtete vabale levikule Eestis/ Supplement to the Free Dissemination of News and Ideas in Estonia*, vol.1, 19-20.

¹¹² Complaint of the *Dvigatel* plant director E.Kuznetsov and secretary of the party committee A.Lazarev to the ESSR KGB, 22 July 1971, ERAF 130SM.1.10558, 4.

¹¹³ Постановление о возбуждении уголовного дела и в принятии его к производству (Record of opening and processing a criminal case), 12 October 1971, compiled by the ESSR KGB Investigation Department's senior investigator of especially important cases major Silkin. ERAF 130SM 1.10558, 2-3 and 183-184.

¹¹⁴ Фотокопия анонимного письма, направленного в адрес заместителя редактора областной газеты "Биробиджанер Штерн" Миллера (Photo-copy of the anonymous letter addressed to the assistant editor of *Birobidzhaner Shtern*); Постановление с приобщении к делу вещественного доказательства (Decree of adding a material evidence to the file), 27 December 1971, ERAF 130SM 1.10558, 249-250.

with the questions if K. had been mentally ill when he committed his “crime” and if he needed psychiatric help. K. was placed in isolation ward no 1.¹¹⁵

The forensic-psychiatric expertise act from the State Psychiatry Hospital bears the date 6 January 1972. The head doctor Udo Luts, the assistant head Vsevolod Grünthal and the head of the forensic-psychiatry department Regina Kon had signed the act. The chief psychiatrist of the ESSR Ministry of Healthcare and psychiatry professor of Tartu University Jüri Saarma also participated in the expertise assessment. The patient’s physical condition was said to be good. His former life has been described; a worker, uncompleted higher education, no criminal record, etc. The headaches and fall were mentioned. His studies at the institute had been rather promising, although economy did not interest K. much. He was more interested in art and it was his hobby also in his free time after work at the *Dvigatel* plant, where it caused a conflict with the administration. He must have had more disagreements with the party functionaries. Among other things he had defended the activities of Israel [in the 1967 war P.K.] against the official standpoint of the USSR. (K. was Jewish.) Already at the institute he had wanted to discuss the same issue. This seemed to be his biggest expression of anti soviet ideas and the expertise goes into details about his Zionism.

It seems that his loquacity during the assessment was fatal for him and it was used to make up the diagnosis of a mental illness. He had said he was an artist but he had not had any training for it. He had a very bad opinion of the administration of the plant and did not keep it to himself. He did not seem to worry about his future and did not care whether he would be sent to prison or an asylum. His opinion that he was a “political detainee” was taken as one of the symptoms of his illness. (Actually he was, as he was detained on § 68.) He hoped he would be able to continue and finish his studies in the future and also get education in art. All the “symptoms” were taken into consideration and the commission made the conclusion that they had been dealing with a “paranoiac schizophrenic”, who had had the disease already since he was 19 years old.

The dossier does not make it clear what in all these symptoms was anti soviet and the experts did not evidently pay much attention to it. The final conclusion was – “Owing to his psychic condition K. is not able to be responsible for what he does and when committing his crime he was *non compos mentis*. “ The commission recommended hospitalisation in a MVD specialised psychiatric hospital.¹¹⁶

It is not clear how such conclusions were made but some hints suggest that the doctors had used also the diary and correspondence of K. The KGB has recorded confiscated materials and their “analysis” of them – some phrases out of context have been presented as evidence etc. His diary from 1964-1967 was taken as a significant find as it contained several expressions of dubious value. For example – “Freedom, oh how sweet it smells but I cannot sniff it yet”; “Goods are expensive,

¹¹⁵ Постановление о назначении судебнопсихиатрической экспертизы (Decree on forensic-psychiatric expertise), 1 November 1971, compiled by Major Silkin, ERAF 130SM. 1. 10558, 28-29.

