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The Practise of Bourgeois Class-Justice in the Struggle against the Revolutionary Movement of the Workers, the National Minorities and the Colonial and Semi-Colonial Peoples [REDACTED]

[REDACTED] Issued by the Executive Committee of the International Class War Prisoners Aid in the Mopr Publishing House, Berlin NW 7

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P R E F A C E

The following work is the result of a conference held by jurists in the Soviet Union and foreign jurists and other prominent personalities who had come to the Soviet Union in connection with the celebrations of the tenth anniversary of the October Revolution. All those who took part in the conference were persons deeply interested in the great relief work of the International Class War Prisoners Aid *, and the idea of holding such a conference sprang up spontaneously amongst them. The Executive Committee of the ICWPA undertook the preparations for the conference with great pleasure, for it realised that the conference arose from a desire not only for a better mutual understanding, but also for a more systematic legal relief work.

From the beginning the participants in the conference and the Executive Committee of the ICWPA were well aware that the conference would not be able to solve all problems exhaustively. The conference was a great success, and the reason for this was that all the participants without exception possessed very great experience with regard to the matters placed on the agenda, experience gained in their practical work for the ICWPA.

The conference took place on the 13th and 14th November 1927 and was attended by 71 persons, 46 jurists or other prominent persons from abroad, 15 jurists from the Soviet Union and 10 members of the Executive Committee of the ICWPA. The visitors from abroad came from the following countries, 15 from the Balkans, 10 from Germany, 5 from France, 3 from India and 2 from Poland. There were further, Swiss, Dutch, Indonesian and American visitors. The participators were communists, social democrats, anarchists, social-radicals and national-revolutionaries, as far as they belonged to any parties at all.

There is no need to mention the order of the agenda here, it can be seen from the table of contents.

The Executive Committee of the ICWPA has now made minutes of the reports on the various subjects and the speeches of the speakers in the discussion. The speeches etc., are not given in extenso, but the minutes form was chosen for this work because the Executive Committee wishes the material to be used by the officials of the ICWPA and for this purpose the minutes form permits a better, speedier and more convenient review as well as presenting the related fields of work in a connected form. Further, the Executive Committee has deleted the less important parts of the speeches and here and there sacrificed chronological order to the necessities of the subject matter. Despite this, repetitions could not

* International Class War Prisoners Aid is identical with the International Red Aid. In the United States the tasks of the IRA are carried out by the International Labor Defense. Tr.

altogether be avoided unless the sense of the remarks were to be destroyed completely.

The Executive Committee of the ICWPA presents this material to the officials of its sections and expresses the hope that it will be not only an important source of information for them, but also that it will act as an impetus to the collection of really exhaustive material upon the various subjects of interest to the organisations. In the near future the Executive Committee hopes to be able to continue the start which has been made on an extended and more thorough scale.

In conclusion the Executive Committee of the ICWPA wishes to express once again its thanks to all those who took part in the conference and made possible the issue of this material.

The Executive Committee
of the
International Class War Prisoners Aid.

Moscow, July 1928.

INTRODUCTION

Clara Zetkin (Germany):

In the name of the International Class War Prisoners Aid I welcome you heartily and thank you for your presence here. Your presence here proves that in organising this conference, the secretariat has acted in accordance with a desire which is felt in your circles for united and close co-operation with the ICWPA and the desire to put your professional services at the disposal of the victims of the reaction and thus contribute to the work for freeing the path to a higher cultural development.

You know that the ICWPA is not a party organisation, although our enemies sometimes declare it to be so in order to cripple its work. The ICWPA is a non-party organisation which aims at mobilising the greatest possible number of forces in defence of the victims of the present ever-intensifying reaction. The ICWPA also assists the dependents of these victims, and with the material and moral assistance which is rendered to the tortured, oppressed and persecuted men and women, is expressed the idea of international solidarity beyond the frontiers of all countries.

The character of the ICWPA guarantees that we are not here to discuss party-political questions and party-political situations, but to arrive at joint conclusions in fraternal discussion concerning the various questions which are upon the agenda.

What is the inner organic connection between all the matters that are upon the agenda? Everywhere the thing which faces us is the class dominance of the bourgeoisie and its effects, class-justice and its intensification, white terror. The struggle is against bourgeois class-justice and the efforts which are being made to intensify it. There is no need for me to discuss the causes of these things. We are all of us convinced that the practice of bourgeois class-justice at the present time has taken on such an intense form that the very basis of bourgeois law is being broken up. I think I am speaking in your names too when I say that for us bourgeois law is no holy and inviolable principle, but simply something which we must utilise up to the limit.

In the struggle against the intensification of bourgeois class-justice, another and promising phenomenon is beginning to show itself, namely the nucleus of a new justice. The jurists who place their experience at the service of the ICWPA are developing the beginnings of a new and higher form of justice which is being born of the mutual play of forces between science and social circumstances.

I hope that our discussions will be carried on in this spirit, objectively and fraternally and that this conference will contribute to your activity in the defence of the victims of the reaction, and to the development of a higher and better form of justice. By uniting your forces all of you will be able to deal the present raging reaction heavy blows, ameliorate the hard lot of the victims of the reaction and contribute to the development of human society to higher forms of culture. The foremost bearer of this development is the working class which is, as a result of its conditions of life, the most revolutionary of all social classes upon all fields of social life, and the driving force of all progress.

Accept my very best wishes for the success of your discussions and their positive results in all countries. We know that the sequel to our debates will have to be written by our own practical work, by your work in co-operation with the ICWPA. The unification of our forces will accomplish great things both materially and morally in the struggle against injustice, bourgeois class-terror, fascism and the class violence of the bourgeoisie which disguises itself in the mask of objective justice.

I. Exceptional Legislation against the Toilers and their Organisations

Pashukanis (USSR):

The preparation and proclamation of exceptional laws is one of the signs of the epoch of social revolution. Fear of the coming proletarian revolution drives the bourgeoisie in a number of countries to adopt exceptional and dictatorial laws and administrative methods in order to hold down the revolutionary movement of the workers and peasants and the national-revolutionary movement of the colonial peoples. The character of these laws and administrative methods is absolutely reactionary in comparison with the revolutionary dictatorial exceptional laws and administrative methods used by the rising bourgeoisie in the English revolution of the 17th Century, in the Great French Revolution in the following century and in the United States of North America in the years 1864/65. In all these latter cases the rising bourgeoisie issued these exceptional laws against a reactionary class, namely, the feudal aristocracy and slave holders. These exceptional laws aimed at breaking down the resistance of reactionary classes and clearing the path for new and progressive social forms.

The regime of the proletarian dictatorship in the Union of Socialist Soviet Republics has the same historical significance. It must be stressed that when, say, oppressed colonial peoples use exceptional laws to rid themselves of imperialist oppression, then such laws are progressive. When however such laws are applied by imperialist countries with a view to stalling off the inevitable collapse of capitalism, they are retrograde and reactionary, for then these laws are directed against the most progressive of all classes in present day society, namely, the proletariat. In such a case these laws serve only to preserve the privileges of a small capitalist group.

When these historical and exceptional measures are adopted by a progressive class, they are accompanied by the development of unusual political activity on the part of the lower sections of the population which were formerly suppressed and excluded from political life, i. e. the petty-bourgeoisie and peasantry during the English and French revolutions, and the proletariat and the peasantry during the Russian revolution.

Exceptional legislation applied by reactionary classes, however, results in an extreme weakening of the political influence of the toiling masses, if not in the complete annihilation of their political activity.

In the second half of the nineteenth century the French system for applying exceptional measures through the declaration of martial law was the exemplary practice in Europe. Marx wrote in the "Eighteenth Brumaire":

"The 'honest Republicans' sent their symbol, the tricolour, on a tour throughout Europe. An invention of their own however, found its way over the whole Continent without their assistance, but returned ever and again with renewed energy to France, i. e. martial law."

Another method, another system is to be found in England where the government adopts the necessary exceptional measures on its own responsibility and only afterwards secures the consent of parliament to the accomplished fact.

A third method for the application of exceptional measures is the use of the normal laws. The best example of this method is the "Socialist Law" of the Bismarck epoch.

The development of capitalism from free competition to monopolism which commenced in the last quarter of the nineteenth century, is being accompanied everywhere with a growth of reactionary tendencies. Examples of this are to be found in the struggle against the trade unions which was carried on in the first decades of the twentieth century, the policy of violence in the colonial countries before the imperialist world war, and the general reactionary and military tendencies of home and foreign policy before the war. During the imperialist war these tendencies became particularly strong, and the war brought with it a number of exceptional laws and measures: censorship, the persecution of internationalists etc.

During this belligerent period the last remnants of the so-called „Anglo-Saxon freedoms" were destroyed. Lenin has pointed this out in his work "The State and Revolution". He wrote:

"Great Britain and the United States, the two most important representatives of Anglo-Saxon freedom in the sense of the absence of militarism and bureaucracy, have sunk completely into the mud and blood of bureaucracy and militarism which suck up and stifle everything."

The Defence of the Realm Act which was promulgated in Great Britain in the first year of the war introduced the court martial for a number of crimes. This was accompanied by military censorship, searches and arrests in accordance with the arbitrary will of the police and the authorities without the formality of any previous court decision.

