

Soviet psychiatry Insanity by decree

Debbie Bodinger

You've murdered your spouse. A policeman investigating the incident thinks you are behaving strangely and orders a psychiatric investigation, in which it is found that you were unable to understand or guide your actions at the time of the murder and therefore are "nonimputable." Since only a sane person can commit a crime, your trial (at which you will not be present) will not concern your guilt or innocence, but rather your future—whether you should be placed back with your family or into a psychiatric hospital.

With a similar scenario, Prof. Yuri Luryi, a former defense lawyer in the U.S.S.R., described the Soviet approach to law and insanity. Since we had come to Atkinson to hear Luryi speak on "Political Psychiatry in the USSR and Elsewhere," many of us in the audience expected this description to be followed by criticism of the Soviet system concentrating on how it is used to silence political dissidents. But Luryi, now a law professor at the University of Western Ontario, surprised us. "I think this is a very logical system," he said, adding that any system—including the Canadian—is open to abuse.

In Canada, Luryi explained, the defense must prove insanity, which is considered a basis for acquittal. But, as the scenario illustrates, the Soviet system does not presume sanity. If at any time

during the investigation, someone feels that the accused may have been insane at the time of the action, a psychiatric examination is ordered. If the accused is found "nonimputable," the action is not considered a crime and all further action is directed toward how the accused is treated rather than determining guilt or innocence.

An interesting exception to the definition of "nonimputable" is that a person unable to understand or guide his actions is considered imputable if they were under the influence of

alcohol. According to Luryi, this exception must be made because of the severe problem with alcoholism in the Soviet Union.

"Of five people you see on the street," he said, "maybe three are drunk. Perhaps 90 per cent of all crimes are committed under the influence." A drunken person's responsibility is taken so seriously that if a person is insane, and also happens to be drunk when he commits a crime, it is nearly impossible for him to be found "nonimputable." As an example of the legal attitude toward intoxication, Luryi

pointed out that last year a Moscow man, who was convicted of killing four people while driving under the influence of alcohol, was executed for his crime.

One abuse of the Soviet legal system that Luryi did address was the wording of legislation that excludes the right to vote from people found to be "demented." It is no accident, says Luryi, that the term "demented"—a term not found or defined anywhere else in Soviet law—is used. This law, says Luryi, "is used to hide the practice of deprivation of the

right to vote of politically-unfavoured people."

Prior to elections, he says, it is common "for thousands of people who have exhibited 'antisocial activity' (such as publicly disagreeing with the government) to be forced by the KGB or other government agencies to register as psychiatric outpatients." This is sufficient for a person to be declared "demented" and ineligible to vote. Luryi quoted a friend as saying, "Every time there is an election, a new psychiatric brush cleans Moscow."

Nazis still at large

Temmi Ungerman

"You've got to be suspicious enough to think that your next door neighbour is a Nazi."

These were the words of Dr. Charles H. Kremer, a renowned Nazi Hunter who spoke at York last Thursday along with Toronto lawyer Eric Gertner about their efforts to bring Nazi war criminals to justice.

Their lecture began in a somewhat dramatic and moving manner. The audience rose to say Kaddish—a moment of silent prayer for the millions who died in the Holocaust.

Why is Kremer so concerned about the prosecution of Nazi war criminals? "It is a question of

morality," he replied. "It is absolutely immoral to forgive."

Kremer lost 77 associates in the Holocaust and commented, "If you knew as much as I did, you'd get involved."

Gertner gave several legal definitions of war crimes, but his best description was an excerpt from a diary written in the Warsaw Ghetto in 1942, after which he commented, "That is a war crime—the debasement of human life."

There are 60,000 suspected Nazi war criminals in the world; 800 are believed to be living in Canada, and 70 in Toronto. Yet in Canada, not one has been convicted, tried or deported.

The situation in the United States is just as pathetic, he said, although 14 (out of 179) cases have been tried there. According to Kremer the reason for government apathy is that, "there are people in the FBI, the CIA, the State Department who are protectors of these Nazis." He added later that "149 Nazi war criminals have been on the employment lists of the US government."

Kremer warned, "We must not forget what happened, or it will happen again." The extraordinary events that caused the destruction of European Jewry and the slaughter of millions of others, requires extraordinary

effort and action if something is to be done.

According to Kremer, the responsibility falls on our government but there has been a weakness in the Canadian parliament. "The government has thick files of information regarding the existence of war criminals in Canada, yet there has been no response," stated Kremer. The Geneva Convention was enacted in 1946, declaring genocide a crime in international law and contracting the states to undertake to prosecution of criminals. But nothing has been done in 35 years. "No one cares," maintained Kremer.

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