¹¹⁶ Акт стационарной судебно-психиатрической экспертизы № 1-71 (act of the stationary forensic-psychiatric expertise no 1-71), 6 January 1972, made up by the commission consisting of Udo Luts, Vsevolod Grünthal, Regina Kon, ERAF 130SM. 1.10558, 30-35.

food is expensive. One hears how they live there [in capitalist countries, P.K.] and thinks, why the soviet citizen suffers. Perhaps because he is stupid?"¹¹⁷

It is difficult to understand from all these documents why the commission decided to send K. to a specialised hospital for very dangerous lunatics. None of the documents show that he could have been a danger to the society. Even his character reference from the *Dvigatel* plant director B. Kuznetsov, party committee secretary A.Lazarev, trade union committee chairman M.Kozyrev and the young communist league secretary V.Bodrenkov does not make it any clearer. They mention a few violations of discipline (e.g. art hobby in his free time), some conflicts with the authorities. As for his anti soviet activities they mention only that K. did not participate in the 1970 and 1971 elections. (Hereby we should remember that according to the soviet constitution participation in the confidential elections was a matter of conscience. So, if it really became an open secret that L.K. had not participated, it could not have been a point of accusation. As a soviet citizen he had the right not to participate.) The character record contains one sentence about K. having praised democracy and gave the USA, Israel and the German FR as good examples of it.¹¹⁸

On 11 January 1972 the KGB investigation department passed the decree on starting the enforced medical treatment to the Estonian SSR assistant prosecutor Karl Kimmel, who confirmed it on 12 January and the case was transferred to the Estonian SSR Supreme Court for final decision. The decree was based on the expertise commission's (presided by Udo Luts) act that made the conclusion about K. as "an haughty and quarrelsome person, inclined to engage in intrigues".¹¹⁹

The 27 January 1972 session of the Estonian SSR Supreme Court, presided by H.Uusküla declared K. irresponsible and decided he should be hospitalised in a special psychiatric ward for especially dangerous patients.¹²⁰ He was sent to the Chernyakhovsk special psychiatric hospital from which he was released on 17 July 1975.¹²¹

The story has an epilogue. During the *perestroika* and *glasnost* in the second half of the 1980s several cases of persons unjustly tried and sentenced we re-examined, among them were the misapplications of enforced psychiatric treatment. L.K. protested the expertise and his hospitalisation in 1989. What turned out when his protest was processed is quite a good evaluation of soviet forensic psychiatry the assessments of which were made to order. On 23 October 1989 the legal representative of L.K. Leon Glikman from Tallinn legal consultation office no 1

¹¹⁷ Протокол осмотра документов (record of document observation), 2 November 1971, ERAF 130SM. 1.10558, 42-46.

¹¹⁸ Character reference of L.K. 19 November 1971; Постановление о направлении дела в суд для применения к лицу совершившему общественно опасное деяние, принудительных мер медицинского характера (decree of starting the legal proceedings in order to apply enforced medical treatment for the person who has committed a crime endangering the society), compiled by Major Silkin, 11 January 1972, ERAF 130SM.1.10558, 299-300.

¹¹⁹ Ibid. , 310-311.

¹²⁰ ESSR Supreme Court record on 27 January 1972, respective documents included, ERAF 130SM.1.10558, 322-330.

¹²¹ Request of Ü. Roots, assistant prosecutor of the Estonian SSR to the Presidium of the ESSR Supreme Court concerning archive criminal case no 29049 about L.K., ERAF 130SM. 1. 10558, 342.

presented a surveillance appeal to the Estonian SSR prosecutor. The appeal gives a brief survey of the case, the result of which was that K. was dismissed from his job, removed from the list of extramural students of the Tallinn Polytechnic Institute and was sentenced to have enforced medical treatment as an especially dangerous mental patient. The appeal stresses several judicially dubious measures and actions that were applied. So, for example, the attributes of a criminal case (anti soviet activities) were missing. The most significant witness statement (Kanysh's claim about the diversion being prepared) had not been proved. Kanysh did not appear at the trial and the court proceeded from the statements given during preliminary investigation that the court did not check. Besides, Kanysh was the person whose witness statement should have been suspected as he had no opportunity to get any explosives and he had no confidential relationship with K. Was Kanysh an instigator used for fabrication of pieces of evidence? We cannot prove it and the investigation records usually do not show it either. K.'s Zionist views had not been proved either and even if they had, soviet legal practice did not foresee punishment for that. The term "Zionism" did not even exist in the official legal terminology.