Following upon the end of the world war we saw a number of exceptional laws in Europe. Everywhere these exceptional laws were called into being out of fear of the threatening proletarian revolution.

An exception to this principle might have been the law of the 21st July 1922 in Germany which was introduced under the pretext of defending the Republic against the reactionary monarchists. The fact is however, that this law was used most zealously not against the monarchists, but against the "left" danger, and above all against the communists.

The Italian bourgeoisie has gone farthest of all and has abandoned parliamentary and bourgeois democratic State forms altogether and placed its fate in the hands of fascism, that is to say in the hands of the political monopoly of a party representing the interests of the agrarians and of large-scale capitalism. The results are: the destruction of all bourgeois freedom, the abolition of all political parties except one, the prohibition of all non-fascist trade unions and the application of exceptional measures of suppression against all the political opponents of fascism. As early as the end of 1925 parliamentarism in Italy was formally abolished. Further,

in all municipal districts with a population of less than 5,000 the elected municipal corporations were abolished and their functions taken over by officials appointed by the State. The law against political emigrants which was adopted at the same time robbed all such emigrants of their civil rights and their nationality and confiscated their properties. The law concerning the State officials has given the government the possibility of immediately dismissing all servants from the State service who show any opposition to the governing system.

The law of April 1926, supplemented by a governmental decree of July 1926, handed over the representation of the interests of all persons engaged in wage labour exclusively to the fascist trade unions. Only one trade union is recognised for each branch of industry. Only 10 % of the workers in any particular industry are necessary for the formation of a union although the other 90 % must contribute to the upkeep of the union. These unions are under the strict control of the authorities and strikes are prohibited, participation in strikes being punished severely. This law is to be regarded as the utter destruction of trade union organisations in Italy. The culminating point of the fascist dictatorship however, is represented by the Law for the Protection of the State which was adopted in November 1926 after the fourth attempt upon the life of Mussolini.

This law officially re-introduced the death sentence into Italy. Officially of course, the death sentence was applied continually under the fascist regime long before the introduction of this law. The death sentence is provided for terroristic attempts against the life of the King or the life of the head of the government. Other offences which are also punishable with death are attacks upon the security of the State, insurrection and incitement to civil war.

Article 3 of this law provides that when two or more persons come together for the purpose of committing any of the crimes mentioned, then they may be punished with imprisonment for from 5 to 15 years. Leaders of organisations are liable to from 15 to 30 years imprisonment. Anyone inciting in the press to the committal of any of these crimes or praising their perpetrators is liable to from 15 to 20 years imprisonment.

Article 4 provides that any person attempting to resuscitate forbidden organisations or parties in any other form and under any other name shall be punished with from 3 to 5 years imprisonment and with the loss of the right to hold any position in the State service. Anyone who is a member of any such prohibited organisation may be punished with from 2 to 5 years imprisonment and the loss for life of the right to be employed by the State. The same punishment awaits anyone who conducts propaganda in any form whatever in favour of the political doctrine, program or methods of action of any such prohibited organisations or parties.

Article 5 declares that Italian citizens who spread or support the spread of false, exaggerated or tendencious reports abroad concerning events in Italy which might damage the credit or the prestige of the Italian State, or persons who conduct any activity damaging to the national interests of Italy, shall be punished with from 5 to 15 years imprisonment and the life-long loss of the right to be employed in the public service .

Should the offender be outside Italian territory then he may be punished with the loss of citizenship and the confiscation of his entire property.

Article 8 fixes the competence of the Italian Special Tribunal which consists of a General or high officer of the army, navy, air force or fascist militia as president, and 5 militia officers who must have had a legal training as judges.

This Special Tribunal is appointed by the War Minister. The proceedings are based upon the penal code applicable to the army during times of war.

The final paragraph of this law determines that all trials which are not concluded upon the day of the promulgation of this law shall be taken over and concluded by the new Special Tribunal. With regard to attempts upon the life of Mussolini this law has retrospective force.

The following measures proposed by the Minister of the Interior Federzoni were adopted in a session of the Italian Cabinet on the 5th November and a parliamentary session of the 9th November:

1. Supervision of all passports and all permissions to leave the country from the 9th November on, with the exception of those passports issued to persons abroad.

2. The severe punishment of all persons attempting to leave Italian territory without being in possession of a legal passport, and the same for all persons assisting such illegal journeys. The frontier guards shall be entitled to use their weapons in order to prevent all illegal crossings of the frontier.

3. The publishers of all daily newspapers and other publications which write against the existing regime shall be deprived of the right to publish for an indefinite period.

4. The prohibition and the forcible dissolution of all parties, unions and other organisations whose activity is directed against the existing regime.

5. The internment of all persons who conspire to overthrow by violence the social, economic and national order of the Italian State. Further, the internment of all persons who endanger public order and security or who interfere with the official actions of the authorities.

6. The severe punishment of all persons insulting or otherwise offending against the uniforms and the badges of the State.

I think there is no comment necessary upon such provisions. And I will now direct my attention to the Balkan countries. In the Balkans we see a regime related to that of fascism although external parliamentary forms are still maintained there. In fact however, there is an unlimited white terror in the Balkans which is chiefly directed against the left-wing parties, the communists and the left-wing peasant organisations.

In Yugoslavia 59 communist members were elected into the Skuptchina or Yugoslavaian parliament in the elections of 1919. Immediately afterwards the government put the Communist Party under exceptional law and in 1920 a Law for the Protection of the State was passed which prohibited all activity on the part of the Communist Party.

The situation in Bulgaria is still worse. On the 9th July 1923 the military authorities seized power by a coup d'Etat and put forward Professor Zankov as Prime Minister. A law for the Protection of the State was promulgated in order to destroy the Communist Party and the left-wing peasant organisations. It must be pointed out that this law was adopted on the 25th January 1924 and amended on the 16th March 1925, i. e. before

the explosion in the Svedela Cathedral in Sofia. Nevertheless, the Bulgarian government attempts to justify the introduction of the exceptional law by this explosion. Articles 20 and 21 of this law prohibit all revolutionary organisations and in particular the Communist Party and all other groupings which support it. These paragraphs order the "prohibition of these parties no matter what name they may go under". The law even provided for the expulsion of all revolutionary oppositionals (communists and sympathisers) from the public services and from parliament. Article 20 hands over the minorities in all public bodies to the mercy of the government and every excess of the majority against the minority is justified in advance in the provisions of this law.

Articles 8, 11 and 16 introduce the death sentence by hanging for offences such as the incitement of military persons or gendarmes to mutiny, the destruction of war material, public buildings or goods, arson, insurrection. The simple membership of any group having as its aim crimes against the State or against public security or private property is also punished with death (Article 13). The same paragraph provides the death sentence for all persons who harbour, assist or in any way give aid to such criminals. Article 14 provides 5 years hard labour for any citizen working abroad against the governmental regime. The peculiarity of this law is that it flies in the face of all previously accepted canons of law according to which the prosecutor must prove the guilt of the accused and not vice-versa. Articles 13 and 16 imply as preliminary in all cases the penal responsibility of the accused. In this way the consideration of good will or honourable motive in the committal of an offence is abolished without it being necessary for the law to stress this at all. Arrest whilst awaiting trial is obligatory in all cases.

This law which is a juristical monstrosity, was drafted by a jurist named professor Molov. Marcel Willard devotes the following sarcastic lines to this professor:

"It is worth while to note the name of this man as one who in a constitutional parliament represents exactly the opposite of that which he teaches to his pupils. I can very well image the situation, when after leaving parliament where with the weight of his authority articles 13, 18 and 20 were adopted, he makes his amiable way to the university in order to teach his pupils the first principles of civilised law, personal freedom, the personal character of an offence, the assumption of innocence until guilt is proved etc., all wonderful principles which he has himself ruthlessly thrown overboard."

Apart from the exceptional laws there is a detailed order of the Bulgarian Minister for War which reads as follows:

"Above all, the intellectuals, the most capable and courageous supporters of these ideas, must be destroyed. Lists of these people must be made out as speedily as possible so that at a given moment all the leaders can be killed no matter whether they are guilty or innocent. Wherever disturbances take place, all prisoners, conspirators and their helpers, and all persons who harbour or assist them, must be mercilessly killed. Their families must be similarly treated and their homes burned down . . ."

I think that no comment is necessary.

I will deal now with the great European States. In the Weimar Constitution the German bourgeoisie has left itself the opportunity in Para-

graph 48 of abolishing all the democratic principles proclaimed in the rest of the constitution. Paragraph 48 gives the Reichs President and the governments of the German States the power to take all and any necessary measures for the restoration of public order and security. This is different from the pre-revolutionary exceptional laws which required an insurrection or a war in order to abolish the existing normal laws. All that is necessary to-day is any considerable threat or disturbance to public order and security.

Paragraph 48 gives a few examples of the measures which may be adopted. Armed power may be used for instance if the authorities consider it necessary. The basic principles laid down in Paragraphs 114, 115, 117, 118, 123, 124 and 153, i. e. the freedom of the individual, the inviolability of the home, the inviolability of the post, the right to express opinions freely etc. etc. can all be entirely or partly abolished.