The expertise act was more than questionable in Glikman's opinion:

"[...] forensic-psychiatric act provokes doubt. It shows neither paranoiac-schizophrenic characteristics nor the clinical overview. The illness is mainly based on K.'s (in the file here and further on the full name is given) ideology. His non-standardised ideology and way of thinking are by no means characteristics of a mental disease. [...] The conclusions the forensic-psychiatric expertise made provoke suspicion also because it is said that K. has had schizophrenia since he was 19. At that time he was in service in the border guard troops, after having passed the medical commission.¹²² At the time of this supposed illness he studied¹²³ and also worked at the Dvigatel plant. [...] The expertise act does not show, why enforced treatment in a specialised hospital was recommended. The court decision does not have any motif for that either. [...]" The request was concluded by the appeal to cancel the Estonian SSR Supreme Court criminal college's decree from 27 January 1972 and conclude the criminal case proceedings as there are no necessary elements of a criminal offence.¹²⁴

The Estonian SSR prosecutor's office renewed the process on 25 November 1989 and commissioned a new forensic-psychiatric expertise.¹²⁵ The ambulatory forensic-psychiatric expertise was made in the Tallinn Psychiatric-Neurological Hospital, the assessment act was presented on 15 February 1990. Psychotherapists Airi Värnik,

¹²² When young men were conscripted into the border guard troops that were subjected to the KGB, the medical check up was much more severe than usual.

¹²³ At the admission to higher educational establishments one had to present a special medical certificate (form 286) from the previous medical check up. At least theoretically this certificate should have avoided admitting persons sick and unable to study.

¹²⁴ Surveillance request of the defence lawyer from Tallinn Legal Consultation Office no 1 to the Estonian SSR Supreme Court criminal cases college on 27 January 1972, on enforced medical treatment case, 23 October 1989, ERAF 130SM. 1.19558, 344-347.

¹²⁵ Decree of the ESSR assistant prosecutor A.Tooming "Renewing the process in connection with a new forensic-psychiatric evidence in archive criminal case no 29049, 24 November 1989, ERAF 130SM. 1.19558, 358.

Elmar Karu, Innar Tergem, Anu Kasmel, Jaanus Mumma, Endel Päll and forensic psychologist Tiina Kompus signed it. The final conclusions are significant:

- 1) L.K. was not mentally ill in 1971-1972.
- 2) L.K. is not mentally ill at the moment (at the beginning of 1990)¹²⁶

Having received the act of expertise, the Estonian SSR prosecutor's office presented the Estonian SSR Supreme Court Presidium with a protest. They advised to declare the enforced treatment of L.K. unjust and the decree of the ESSR Supreme Court on 27 January 1972 null and void, fully rehabilitating L.K. The decision was made on 26 March 1990.¹²⁷

Case of M.K.

The last case is not connected with dissidents or punitive medicine but describes one facet of the disorder in the soviet army and the misuse of psychiatry for concealing its faults and drawbacks.

The relationships with their hierarchies among the conscripts in the soviet army reminded those in soviet detention establishments. Everyday life in the army was subjected to the *дедовщина* – a phenomenon that ensured at least part of the discipline and was quietly approved both by the higher military and party command. Its most-spread form was the arbitrary conduct of the older servicemen over the younger ones. (The infantry troops were conscripted for two years, the navy for three. So new youngsters were brought into the unit every half-year.) Persecution did not depend only on the age of the victim – it could well be for national reasons or something else. It was rather a public secret as so many young men were conscripted and many of them talked but only with the *perestroika* did it become truly public through the press. It was a great shock when Lithuanian Antanas Sakalauskas who had been victimised physically and psychically for a long time shot eight of his fellow conscripts. Sakalauskas' case was certainly not the only one, it had happened before that the victimised youngster killed his torturers, committed suicide or broke entirely spiritually and mentally. The army was a closed structure and such cases were only rumoured. On the pretext of "keeping the military secrets" the conscripts had to keep quiet also after the service. During the *perestroika* though, by and by such cases became public.¹²⁸