Paragraph 48 has very often been used. Up to January 1925 no less than 153 ordinances were issued by the Reichs President and 57 by the governments of the German States. Amongst these ordinances are a number which are not reconcilable with the constitution or contain, against the purpose of the constitution, a new regulation. This anti-constitutionalism is to be found, for instance, in the ordinance of the 29th March 1921 concerning the formation of exceptional courts.

These measures which can be taken upon the basis of paragraph 48 bring about a state of siege or martial law by extending the competence of the administrative authorities, by annulling fundamental rights, setting up governmental commissars, appointing a General State Commissar, by handing over the executive power into the hands of the military commander, who may receive a civil commissar as his collaborator, by transferring law-making rights, by introducing alterations in jurisprudence, namely increasing punishments, by setting up exceptional courts etc.

Apart from the various ordinances which were issued upon the basis of paragraph 48, there is the law of the 21st July 1928. This "Law for the Protection of the Republic" concerns itself with various offences, including not only terroristic acts, but also membership of prohibited organisations with treasonable aims (Paragraph 2, article 4.), supporting the same or their members (ditto), abusing or disparaging the State form (para. 8 art. 1.), various offences referring to the endangering of public order and security etc. This law provides for very severe punishments, commencing with imprisonment for various terms and rising to hard labour for life and the death sentence.

I have already pointed out that this law was adopted under the pretext that it was to protect the Republic against the dangers threatened by the monarchists, but as it has been said, "the exceptional ordinances issued as a result of monarchist excesses can always be used as a weapon against the left". And in fact these ordinances are being used energetically as a weapon almost exclusively against the left-wing parties.

I will now deal with Great Britain. I mentioned before that the Defence of the Realm Act passed in the first year of the war gave the British government unlimited powers.

During the strike of the miners in 1920 the government of Lloyd George secured the passing of the Emergency Powers Act. This act gave the government power at any time to restore the whole complex of exceptional regulations which existed during the war period. Upon the basis of this

act the government can issue emergency regulations for the maintenance of public security irrespective of the rights of the individual citizen. The most important regulation is the right to arrest without a legal warrant and without court sanction.

During the miners strike in 1920 and in particular during the General Strike in 1926 the government used this law widely and the country was turned into an armed camp. The prisons were filled with people, held without a normal warrant, for making speeches against the government, for having in their possession documents the contents of which were in contradiction to the governmental measures, for using threats against strike-breakers and similar offences.

Immediately following upon the General Strike in 1926 the British government forced through an Anti-Strike Bill. This law of the 29th July 1927 declares certain categories of strikes to be "illegal". The organisers and the participators in such illegal strikes are made to bear criminal responsibility and the trade unions are made responsible for damages arising out of such illegal strikes.

It must be especially stressed that in accordance with this law all strikes etc. would be illegal which aimed at preventing the intervention in China or a war against the Soviet Union.

Articles 2 and 3 of this new law have caused the whole bill to be dubbed the strike-breakers charter. Article 2 takes away from trade unions the right to impose any disciplinary punishment on any of their members, for instance, the expulsion of a strike-breaker from the union. At the same time a clause has been included favouring such strike-breakers which permits actions against trade unions for damages arising from the claims of members. In practice that would mean that a strike-breaker who was expelled from his union in opposition to the clause mentioned, could claim through the courts either his re-admission to the union or damages for his expulsion.

Article 3 is also in favour of strike-breakers and refers to strike picketing. With the assistance of this article the British workers are actually robbed of all right to peaceful strike picketing, a right which was granted to them by the law of 1906.

What conclusions must be drawn from these circumstances?

First of all, the struggle against such exceptional laws must be carried on not only with general political means, but also by widespread propaganda aiming at exposing their reactionary character. What are the necessary measures? Widespread propaganda must be carried on in order to inform the workers concerning the details of such laws, the motives of the law-makers and the practical consequences of the application of such laws. It is absolutely necessary to expose the hypocrisy of all such laws. It is also necessary to collect and publish all possible material concerning the effect of such laws upon the economic and political situation of the working class. It is absolutely necessary to expose the hypocrisy of the bourgeoisie and to show to the masses of the workers again and again that the democratic principles which are proclaimed by the bourgeoisie are continually broken by the bourgeoisie itself which also breaks through the framework of legality which it has itself created. The tactics and policy of the Social Democratic Parties must also be exposed and the workers shown that the latter prefer to support the reactionary bourgeoisie to the disadvantage of the fighting working class.

Spiro (Roumania):

Before I go into details about the situation in Roumania, I would like to refer to the character of the legal illegality which has existed in Roumania not only in the post-war period, but even before the war. The character of this so-called legal illegality consists in the fact that in Roumania in consequence of the coincidence of a number of historical circumstances, there is absolutely no juristical basis in the classical bourgeois sense.

In order to give you to understand what that means, I will mention only one thing. When in 1868 a bourgeois constitution was presented to the country, the news of the good things contained in it penetrated to the peasants of the Moldau. When a gendarme gave a peasant a good thrashing, the latter shouted: "You mustn't do that. We've a constitution!" And since then it has become proverbial in Roumania. "Apply the constitution!" In other words give him some more. That is a form of illegality which has become habitual.

The Roumanian constitution is based upon the division of power in the State. In point of fact however, there is no division, but a very simple unity. The gendarme has the power of both judge and executicner. It is no uncommon thing that the gendarmes also practise the rights of law-givers. Orders are issued: he who does that and that will be punished in this and this fashion. Orders are issued: That and that is to be done etc. We see thus a classical example of the unification of all power in the hands of juristically ignorant gendarmes. This fact is characteristic for the situation in Roumania.

Another feature of this legal illegality is the crying contradiction which can be met at every step between the actually existing legal conditions and formal legality. The legal norms set up by the executive organs are in hair-raising contradiction to the fundamentals of the established laws.

As far as exceptional laws are concerned in Roumania, they existed even before the war. There is one law according to which in case public security is endangered, a court can be constituted within 48 hours and pass sentences up to one year's imprisonment.

After the war the predecessor of the other exceptional laws was the Francu-Marzesku Law according to which a strike was inevitably stamped as a crime and punishments imposed of 5, 8 and 10 years hard labour. This law was put into action for the first time following upon the General Strike in 1920.

The classical exceptional law however, is the Marzecku Law. This law bears the name of the Justice Minister of the day, Marzecku, a liberal. The Law declares in its preliminary that it is intended to prevent or punish various offences against public order and security, a very vague proposition. Fundamentally, the offences which are to be prevented or punished by this law are "crimes against property". That is also a vague definition. These "offences against property" are stamped by the Marzecku law as crimes. These crimes are defined as „crimes against property". Should any single person conspire with another individual or with a group of individuals to overthrow the "existing order of private property", or to fight against it in any way or to secure its expropriation either individually or collectively, then the whole weight of the Marzecku law falls upon him. This formulation is somewhat less vague and shows very clearly that it is

intended for operation against revolutionary parties, above all against the Communist Party of Roumania.

Communism itself is not even mentioned in this law. In the official motivation of the law however, it is expressly stated that the law is directed against the Communist International. For "crimes against property" sentences of 5, 10 and 20 years hard labour are provided.

The following must also be mentioned: Everything falls under this law and is punishable which demonstrates in any way any of these crimes against property, for instance, it is punishable to wear a badge of the Communist International, to sing the "Internationale" or to speak well of any group which has the committal of these crimes against property as its aim. Relatives, father and mother of any offender are also punishable should they fail to inform the authorities in good time that the offender intends to commit any such crimes.

It is peculiar. Up to the present this law has not been applied to any great extent. There was no need for such a law in Roumania. Much more cruel and brutal sentences were imposed for the same crimes under the military laws intended for the war period.

The following situation also exists in Roumania: In individual districts the state of martial law which was proclaimed during the war, has not yet been raised. Such martial law existing to-day is absolutely illegal. According to the Roumanian Constitution and according to the Decree Law of 1916 martial law may only be declared during a time of war. But even this is not the most extraordinary part of the situation. If a worker is accused of endangering public order and security in a district where martial law has been raised, the authorities simply bring him in some way or other in connection with persons living in the districts under martial law. In this fashion the unfortunate is not only subject to the severe military laws, but the charge of conspiracy is also valid against him.

Further, without any juridical basis the authorities have established a zone along the Russian and Hungarian frontiers of Roumania approximately 30 to 50 kilometres deep in which special laws and decrees are valid. These laws and decrees are issued by the military commandants at their own discretion, and all actions are "crimes" or otherwise according to their discretion. How far the arbitrariness of these military commandants can go is shown by the notorious decree issued to the people of Rezina according to which a military cap placed on a stick had to be saluted by all civilians passing. Another decree ordered all civilians to salute all military persons met with on the streets etc. Civilians meeting with military persons must step from the pavement into the road and at a distance of three paces respectfully remove their headcovering. In the case of women, the greeting must be given by a respectful bow of the head.