In case of M.K. the events connected to special psychiatry began in theTurkestan military district, Kasakhstan, in April 1989. He served in the internal troops of Chimkent, unit no 6506. On 17 May 1989 an application arrived at the registration department of the Estonian SSR Supreme Soviet Presidium and the check in-registration card has the following message:

¹²⁶ Act no 96 of ambulatory forensic-psychiatric expertise, 15 February 1990, ERAF 130SM. 1.19558, 348-357.

¹²⁷ Certificate of rehabilitation, 26 March 1990, made up by the ESSR Supreme Court Presidium vice chairman V.Litvinov, ERAF 130SM.1.19558, 359-361

¹²⁸ Kristjan Luts, "Eestlased nõukogude armees 1968-1991," (Estonians in the soviet army in 1968-1991), *Ajalooline Ajakiri/ History Journal no1/2* (127/128) (2009): 266-267.

[...] M.K. (born in...) was conscripted on 30.11.87. On 26.04.89 at 10 p.m. he shot a volley (eight bullets) into the commander of the guard's chest. The senior sergeant¹²⁹ was killed. His name was F. and he came from Krasnodar. [...] My son was very nervous and wrote already earlier that he was being victimised and if it won't get better he would shoot somebody. The applicant pursues for a permit to meet the son who is in preliminary confinement prison (isolated cell). [...] ¹³⁰

As the family did not get any information about their son, they appealed to the local deputies for help. On 1 September 1989 people's deputy Toomas Varek made an inquiry to the USSR chief military prosecutor, judiciary lieutenant colonel Vladimir Chermakov.¹³¹

The answer came on 2 October 1989 and showed that the hushing up had started. According to the reply M.K. was in the guard on 26 April 1989. During their free shift they played chess with another conscript in "the Lenin room" and did not notice that the commander of the guard, senior sergeant F. had entered. The latter reprimanded them for not standing up and avoiding the military salute. Both players were sent "to do the rooms".¹³² Checking the results of their labour F. said it had been badly done and they should do it again the next day. Going back to the guard unit M.K. got the automatic gun and "being dissatisfied with the punishment" decided to kill F. He shot eight bullets in F.'s direction, wounding him fatally. The Chimkent garrison's military prosecutor completed processing the case on 25 July 1989 and transferred it to the war tribunal of Turkestan military district. On 21 August the same year the war tribunal sent the defendant to the Moscow Serbski Forensic-Psychiatric Institute for stationary expertise assessment. The said "victimisation" of the defendant had not been proved and the military prosecutor's office did not consider criminal proceedings expedient.¹³³

On 7 September 1989 M.K.'s mother applied to A.Grienko, the commander of the MVD troops' political administration, describing the violence and victimisation her son had suffered under the main initiator of it, the shot F. The inquest had continued the violence. On 22 August when the family got permission to visit M.K. he had a blue eye and several minor injuries.¹³⁴

¹²⁹ The senior sergeant – *старшина* – was the highest rank for a non-commissioned officer in soviet army and as such the top of military career for those who did not go to military colleges. To get to this rank in two years was quite rare.

¹³⁰ Check-in and registration card of the reception at the ESSR Supreme Soviet Presidium, 17 May 1989, Estonian National Archive (further on ERA) R-3.10.318, 1.

¹³¹ Letter of USSR people's deputy T. Varek to the USSR chief military prosecutor judiciary lieutenant colonel Vladimir Chermakov, 1 September 1989, ERA R-3.10.318, 8.

¹³² This is euphemism for the toilets that A.Korotkov did not mention.

¹³³ Letter of A.Korotkov, the USSR military prosecutor's office's, investigation department assistant head to the USSR people's deputy T.Varek, 2 October 1989, ERA R-3. 10.318, 9-10.