In the Siebenbuergen district the military commandants have power to impose a special form of martial law. This is done during elections or during any assembly of the masses, for instance at fairs etc. According to this law the individual military commandants are entitled to make arrests, carry out summary trials and execute prisoners at their own discretion. Up to the present it is true, no such executions have taken place. But the possibility is nevertheless given.

Foissin (France):

From the point of view of national oppression the Roumanian law, as Spiro has pointed out, has only legalised illegality. I do not wish to deal

in detail again with the law as a whole, but I must stress the fact that this law imposes severe punishments for simple membership of the organisations of the wrongdoers who threaten private property or persons, and also for indirect propaganda made through the defense documents of the criminals. (Paragraphs 9 and 10.)

The Roumanian law also punishes a) any connection with any person or any connection with abroad with a view to receiving instructions or assistance of any sort with a view to preparing the communist revolution. b) all activity with terrorist means with a view to altering by violence the existing social and political order in Roumania. c) all conscious assistance rendered in any form whatsoever to a foreign organisation which aims at carrying on a struggle against the existing institutions and social order in Roumania. d) the fact of conscious membership of any organisations coming within the category of organisations mentioned in the law.

Simple membership thus can lead to extremely severe sentences. For actions described as crimes, punishment of from 10 to 20 years or even life-long hard labour are imposed, and all civil rights are lost to the accused for periods varying from 5 to 15 years. For political offences punishments are imposed varying from two months to 10 years and with a fine of 150 Lei upwards.

I refer to the Roumanian law because it seems to me that this law is ideal for the bourgeois capitalist order. This is what Messrs Teodorescu and Descusara have to say about this abominable law:

"We are entitled to hope that the new criminal code and the process of its application will satisfy all modern demands of repression. Efforts have really been made to utilise the experience of other criminal laws, and only those principles, practise and norms have been extracted which are really in accordance with our national requirements and which really guarantee the maintenance of peace, order and security both for the individual and also for society as a whole.

"The new criminal code is intended during the course of the revolution to attain that degree of perfection which is so passionately desired by jurists who occupy themselves with the question of punishment, by criminalists and sociologists".

You see therefore, that from the counter-revolutionary point of view, the Roumanian law is really perfect.

But it is not only the Roumanian bourgeoisie which has the privilege of possessing such laws. I need not speak about France, for up to the present such legislation has not proved necessary, the law of 1894 against anarchist action being still in force. This law is very briefly formulated and therefore very unclear. This very unclarity is a great advantage to the authorities for it makes it possible for this law to be applied against all forms of revolutionary agitation and propaganda.

In Yugoslavia the situation is the same. The law of the 2nd August 1921 punishes severely "All communist or anarchist agitation and the maintenance of all or any connection with foreign organisations". Paragraph 18 of this law provides for all persons belonging to the Communist Party, dismissal from all public offices and the loss of all civil and political rights.

In September 1922 a law was drafted in Hungary which aimed according to those who formulated it, at protecting the security of the

State. Paragraph 1 of this law provides severe punishments for all those "wrongdoers who prepare themselves to take part in any action aimed against the security of the State and the present social order".

We can see the same in the United States of America. It is interesting to note that although a number of States possessed such repressive legislation, they nevertheless felt the necessity for working out new ones. The law of the 3rd February 1919 in Oregon, the law of the 15th March 1920 in Pennsylvania, the law of the 12th March 1919 in Idaho, the law of the 2nd July 1919 in Arizona, the law of the 4th December 1919 in Eastern Virginia, the law of the 3rd August 1920 in Michigan etc. all provide particularly severe punishments for those who propagate crime, physical force against the State or for the destruction of property and all those who join organisations aiming either at revolution or violent demonstrations against the authorities of the State, and all those who praise terrorist acts or who belong to organisations which have these aims.

The same tendency is to be seen in Japan also where the criminal code of the year 1910 contains approximately the same provisions.

We observe therefore, that in the North, the South, the East and the West, the peoples, or rather the capitalist governments, are seeking to find the best means of preventing "revolutionary crimes".

A number of the representatives at the international congress in Brussels in 1926 declared that these efforts gave the main character to the criminal codes of the first quarter of the 20th century. And in this we can only agree with them completely.

It is however not only my intention to show you how every State attempts to fight against the revolutionary movement by intensifying the severity of its criminal legislation. I also want to stress the fact that despite all these exceptional laws the governments do not feel themselves safe in face of the elementary ferment in the masses of the workers and are not able to suppress the revolutionary spirit or smash the workers organisations as long as they, the governments, stand alone.

For some years, particularly since the war, the members of the League of Nations have had the idea, which has been discussed in all the commissions more or less openly, of founding an international criminal court.

You know of course, that there are many people who do not believe that the spectre of war is once again on the prowl in the diplomatic chambers of the great powers. They also do not believe in the possibility of an international organisation for the suppression of the revolutionary movement. Many people believe that there are too many antagonisms between the bourgeois countries and that these would prevent the founding of any such international criminal court.

After having studied this question closely I am in a position to say that the matter is already ripe for treatment. From the juristical point of view the affair is complete, all that remains is to put the idea into practise from the political point of view. This question was also discussed at the first international congress on criminal law which was held in Brussels in 1926. This international criminal court is not being planned to deal with international common crime such as the white slave traffic, international forgery etc., the main aim of this international court, against which we cannot fight too energetically, is to counter international revolutionary propaganda and to destroy the international organisations of the working class. A very long discussion took place, but the delegates did not discuss the organisation of this court, but its competence.

What will be the competence of this new international criminal court?

I have too little time to deal with all the phases of this discussion. I will limit myself to quoting the words of an Italian delegate, Senator Garofalo. After having enumerated all the crimes which in his opinion would fall within the province of such an international criminal court, he added:

"The same is true of the crimes committed by the communists, crimes against which the whole of civilised humanity is to-day forced to carry on an unceasing struggle. The court would deal with bolshevist agitation, with acts of terrorism and with all attacks upon those institutions which are the basis of present day civilisation".

In this question ideas develop quickly. You will remember that last October the Hungarian Minister for the Interior Sztivovsky suggested the formation of an international conference against bolshevism. In the last number of our journal "Les Nouvelles du Jour" we read that at the present time a meeting of the "Association for the struggle against the Third International" is taking place in the Hague. This congress lasted three days and was strictly secret. Journalists were not admitted to the debates. The chairman of the "National Union for the Struggle against the Revolution" was also the chairman of this meeting. Amongst the delegates we find the advocates Ober and Schneider who during the war were the commanders in chief of the Dutch army. The congress was convened to discuss the "legal possibilities of the struggle against communism".

We can observe therefore, that the oppression is being increased not only nationally, but that an international plan is also being worked out. A legal fight against communism and against revolutionary working class propaganda is being organised. It is high time that a counter-struggle was commenced in all countries and in all legal associations against these attempts to organise oppression on an international scale.

A Polish delegate:

At the present time there are three varied forms of legislation in Poland against political crime, namely, the Russian, the Prussian and the Austrian. The most complete and highly-developed form of this legislation against political crime is of course, the legislation of the former Czarist Empire. This legislation deals with a great number of crimes, it concretises them so to speak. In cases where for instance, the Prussian legislation can see no political offence of any importance, the Russian legislation can see a political crime.

If for instance, a man is arrested in that part of Poland which formerly belonged to Germany, then very often the authorities do not know what to do with him, what paragraph of the law to apply to his case. For instance, it very often happens that accused charged with being members of the Communist Party are punished with from one to four months imprisonment, when they are tried in Silesia. Not long ago however, a trial took place in Lemberg in Galicia of 11 persons accused of being members of the Communist Party and these accused were threatened with the death sentence, because the law relating to high treason was applied against them. As luck would have it, however, they came before a jury who negated the question of guilt, so that they all had to be acquitted. The alternative there is therefore, either the death sentence or complete acquittal

In 1926 a great trial took place in Teschen on the borders of Tchecko-slovakia. The accused were charged with having composed, printed and distributed anti-militarist literature amongst the troops. According to the Russian legislation (the laws of the former Czarist Empire) they would have been subject to hard labour (Katorga) for this crime, but according to the Austrian law they were threatened with the death sentence.

Other cases occur however. In 1926 a worker was arrested for having distributed literature of an anti-militarist character. The worker was tried before a jury which found him guilty because a copy of an anti-militarist appeal was found on him, and he was sentenced to death. The sentence was not executed and the matter was handed over to the court of appeal which then dealt with it. This appeal complicated the matter tremendously because the appeal was heard in Warsaw. Because of this complication in the various legislations, the accused remain for years in prison before the charges against them are finally settled. At the present time there are over 4,000 political prisoners in Poland.

"Political criminals" existed in Russia for over a hundred years. Under Czarism these political prisoners fought bitterly and persistently and as a result they won for themselves certain rights which political prisoners in Germany and Austria did not possess. In German prisons all political prisoners must wear prison garb and bear a number. It is characteristic for the situation in Germany that when the German delegates inspected the prisons in the Soviet Union they asked in surprise: "But where are the prisoners? We can't see any criminals!" They were astonished upon being told that the prisoners wore their own clothes. The German delegates were used to the German system where a political prisoner is regarded as a number and is compelled to wear prison garb.

In the former Austrian prisons the prisoners are not compelled to wear prison clothing. But there the authorities are often at a loss to know what to do with the political prisoners, who are neither guilty of high treason nor of common crime.

As a general principle the fate and the situation of the political prisoners before the court and in prison afterwards, assuming that they are sentenced, depends upon that part of Poland where they were tried and upon the laws of that State which formerly owned the country.

Haessler (United States):

I come from the land of "freedom", from the country where Sacco and Vanzetti were murdered in the electric chair. Forty years ago this month the pioneers of the eight hour day movement were hanged in my home town of Chicago. Since that time the government has dealt with the greatest severity against all working class movements.

Last month I was in California, in Los Angeles, where I was present at the congress of the American Federation of Labor. Whilst I was there a well-meaning person asked me: "Aren't you afraid to go to Russia?" I answered: "No, not in the least. I have just been arrested here in Los Angeles on account of suspected communism, I hardly expect that that will happen to me in Russia". I was arrested under the law against so-called Criminal Syndicalism. A law which the Japanese would call a law against dangerous ideas. Such laws exist in 35 of the 48 States of the Union. This law is particularly severe in Michigan where Ruthenberg and Foster and sixty or seventy other revolutionary workers were

arrested under its provisions. The case against them has not yet been concluded.

The chief exceptional law which exists in the United States is the so-called Injunction, which in fact is no law at all, but a power wielded by the judges who are able to stop any movement by simply saying "You mustn't do that". This injunction practise is current in all the States of the Union, and even in the Federal courts. Every organisation, every radical speaker, every working class newspaper is in danger of running foul of an injunction and paying for the temerity with imprisonment or a heavy fine.

In the United States "freedom" is a myth.

Herzfeld (Germany):

As long as the social democrat Ebert was President of the German Republic, the German working class lived almost uninterruptedly under exceptional laws and at the mercy of exceptional courts. The phrase arose in this period: "The German constitution consists exclusively of paragraph 48". Paragraph 48 is the paragraph which permits the whole constitution to be put out of force. Since the accession of the German nationalist President of the Republic Hindenburg to office, Germany has been formally free of exceptional laws and exceptional courts. But one of the characteristics of the German revolution was that all the old judges were left on the bench. And in the Reichsgericht, the Supreme Court of the country, these old judges have been especially brought together. This Reichsgericht has received by law a special political department, the 4th Penal Senate of the Reichsgericht. This 4th Penal Senate under the presidency of Niedner is the court which has to deal with almost all political crimes in Germany. This is the court which looks after the exceptional laws against the communists.

The political and legal situation in Germany at the moment is that the Communist Party for instance, is able to work openly for the spreading of its ideas and the extension of its organisation. This however, does not mean that this legal party or its members cannot be prosecuted. The legal authorities of the Reich utilise revolutionary phraseology and individual expressions in order to arrange trials of workers charged with the preparation of high treason. In Germany namely, everything is preparation for high treason which expresses the opinions or the ideas of the revolution. When you read in the newspapers of the tremendous number of trials for high treason etc., in Germany, then these trials are for nothing else but the fact that revolutionary discussion has taken place in the newspapers of the working class, or that pamphlets have been written or published analysing the situation in Germany and making propaganda for revolutionary ideas and for the final aim of the revolution. The situation in Germany is such that I am convinced that if I were to make a speech in public in Germany and end it with three cheers for the world revolution, and if the Public Prosecutor to whom the police would report it, considered the political situation favourable, he would commence a process against me and on account of those three cheers for the world revolution I would be charged with preparation for high treason and sentenced to imprisonment.

Whoever is unfortunate enough to come before the 4th Penal Senate of the Reichsgericht is sure of a sentence. There is no such thing as an

acquittal. In theory we have no laws against revolutionary opinions or against revolutionary agitation, on the contrary, the German Constitution grants full freedom to its citizens to hold revolutionary opinions or to conduct revolutionary agitation, but the judges of the 4th Penal Senate of the Reichsgericht sentence men and women to imprisonment for holding revolutionary ideas and propagating them on the ground of preparation for high treason.

You have probably heard that some time ago, booksellers, communists of course, were tried and sentenced on account of preparation for high treason. These booksellers did nothing but distribute in the normal way of business the literature of the Communist Party. The defending lawyers pointed out that the same literature was being sold with impunity by bourgeois booksellers, and that one of the main principles of the criminal law in Germany was that the accused must know what he was doing when committing the crime, i. e. in this case he must previously have read the books in question. The fact is however, that a bookseller cannot work at his trade and at the same time read all the books he sells. He could not do it if he read from morning to night and if the day had 48 hours. The answer of the Reichsgericht was that it was not necessary for the accused to have read the books, because they might have known anyhow that revolutionary ideas were contained in them, further, the accused are communists. They therefore approved of these ideas and thus assisted in the preparation of high treason. For that they will be convicted. And they were.

In a process which took place a little while ago, the authorities went still further. An editor was convicted for the publication of an article which was published when he was no longer the editor of the newspaper in question. As the article was published the editor was in France. The court took up the standpoint: formerly similar articles appeared, this proves that the editor was in agreement with them. The article in question is only the continuation of the other articles with which he was in agreement. The accused was sentenced to eighteen months.

In conclusion I would like to point out that the German ICWPA is also threatened. The ICWPA is threatened because it is the custom of the courts to regard as preparation for high treason any assistance rendered to accused fugitives in Germany with a view to saving them from their just punishment. There are tendencies in Germany making towards regarding as preparation for high treason, the support of the dependents of accused fugitives. I myself was one of the defending lawyers in the great process in Dresden when the chairman, Niedner, the president of the political Senate of the Reichsgericht, declared that the authorities would have to consider whether the simple support rendered to the dependents of accused fugitives must not be regarded as preparation for high treason, for with this support the revolutionary opinions of the dependents were strengthened, and this was also a preparation for high treason.

In fact, strong tendencies exist in Germany to-day which would very much like to suppress the ICWPA organisation. In Germany a coalition law exists which declares that associations may be dissolved when they collide with fundamental principles of the penal code. If the authorities are able to prove that the German ICWPA occupies itself with the preparation of high treason, by supporting the dependents of political

fugitives, then the Public Attorney would be able with the assistance of this law to bring about the dissolution of the ICWPA as an association hostile to the State.

It is our duty to fight against this sort of law. In Germany the most prominent cases from the time of the revolution down to the present day must be collected.

This collection would show that our legal institutions and their activities are nothing but the expression of the given relations of class power.

Katayama (Japan):

The Japanese constitution is similar to the constitutions of the European States. If anything it is worse rather than better. The rights and privileges of the citizens of the State are contained in the constitution, but it is an illusion to believe that all rights and privileges can be satisfied within the limits of one law. From this it follows that the masses of the people are practically without rights. In 1900 the Japanese parliament adopted a law for "peace and order". Under this law all strikers can be arrested and sentenced to imprisonment for six months. This law also refers to meetings etc. which can be prohibited and dissolved by the police. One of the peculiarities of this law is that no money may be collected to support the arrested person either materially or legally. To give support or shelter to a man wanted by the authorities results in imprisonment or fines. This law is also applied against the violation of the constitution and provides for a long term of imprisonment. This law is however regarded as very "mild", for an active communist accused of organising the Communist Party cannot be punished with more than two years imprisonment.

In 1924 the so-called law for the maintenance of peace was adopted. This law was introduced especially against the communists. Any person found guilty of having worked for the organisation of the Communist Party can be punished with 10 years hard labour. The law also provides that anyone supporting the accused with financial assistance may also be sentenced to 10 years hard labour. This law is so formulated that any one who fights against the capitalist system of society can be accused of a crime synonymous with attempting to overthrow the government. Another peculiarity of this law is that it can be applied against persons who are not even in the country. For instance, I am living in Russia and I write articles for the press about communism in Japan, or I carry on some other similar activity. Of course, as long as I remain outside Japan the law can do nothing to me, but immediately I return, I could be arrested and charged under this law.

In 1925 the law for the suppression of violence was adopted. It may be assumed that this law is directed against various forms of violence, but is also has other aims. We already had enough laws to deal with terrorism in any form whatever.

There is also an old law directed against pickpockets which provides that the arrested person can be kept in prison for one day. This law is now being applied against strikers and worker agitators. According to this law, anyone who takes part in a demonstration can be arrested. On the day of the demonstration a policeman will come to him and arrest him when he leaves his house. Should the man in question remain at

home, then the policeman will post himself at the door and wait patiently until the man is finally compelled to leave the place, whereupon the policeman will arrest him and lock him up for 24 hours. If the police wish to keep him for more than 24 hours he is released through a back door whereupon he is promptly arrested by another policeman and kept for another 24 hours. After the second arrest, the arrested person is kept in prison without any trial and without any connection with the outside world. During strikes everyone who makes a speech is immediately arrested and imprisoned. If any agitator shows himself in the neighbourhood where strikers are gathered he can be arrested. When he is arrested, he is told: "You are wasting your time doing nothing, you are a vagabond". He is then imprisoned for 29 days without trial. According to this law against vagabondage any one can be arrested and robbed of all communication with the outside world so that he is even unable to provide himself with a lawyer. In this way our comrades are held for three months in prison and we do not even know where they are. This is one of the many ways in which the bourgeoisie attempts to break strikes.