¹³⁴ Application of M.K.'s mother to the commander of the MVD troops board of political administration, A.Grienko, 7 September 1989, ERA r-3.10.318, 25.

The reply of the MVD troops Central Asia and Kazakhstan region department of political administration commander Generalov, on 16 October 1989, declared all the hints at violence “a malicious slander”.¹³⁵

A hide-and-seek game followed. The family did not know where M.K. was detained. On 3 November 1980 the secretary of the Estonian SSR Supreme Soviet Presidium Arno Allman wrote to the USSR chief public prosecutor informing him that there was no person as such in the Serbski Institute and wanted to know where he was.¹³⁶

On 20 November 1989, A. Korotkov replied that M.K. would be transferred to the Serbski Institute only in 1990. Up to then he would be detained in the isolation cell of the Chimkent region MVD investigation department.¹³⁷ He got into the Serbski Institute at the beginning of 1990. On 2 February 1990 the chairman of the Estonian SSR Supreme Soviet Presidium Arnold Rüütel sent a letter to the director of the Serbski Forensic-Psychiatric Institute G.Morozov and asked permission for one of the ESSR State Psychiatric Hospital specialists to be present at the expert assessment. The letter also mentioned that M.K. could not speak Russian well.¹³⁸

The second time it was tried to take M.K. to court was in June 1990 but again he was hospitalised in a psychiatric ward.¹³⁹ The parents did not have any information about their son for several months.¹⁴⁰ The third time the Turkestan Military District War Tribunal convened was on 19 February 1991 and it again concluded with no other decision than to send M.K. to the Moscow Serbski Institute.¹⁴¹

On 21 February 1991 the Estonian Committee presented a declaration to support M.K. that summed up the whole case as follows:

[...] Victimisation, beating, blackmail, derision and humiliation from the other conscripts made M.K. repeat the desperate act of the Lithuanian Arturas Sakalauskas. [...] The forensic-psychiatric expertise declared M.K. irresponsible and sentenced to open-ended detention in specialised psychiatric hospitals. In the course of the revelations the public has learned about the disorder and violence in the soviet army. The warmongers still attempt to preserve their status and distort the real situation, covering up what has happened. That is why we cannot consider the

¹³⁵ Letter from Generalov, the commander of the MVD troops in Central Asia and Kazakhstan region, department of political administration, to the mother of M.K. on 16 October 1989. ERA r-3.10.318, 27.

¹³⁶ Letter of A.Allman, secretary of the ESSR SS Presidium to the USSR chief public prosecutor, 3 November 1989, ERA R-3.10.318, 11.

¹³⁷ Letter of A.Korotkov, the assistant head of the investigation department at the USSR military chief public prosecutor's office to A.Allman, secretary of the ESSR SS Presidium, 20 November 1989, ERA R-3.10.318, 12.

¹³⁸ Letter of A.Rüütel, chairman of the ESSR SS Presidium to G. Morozov, director of the Moscow Serbski Forensic-Psychiatry Institute, 2February 1990, ERA R-3.10.318, 14.

¹³⁹ Военный трибунал Туркестанского военного округа, определение судебного заседания (Military Tribunal of the Turkestan Military District, decree of the trial), 5 June 1990, ERA R-3.10.318, 66-68.

¹⁴⁰ Lääne-Viru County administration's decision about "Transferring the Soviet Army conscript M.K. for treatment in the Estonian Republic" 27 March 1991, ERA R-3.10.318, 20-21.

¹⁴¹ Военный трибунал Туркестанского военного округа, определение судебного заседания (Military Tribunal of the Turkestan Military District, decree of the trial), 19 February 1991. ERA R-3.10.318, 69-71.

military prosecutor's conclusions trustworthy. The same is true for the Moscow Serbski Forensic-Psychiatric Institute's expertise assessment made obviously to order. The institute is notorious for declaring political dissidents mentally ill and there is no guarantee that they would recently have reversed their practice. [...]