Then there exists in Japan a Prefecture which is empowered to issue ordinances such as: No more than three persons may stop upon the streets to converse etc. The Mikado may also issue ordinances, as also may the police authorities.

At the present time an anti-trade union bill is being planned with a view to smashing the labour unions and making strikes impossible.

Then there is a leaseholders law which is aimed at the leaseholders league and protects the interests of the large landowners and capitalists.

Further, there is the 73rd paragraph of the criminal code which has been introduced for the protection of the person of the Mikado. According to this paragraph any crime against the person of the Mikado can be tried immediately in a quick process before the final and supreme court from which there is no appeal. The trial taking place in secret. I will speak later on concerning the peculiarities of these laws and their application.

Bartoshek (Tchechoslovakia):

In Tchechoslovakia we also have an exceptional law, that of March 1923 which punishes all attacks upon the so-called democratic-republican State form. Herzfeld was indignant about the fact that one could be punished in Germany for the cry "Long live the world revolution!", but in Tchechoslovakia the authorities have gone much further than that. Workers have been convicted and sentenced in Tchechoslovakia for having shouted "Long live the Soviet Union!". The authorities argued that anyone shouting "Long live the Soviet Union!" must actually in his heart wish that the democratic-republican State didn't exist, and that is a crime. There are still other exceptional laws. I would like to mention the press law of 1924, the so-called "Muzzle" law which thoroughly gags the press. In Tchechoslovakia press offences have been removed from the purview of juries. The result is that at every confiscation subjective proceedings can be commenced.

I would also like to mention that in sentences for violations of the Law for the Protection of the State, the custom of conditioned conviction which is usually applied, is abolished. Another factor which sharpens the

situation is that in Tcheckoslovakia there is no recognised difference made between political and criminal prisoners.

And now a few words about legislation in the Balkan countries. In Roumania and in the Balkan countries in general, the workers have to reckon not only with written law, but also with general custom and arbitrariness on the part of the authorities. For instance, in Roumania, the existing law does not include the possibility of the death sentence. In practise however, the death sentence is carried out again and again. A man who is to be put out of the way is simply transported from one prison to another. Having left the first prison he never arrives at the second, having been shot on the way "whilst attempting to escape". Prisoners awaiting trial are also subjected to systematic torture. One only needs to read the book written by Professor Costa Foru about the Roumanian torture chambers in order to get a very good picture of the systematic tortures which are in vogue in Roumania. In Yugoslavia, the Law for the Protection of the State officially provides for the death sentence for every form of communist, anarchist or revolutionary propaganda!

What can we do in practise against these enormities? First of all we must collect the most important material relating to these cases, and then present them to public opinion. These enormities must be branded in the eyes of public opinion. In particular the working class must be called upon to pay more attention to these intolerable conditions.

II. Legal Practise in Political Processes and the Organisation of the Defence

Ferdinand Timpe (Germany):

Class-justice existed from the moment where the class of the haves faced the class of the have-nots, from the moment when the oppressors and the oppressed faced each other as distinct classes. From that time onward the oppressed has stood before the court, before a judge who does not belong to his class. Deliberately and systematically the bourgeoisie has gathered all power into its hands, including the powers of the judgeship. Thus, everything which takes place before the courts does so in the interests of the bourgeoisie. The bourgeois class judge who administers the law is independent according to the constitution and is only subject to the law. The matter however, is to a great extent subjective, the proletarian belongs to another class, he comes from other conditions, his experience of life is different, his ideas and his way of looking at life are different, he reacts differently to the same circumstances, he acts differently in answer to the same impulses, whereas the judge comes for the most part of well-to-do parents and from wealthy conditions of life, he judges the same things from a very different angle and is not able, even with the best will in the world, to put himself in the position of the proletarian accused before him, whose psyche remains a closed book to him. For the most part the bourgeois judges regard the proletarian accused before them as beings of a lower order who are more likely to commit crime than a member of the bourgeoisie.

Even in a non-revolutionary period the proletarian is subjected from two points of view to an unjust treatment at the hands of the bourgeois courts, first of all, it is more difficult for him to prove his innocence and secondly the sentence he receives is heavier. With the intensification of the class-struggle, however, the class antagonisms and irreconcilabilities which are to be met with in the bourgeois courts become direct hostilities. The situation demands the taking of sides, with the bourgeoisie or against it, and the judge takes sides and becomes openly and clearly a political class judge.

The judges of the bourgeois courts can be divided into two categories. First of all those who are determined subjectively to administer only objective "justice". But despite the will and the opinion of these judges, they do and must regard the matter completely from their class standpoint even unconsciously, both with regard to the question of guilt and the question of the severity of the sentence. In revolutionary periods, the most "objective" judge is always the hostile member of the ruling class and not all the "objectivity" in the world can alter this fact one iota.

The second category of judges is those who are thoroughly class-conscious and who are determined to do their utmost to suppress the

revolutionary proletarian movement. This category of judges is mostly to be found in the higher courts, in the State courts and in the present Reichsgericht. It is not difficult to prove that these judges are subjectively consciously against the accused from the beginning of the trial to the end. Take the case of Niedner, the President of the 4th Senate of the Reichsgericht which is the supreme instance for political cases. In a trial of workers who had sworn an oath of loyalty to their class on the red flag. Niedner declared that such people ought to be put against the wall and shot. At the same time he termed the red flag a doubtful rag. From this can be seen with all clearness how much "objectivity" and "justice" a revolutionary proletarian has to expect at the hands of Niedner. Here it cannot even be said that the judge is objectively false in his ruling but honest subjectively in his good will.

The question arises, what means does class-justice use in its struggle to suppress the proletarian movement. First of all the error must be avoided that class-justice limits itself in its struggle to the criminal proceedings. Class-justice can also be met with in civil proceedings. I will mention a case which is going on at the present time in Potsdam. Here a landlord applied to the court for the exmission of his tenant, because the latter had hung a red flag out of the window on the First of May, or on some similar occasion. The landlord declared that this act represented a threat to the other tenants and damaged the business of another tenant, because no one could know who it was who had actually put out the red flag. The fact that this application was made through a lawyer proves that the latter reckoned with the possibility that such political considerations could be successfully advanced in a civil process to-day.

Another example: A newspaper man was in the habit of distributing communist newspapers in the workers colony of a certain factory. Through the porter, the administration prohibited the man to distribute the newspapers and demanded that they should be handed over to the porter for distribution. The newspaper man refused to do this, declaring that he wanted to distribute his own newspapers. The administration then proceeded against him for entering private premises.

The civil legal question then arises, has the tenant the right to receive whomsoever he likes on his premises, or has the administration the right to forbid certain people to enter the premises. The real fact of the matter however, was that the administration wanted by this sly trick to discover who read the communist newspapers in order to dismiss the workers in question at the next best opportunity. The newspaper man lost the case. Reason, as given by the court: the prohibition of the house administration is valid for the newspaperman because he stands in no contractual relation to the administration. Should any of the tenants see in this prohibition an encroachment upon their rights as tenants, then they may take proceedings against the house administration. The newspaperman pointed out that the tenants had the right to receive visitors. The court however, was adamant and again pointed out that if any tenant felt himself wronged, then he had the right to commence proceedings against the house administration in order to discover whether the house administration had the right to prohibit the newspaperman so enter the premises.

With this salomonic judgment the court achieved for the employers exactly what they wanted, i. e. any tenant coming forward to protest

would then become known to the employers as a communist or at least as a reader of the communist press.

A third example: many children are taken in charge by the authorities with the reason that if left in charge of their parents the danger exists that they might be educated as communists and persons hostile to the State.

The main field of the activities of class-justice is of course the criminal court. The political enmity is expressed not only in the sentence itself, but also in the way in which the sentence is carried out. I am thinking of particular chicanery on the part of the directors of prisons and the warden towards proletarian political prisoners.

In many cases the courts simply refuse to recognise the so-called "committal from conviction" clause, where political prisoners are concerned. The small privileges which the prisoner would enjoy in consequence of this clause, are not granted unless the verdict states expressly that the court is of the opinion that the accused acted as he did act upon the basis of his political, religious or other beliefs. Niedner said on one occasion no supporters of the revolutionary movement can under any circumstances feel themselves compelled to possess explosive substances. In the verbal argument in court, Niedner admitted that he could realise that a man might feel himself compelled to commit murder from political convictions but never to possess explosive substances.

In the trial itself it can often be seen from the very beginning, from the way in which the indictment has been prepared, that the court is hostile to the proletarian accused. Many collisions are at present taking place in Germany between the communist Red Front Fighters and German fascists and nationalists. It is a fact that fascists are never put on trial, but always the communists. And yet in a trial it is a matter of primary importance who is the accused and who the witness. The witness is in a position to take the oath in support of his contentions, and his evidence is acceptable. The accused has little or no chance of bringing counter-proof, particularly when the charge is one of riot or breach of the peace. Should the accused name 3, 4, 5 or more of his comrades to give evidence that he did not do that of which he stands accused, striking a policeman or a fascist or what not, then the result is not that he has brought witnesses in his defence, but the witness immediately become "participants" and must take their place in the dock with him. He has therefore not been able to find witnesses in his defence, but only company in the dock.

An interesting indictment came to my notice some time ago, in which the Public Prosecutor in naming the witnesses, did not give their professions, but the rank they held in the Stahlhelm. The attitude of this prosecutor towards the proletarian accused can easily be imagined.

Another thing in this connection is that it is simply impossible to bring proceedings against policemen, for the policemen are always believed. Summonses of this variety are always quashed.

Another weapon of bourgeois class-justice is the interpretation of the written law. An example: the German constitution grants all citizens the right to express their opinions. However, the limitation exists "inside the framework of the existing laws". It is easy for the court to abolish the right to express their opinions for certain categories of citizens. The court says very simply, that which is expressed here,

is a preparation for high treason, it violates the law, it is punishable, the constitution grants no such right.

A verdict of this sort was the verdict against the actor Gaertner. At a revolutionary meeting he had arranged a theatrical performance and had himself recited a number of revolutionary poems from Erich Muehsam, poems which had already been published without any objection on the part of the authorities.

The editor Fritz Rau wrote a critique of the Film "Sein Mahnruf", the Lenin film, which is undoubtedly known to most of us here. Rau gave a short and objective criticism of the film and pointed out the difference between this Russian film and the usual German mediocre film production. He concluded his critique with the words: "Lenin is dead, but his work still lives! This is the message (The film is called "His Message!") which the film has for us all. The German workers should follow his advice and example as the Russian workers have done and join the Communist Party in hundreds of thousands". These are the words to which the court took objection. 9 months imprisonment was the sentence. An appeal to workers to join the Communist Party was considered to be preparation for high treason.

In 1924 the first bookseller process took place in Germany. In a bookshop in Stuttgart books were sold to the general public, about one third of these books were of a socialist and communist nature, the other books were general literature. The State Court made the matter very simple for itself, it said quite openly, if these books had been sold in a normal bookshop, it would not have mattered, but this man is a communist. In selling these books he has other intentions than those of a bourgeois bookseller who sells only in order to earn. He holds certain convictions, and with the sale of these books he aims at making communist propaganda and this is preparation for high treason. The accused was a foreigner who had never been outside of Germany. He was sentenced to one year's hard labour and expulsion from the country. In actuality the expulsion was a part of the punishment and should have fallen under the amnesty which followed later, but all the instances have rejected the numerous appeals to withdraw the expulsion.

A case which occurred in 1921 is also very interesting. The trial took place before a jury. Franz Jung and Knueffken were sailors on board a German ship, on the voyage they locked up the Captain and the ship's officers and took the ship to Russia because they wanted to take messages there. Later on the vessel was returned to Germany. The two were accused of robbery, although all the facts of the case made it clear that they intended to return the ship afterwards. According to the law that is not robbery but so-called usage robbery which is not punishable. All that remained therefore against the accused was mutiny on the high seas, and this they admitted. The court ignored all the facts and circumstances of the case and persisted in the assumption that the two wished to steal the ship, a ridiculous assumption as the court well knew. However, any lie is good enough to hang revolutionary workers and the two received five years hard labour each.

Class-justice expresses itself also in a series of other things, not all of which I can deal with here. There is for instance, the question of the credibility of communists as witnesses. It has often happened at the Reichsgericht that motions for the release of arrested men have been

refused, the court having given as a reason that there are circulars of the Communist Party in existence instructing their members to make no statements until they have had an opportunity of speaking with their lawyers. For this reason there existed a danger that should the arrested persons be released they would do their best to mobilise witnesses to make false evidence. This statement means nothing more nor less than that a certain class of citizens, i. e. communists, are held from the beginning to be capable of persuading other people to give false witness. In Hamburg in 1923 a circular of Urbahns became known in which the members of the Communist Party were instructed to make no statements. From this circular the Hamburg court drew the conclusion that we lawyers were instructed by the Communist Party to persuade the arrested men to make certain statements, and in consequence every possible difficulty was placed in our way when we wished to visit the accused. Experience also shows that witnesses for the defence who give evidence contradictory to the evidence of fascist witnesses are then themselves accused of perjury.

In proving the subjective situation of the accused, the courts are nothing if not daring. In many cases they say simply, Thaelmann, the chairman of the Communist Party of Germany, has said that and that, and has written that and that, or in a pamphlet this and this was written. The accused is a communist and must have known all this. In consequence he had the following intentions when he committed this offence.

The evidence of spies is rated higher than the statements of the accused. There is hardly any necessity to prove this statement. The attitude of the court towards the defence is interesting. The courts do not limit themselves to attacking the accused, but they attack also the defence. We have two notorious cases in which Niedner went so far as to rob the accused of their defending lawyers. In the notorious Tcheka process the lawyer for the defence comrade Samter was expelled from the court. A still more original affair is the case of the Central Committee Process and the lawyer comrade Obuch. Obuch was one of the lawyers for the defence in the trial against the Central Committee of the Communist Party, he has since received a letter from the authorities refusing him permission to act as a trial for high treason is to be commenced against him personally, thus he is himself guilty and should be not on the bench of the defending lawyers, but himself in the dock. This decision is absolutely baseless in law and nowhere is the slightest justification for such an action to be found. The whole affair is nothing but a piece of arbitrary tyranny on the part of German "justice". We used this opportunity to mobilise the lawyers immediately. In public meetings and negotiations this action of the authorities was branded as illegal and arbitrary and when a few weeks ago the process against the Central Committee of the Communist Party commenced, comrade Obuch appeared as a lawyer for the defence with a new mandate and the Reichsgericht did not dare to refuse him permission to act.

The law is interpreted by the courts according to the political opinions of the accused. For instance, when the accused are members of right-wing monarchist fascist organisations the courts interpret the law in favour of the accused, turning political cases into common criminal cases in order to secure milder treatment for the accused. Where the accused are members of left-wing organisations, however, the opposite is the case. For instance in the notorious Feme murder case against members of right-wing organisations accused of having murdered so-called spies and traitors,

the first charge that was made was one of high treason. But in a decision occupying many pages, the Reichsgericht rejected the indictment for high treason and handed over the whole case to the local court in Landsberg on the Warthe as a charge of doing bodily injury and manslaughter. A point of interest with regard to this action of the Reichsgericht is that the signatory to the decision was the same Reichsgericht councillor Lorenz, the vicepresident of the 4th political senate of the Reichsgericht who was president of the trials against the booksellers and against the film critic Fritz Rau of which I spoke previously. The change in the attitude of a judge and his interpretation of the law according to the political opinions of the accused before him, is shown here clearly and irrefutably.

Bourgeois class-justice in Germany however, even goes so far as to differentiate against republican accused, a proof that present day justice in Germany is not even democratic but directly fascist. Proof enough of this fact was offered in connection with the people's referendum which was organised to determine whether the former princes should receive compensation or should have their property confiscated. Demonstrations against the compensation of the princes took place everywhere. Most of these demonstrations were not party-political, but simply anti-monarchist and anti-militarist. An example, in one of the processions the participants carried a coffin covered with the Black White and Red flag, the colours of the former monarchy. On the flag was stitched a great black iron cross and the inscription "R. I. P. Monarchy". This was a purely anti-monarchist symbol, even a republican symbol, one might say. But the police and the courts had the carriers arrested and sentenced for creating a public nuisance. That is only one case, but hundreds of others could be mentioned in which similar symbols were confiscated by the police for "creating a public nuisance", the only reason being that they were anti-monarchist or expressed proletarian ideas.

It is hardly necessary to stress the fact that the politics of the court are chiefly expressed in the severity of the sentence or mildness of the sentence as the case may be. In Berlin we had a meeting some time ago of the Association for Penal Reform which is composed of lawyers in Berlin of all shades of political opinion. The meeting discussed the abolition of the Supreme Court for the Protection of the State (Staatsgerichtshof). One of the best known of the nationalist-fascist defenders complained bitterly that the Staatsgerichtshof had dared to pass severe sentences on the members of the Organisation Consul (A secret fascist political murder organisation). Lawyer Kurt Rosenfeld, a social democrat thereupon asked this lawyer how severe the sentences had been. The fascist lawyer answered: "Six and even eight months imprisonment".

The question is now, how are these attacks of class-justice against the proletarian movement to be answered. Above all, it is very desirable that in every process both criminal and civil where political considerations play a role, the accused should be defended by politically trained lawyers. I am afraid however, that for various reasons this will not be possible. First of all, a good defence demands much money, and secondly the offence in question and the sentence which is to be expected does not always justify such expenditure. This of course, must not mean that those persons who are accused of less important political offences shall be left without legal assistance. When one considers the immense number of these small indictments, then it becomes clear that they can make no impression as individual cases, but only as a whole when presented

to public opinion as a mass. In Germany we have commenced to found public bureaux for legal advice where every person accused by the authorities in a political matter can obtain advice and information without charge. Such bureaux for information and advice are to be found in the local groups and attached to the district secretariats of the ICWPA. They are also attached to a number of newspaper offices which support the ICWPA movement. Further, the ICWPA has made arrangements with many of the lawyers who work for it, to hold once or twice a week free hours for the giving of information to political clients.