The Estonian Committee made a suggestion that the Estonian SSR Supreme Soviet Presidium should demand a complementary investigation with independent investigators who would consider all the circumstances.¹⁴²

The matter is clearly revealed in the ESSR Supreme Soviet Presidium reception room's check-up and registration card from 15 April 1991:

*[...] 26 April 1989 M.K. who was conscripted to the MVD troops in Kazakhstan shot his platoon commander. He has been detained in psychiatric wards for several times to ascertain his mental condition and due to that the court has not made its decisions yet. Today we do not know where our son is. Estonian doctors who participated in the expertise assessment in the Serbski psychiatric institute consider it necessary to fix the beatings that brought about the shooting by M.K. That is why the Supreme Soviet Presidium requests help for opening a criminal case that has been requested for three times already but with no success. [...]*¹⁴³

As the impartiality of the forensic-psychiatric expertise was suspected and the matter seemed to be hushed up, it was repeatedly suggested that the person investigated should be brought to Estonia. It was also stressed that the parents should be told where their son was and kept informed about the developments.

The last known expertise act from the Serbski institute (attended by two psychiatrists from Estonia – H.Gofman and V.Bogdanov) made the conclusion that the “treatment up to that moment had had no results and the patient should be transferred to a general psychiatry hospital at the place of his residence”. The institute made the proposal to the Turkestan Military District's Military Tribunal.¹⁴⁴

As they suspected information leaks the military district was not approachable. The last document concerning the case dates from 30 January 1992 – i.e. the Soviet Union had already disintegrated. It shows that there was no solution yet and M.K. had been taken to the Chimkent prison. What the conclusion was, the author could not find out. There is no information either about the mental state of M.K. when he committed his crime and during the investigation. Evidence that was collected from other conscripts shows the situation that led to the manslaughter and characterises the dominating conditions in soviet army rather well.

Conscript H.P. from the same squad wrote in his statement to the Turkestan Military Tribunal on 10 March 1990:

[...] M.K. was badgered and pestered all the time like most of us. It was quite normal in our company, when you are hit it finally starts getting on your nerves. M.K.'s relationship with F. was not good. M. was a quiet lad and F. made use of it. He commanded and forced M.K. in whatever way he liked and usually he had these moods at night. I do not remember the date but it was in February or March when F.

¹⁴² Declaration of the Estonian Committee, 21 February 1991, ERA R-3.10.318, 17.

¹⁴³ Check-up and registration card of the ESSR Supreme Soviet Presidium Reception room, 15 April 1991, ERA R-3.10.318, 4.

¹⁴⁴ Letter of A.Rüütel, chairman of the ESSR Supreme Soviet Presidium to Lääne-Viru County administration, 6 May 1991, ERA R-3.10.318, 23.

*told M. to clean the floors in the company in the dark at night. It was after one of these feasts that happened quite often at night. [...] Now I would like to say something about 26 April 1989. At eight o'clock my shift started. I went to the guard, had supper and dealt with my own business. M. was cleaning the lavatories and I asked why he was doing it and he answered that F. had told him to as he had not stood up when F. entered the room. We never did stand up when some of our own lads entered. [...]*¹⁴⁵

R.H. from the same company:

[...] In February 1989 M.K. had a conflict with Zh. And he lost consciousness. The reason was that F. quietly told Zh, "Beat him!" [...] When we were in the guard we often had to wash F.'s clothes and he usually selected the Estonian to do it. M. frequently washed F.'s underwear, sewed on his collar and ironed his pants. [...] Even more, it turned out that F. confiscated M.'s food parcels and money the family sent him. F. became violent when he had used drugs or alcohol, then he did not even choose who to beat up [...].

Several other conscripts said the same.¹⁴⁶ These statements were not taken into consideration and no investigation was opened.

Conclusions

Shimon Gluzman's application to the emergency session of the Assembly of the World Association of Psychiatry on 17 October 1988 is an excellent summary to the essence of the "political psychiatry":

*[...] The psychiatric legislation in force at present on the territory of the USSR has no regulations that would grant the patient a chance to fully defend himself. In court the citizen has no right to defend himself from enforced treatment in a hospital. [...] The USSR Ministry of Healthcare would not pay any heed to facts that reveal the systematic misapplication of psychiatry published in press, these facts are not investigated. The medical staff who has committed this abuse is not condemned or punished. [...] In secret psychiatrists have given their "political patients" a clean bill of health and in some cases no medicaments have been used at all. The doctors of special hospitals have even got a slang term for such treatment – "wall therapy", i.e. the only treatment is detention within the walls of a specialised psychiatric hospital. At the same time psychiatric medicaments are extensively and devastatingly used, even shock therapy is applied when the patient protests against hospitalisation or the conditions of treatment. [...] The fact that misapplication of psychiatry in the USSR is not accidental but has become systematic can be proved by group diagnoses, that is the diagnoses that have been declared by phone without examining the patient. [...]*¹⁴⁷

The world was aware of the "political psychiatry" applied in the USSR.

On 5 January 1977 a psychiatry task group was established at the Moscow-Helsinki group (A.Podrabinek, F.Serebrov, V.Bahmin and others), the aim of which was to

¹⁴⁵ H.P.'s statement to the Turkestan Military Tribunal, 10 March 1990, ERA R-3.10.318, 23.

¹⁴⁶ R,H,'s statement to the Turkestan Military District War Tribunal, 3 October 1990, ERA R-3.10.318, 44-45.

¹⁴⁷ Statement of Shimon Gluzman to the emergency session of the World Assembly of the Association of Psychiatrists on 17 October 1988, *Vikerkaar /Rainbow no 4.*(1990): 77-78.

observe the application of psychiatry for meeting political demands. The group had lawyer S.Kalistratova and psychiatrist A.Voloshanovitsh as consultants. The commission was active for four years, by that time all the members had been arrested. They had managed to compose 24 information bulletins.¹⁴⁸

The dissident activities finally led to the condemnation of the abuse of psychiatry for repressive purposes in the USSR. At the 1977 world congress of psychiatrists in Honolulu it was officially condemned.¹⁴⁹ The chief psychiatrist of the ESSR Jüri Saarma participated in the congress and having returned home, he began to justify the conduct of soviet psychiatrists in press and radio (see, e.g. the newspaper *Kodumaa Homeland*, 5 October 1977). These performances urged one of the leaders of Estonian dissidents, Mart Niklus, to write public appeal to J. Saarma:

[...] *It is depressing and sad to learn that at the world forum you had no courage to condemn the violation of physician's professional ethics that occurs in your homeland, [...] What a great pity that you used your talent and reputation so that the suffering of the innocent repressed may go on; what concerns your scientist's courage and citizen's honour you could never be compared to the Nobel Prize Winner A(ndrei) Sahharov. I also think that if this sore issue is stubbornly avoided and not discussed, it will return at the next, the seventh congress – however unpleasant it may be for the USSR delegation. [...]*¹⁵⁰

Professor Saarma did not like Niklus's letter at all and on 10 November 1977 he sent it to the KGB Tartu Department for "taking a stand", calling the appeal "slander and fabrication" about the basis of healthcare and principles of psychiatric help in the Soviet Union.¹⁵¹ Considering this conduct we may conclude that psychiatric abuse was no problem for professor Saarma.

However, it seems that some conclusions were still made and a few cosmetic improvements were introduced. So, for example, the USSR MVD suggested in June 1978 that the specialised psychiatric hospitals should be transferred into the healthcare system and after that they were not places of detention any more but medical care establishments. The minister of internal affairs said that there were no legal act about these hospitals that had been established in 1939 from the USSR NKVD prisons psychiatric wards and departments. He also hinted that the existence of these specialised hospitals is made use by the "anti soviet element" in their propaganda against the Soviet Union, although they were "merely ordinary medical establishments". It is said that the USSR MVD had been trying to pass the specialised psychiatric hospitals to the Ministry of Healthcare but the latter did not agree to take them. The same letter reveals that in June 1978 7420 patients were detained in

¹⁴⁸ *Dissidentlik liikumine/Dissident movement, 28, 37.*

¹⁴⁹ A. Подрабинек, „Политические аспекты советской психиатрии” – Пути обновления психиатрии. Материалы съезда НПА, edited by Y.Savenkov (Independent Psychiatrists' Association), 1990, 147

¹⁵⁰ Public appeal of Mart Niklus to professor Jüri Saarma, 1 November 1977. *Dissidentlik liikumine/Dissident movement, 244-245.*

¹⁵¹ "The letter of the USSR MA corresponding member professor J.Saarma to the ESSR KGB Tartu department, 10 November 1977" – . *Dissidentlik liikumine/Dissident movement, 243.*

specialised psychiatric hospitals. There seems to have been no problem with the transfer in the ESSR MVD.¹⁵²

Niklus occurred to be a prophet in this occasion. Saarma's colleagues abroad could not share his views and the USSR Psychiatrists and Narcologists' Union was expelled from the World Psychiatrists' Association (WPA) in 1983.¹⁵³ In the second half of the 1980s when the *perestroika* had started in the Soviet Union, many cases of the psychiatric misapplication were revealed.¹⁵⁴ In 1988 in Athenes the congress of the association reinstated the USSR Psychiatrists' umbrella group. However, it did not go easily. The reinstatement was decided backstage. A declaration was made up for the USSR delegation that the representative of it read. The USSR was conditionally admitted to membership but the vote was mostly given to support Gorbachev's *perestroika* policies.¹⁵⁵ It did not mean, though, that the "political psychiatry" had come to its end yet. Even in 1988 the KGB was not ashamed to threaten the dissidents with enforced therapy. So, for instance, they suddenly took an interest in the psychic health of Pilstvere pastor Vello Salum. In February 1988 he began to receive messages from the Jämejala Psycho-Neurological Hospital.¹⁵⁶ On 23 February an ambulance was sent to his home with a doctor and a militiaman who wanted to take him for an "examination." The pastor happened to be out and the family managed to convince the uninvited guests that he was sound and healthy. Representatives of the local administration and militia arrived at the divine service the next day. It is not clear what the sense of all this was. They might have wanted to isolate the pastor from the society but it might also have been only a threatening gesture.¹⁵⁷ The case of M.K. described before shows that that the same measures were used until the total disintegration of the Soviet Union.¹⁵⁸

¹⁵² „О передаче психиатрических больниц специального типа МВД СССР в ведение Министерства здравоохранения СССР” (USSR MVD special psychiatric hospitals being transferred to the USSR Ministry of Healthcare subordination) Letter of the USSR minister of internal affairs N.Shtshelokov to the USSR Council of Ministers, 8 June 1978, ERA R.1.5.-1001, 205-206.

¹⁵³ Podrabinek, 140

¹⁵⁴ See, e.g. Я.Карпович “Стыдно молчать” (Shameful to keep quiet) Оронёк no 29, 15 July 1989.

¹⁵⁵ Shimon Gluzman “How we were admitted to the WPA”, Vikerkaar no 4 (1990): 74-78.

¹⁵⁶ Pastor Vello Salum had had encounters with the establishment already at earlier times. The bothersome pastor was arrested in Tallinn in 1980 and taken to the Jämejala mental hospital “to recuperate”. See: Viktor Niitsoo, *Vastupanu/ Resistance 1955-1985*. Tartu: Tartu Ülikooli Kirjastus/Tartu University Press, 1997), 115.

¹⁵⁷ Info bulletin no 13. March, 1988. Info bulletin, 1987-1988, compiled by Eve Pärnaste and Viktor Niitsoo (Tallinn:SE&JS, 1998), 332-333.

¹⁵⁸ Ю. Савенко, „Научно-практическая и общественно-правовая деятельность НПА” and „Первая совместная экспертиза” – Пути обновления психиатрии, 21–30. 48–49.

See: Y.Savtshenko Scientific-practical and social-judicial activities of NPA” and “The first joint expertise” – Ways of applying psychiatry, 21-30. 48-49.