In all trials of any importance however, politically trained lawyers must be engaged, this does not mean that the task of the defending lawyer or lawyers is to defend the political position of the accused, that is his affair. The task of the defence is to lay clear the fact that the action of the accused sprang from political motives and to ascertain the exact position of the accused in law, and to draw comparisons with the sentences passed for similar offences against the members of right-wing organisations etc. etc. Within the limits of this report it is not possible for me to go into all the details of the organisation of the defence. It must also be clear that with regard to the organisation of the defence, no settled schema can be set up because so many considerations have to be taken into consideration in each separate case, local conditions for instance. But there is one principle which must in my opinion be common to them all, and that is that political processes must be treated as such. Whoever thinks that this clear standpoint is to be avoided by finesse and tricks, is greatly in error, as our experience in Germany shows. In such great processes, the bull must be taken by the horns. This is absolutely necessary if only in order to show public opinion exactly what is taking place and the political meaning of it. Bourgeois public opinion has a great number of prominent people who are prepared under such circumstances to say publicly, no, that won't do, we are decent people and we want decent justice. If such people are informed that a book has been confiscated, then it is possible to mobilise them against the action of the authorities. Our first attempt in this direction was made in the case of the actor Gaertner. This was a case which interested bourgeois public opinion. Here it was a case not of explosives or similar dangerous things, but of art and literature. The President of the Stage Association flung himself whole-heartedly into the struggle and travelled to Leipzig without any invitation. He wished to give evidence as an expert, but the court refused to hear him. In his excitement and indignation at the course of the trial and the stupid sentence, he formed a committee of purely bourgeois organisations of art and literature and the drama. Almost 20 associations were affiliated to this committee and a public meeting of protest was arranged. In this case the Reichsgericht learned for the first time and in a very embarrassing fashion that the bourgeois intellectual world was not entirely in agreement with the sort of "justice" dispensed by the Reichsgericht.

In the case of Fritz Rau too, prominent bourgeois personalities such as Heinrich Mann, Maximilian Harden, Thomas Mann and many others openly protested. This protest was handed to the Ministry of Justice with the remark that the sentence was not in accord with the feelings of justice of public opinion and that the sentence should therefore be annulled. This disturbance in bourgeois intellectual circles and the general unrest of public opinion, has caused the Reichsgericht to be more careful

of late. After the wave of protests in the bookseller's case, the Reichsgericht refrained from proceeding with the cases against Bertha Lask, Kurt Kläber and others.

The author and poet Johannes R. Becher was arrested in August 1925. But only now has anything been done with the affair, and that only at the repeated insistence of the accused and his lawyers. The aim of the latter is to bring the attention of public opinion to the attacks made by so-called justice upon art and literature.

The attitude of the courts recently has awakened the impression that the judges shy at sentencing the authors themselves.

In the bookseller process the authorities punished the bookseller instead of the author, because they reckoned that the author being a well-known man, was too strong for them, but no one knew the bookseller. But even here the authorities were finally forced to the conclusion that they had tried their teeth on granite. The bookseller processes raised a tremendous amount of public attention and scandal. Even democratic circles were discontented. The matter developed into the so-called "crisis of justice" To-day German "justice" no longer enjoys the confidence of the people, who are fighting against it.

I am of the opinion that in great political processes, the defence can do but little to secure any milder sentence. Bourgeois class-justice sentences the members of left-wing organisations as class enemies and prostitutes "justice" to this end from a class standpoint which is fixed before ever the trial takes place. The proceedings from the point of view of the defence can therefore only be considered as the possibility of demonstrating against the brutal arbitrariness of this class-justice. The demonstration made in the court must then be continued outside the court, for public opinion is the only thing that bourgeois class-justice in Germany which pretends to be democratic, really fears, as I have been able to show on the basis of various examples. A good organisation of the defence together with a mobilisation of public opinion outside the court can do much to deal bourgeois class-justice heavy blows. It is clear however, that bourgeois class-justice cannot be finally abolished in this fashion. Bourgeois class-justice will topple when its basis disappears, capitalist class society.

Eugen Schoenhoff (Austria):

In comparison with other capitalist countries, the sentences which are passed in Austria against communist and against left-wing editors are not so severe. The cases which have occurred have done far less to stir up the indignation of the workers than the regular acquittals of fascists who have been tried for actual murder. The case of Mencia Carniceu was particularly crass. This woman having committed a murder was found guilty by a jury, but very shortly afterwards released by the authorities on the ground that she was ill! She was however not so ill as to prevent her being active in her home country as a political agitator. The President of the Court declared that it was illegal to inhibit justice in this fashion, but as no one took any notice of this remark, it was not of much importance. I wish to point in particular to this sort of case, because it was one such case which was the immediate occasion for the July insurrection in Vienna. This case was the acquittal of the Schattendorf murderers.

We are now faced with a series of political processes. Up to the present only the less important cases have been tried, the more serious cases are still to come. The processes which have already taken place have caused great indignation amongst public opinion in general and have even affected a section of the bourgeois jurists. Numerous summonses for exercising illegal pressure have been issued against workers who must stand their trials. The illegal pressure consists in having held up motor-cars in order to transport the wounded to hospital. The president of the court himself was forced to admit that the official ambulances were not in a position to fulfill all the demands made upon them. Despite this fact, the authorities nevertheless had the shameless brutality to issue numerous such summonses although the actual exercise of any illegal pressure on the motorists could not be proved. The authorities took up the attitude that the situation was such that the chauffeurs or the occupants of the motor cars must have been under pressure and been afraid to refuse. The workers were indicted without it being proved that they had used any threats or pressure of any kind. The defence took up the attitude that the workers were in a state of extreme urgency. In two cases I managed to secure acquittals.

Another case in which Austrian "justice" was caught out and exposed, related to the empannelling of the juries. The juries in Austria are composed as follows. A list of jurymen is prepared in advance for the whole year. In order then to avoid any deliberation in the choosing of these jurymen for the particular cases, lots are drawn. According to the law the jurymen may only be chosen according to this principle. In the July process two worker jurymen who were next on the list for service were deliberately passed over and the following bourgeois jurymen were taken. An interpellation was lodged with the Ministry of Justice and the Minister himself was compelled to admit the facts. After a time, of course, an "explanation" followed. There was of course no deliberate intention about the matter. A somewhat deaf official had "misunderstood" the instructions of a judge, that was all, and so the workers were tried before their class enemies. The verdict of the jury which had been illegally empannelled was not invalidated.

In this connection I would like to deal with two other cases which show with what injustice the judges in Austria and Hungary express their opinions concerning the revolutionary proletariat. After the 16th July in Austria a declaration of the Austrian judges was made public in which the latter openly and politically expressed their attitude to the July events, in the form that they represented the insurrection as the excesses of the "mob". Insulting terms such as "mob" were deliberately used, although everyone knows that the demonstrators on the 16th July represented the cream of the class-conscious proletariat of Vienna, although undoubtedly doubtful elements joined their ranks. The workers marched en masse from the factories, most of them were social democrats. This did not prevent the judges from declaring with inconceivable hypocrisy that they wished to protect the workers from the slander that the 16th July was a working class demonstration, that was a mob, against which all the forces of the law had to be applied.

The anger of the judges was particularly great, because the main fury of the demonstrators was directed against their own persons. But what confidence can a proletarian have in judges who take up a clear and party attitude even before the trials are heard?

Still more clear and shameless was the attitude of the judges in the Szanto Process in Hungary, where the freedom of the defence was limited to the utmost degree, where the accused were forbidden to speak about the tortures to which they had been subjected. When the accused did speak of the tortures despite the prohibition, they were punished with disciplinary punishments, solitary confinement, bread and water. The same punishments were imposed for any interruptions of any sort made during the trial.

With regard to the organisation of the defence, I too must say that in my opinion one of the most important weapons in the hands of the defence is the mobilisation of public opinion outside the court. This is particularly true of the Balkan countries.

How can and how should one act here? On many occasions lawyers and delegations have been sent to the Balkan countries. From this alone one can see the great interest which European public opinion takes in the happenings in the Balkan countries. I am of the opinion that the International Class War Prisoners' Aid could do great service not only by making the terror in the Balkans known to European public opinion, but also by encouraging and supporting the sending of lawyers and other prominent personalities to the Balkan countries. It must be remembered of course that when lawyers are sent they can hardly ever take any active part in the defence, for the laws prohibit this. It must however be mentioned that great unclarity still exists as to whether a foreign lawyer may practise before the courts in the Balkan countries. I once went to a trial in Roumania without being aware of the actual conditions in Roumania. I put myself into touch with Roumanian lawyers and asked them whether I might practise. They all told me that it was permissible and the president of the Roumanian Lawyers Association promised me that he would raise the question. I do not consider the question unimportant whether a foreign lawyer may formally attend the trial. I was able to be present at the trial for three days before I was finally arrested. I will refer to this case again before I have done.

The main significance of a delegation can however only be that the foreign lawyers represent so to speak, the public conscience of Europe. For this reason efforts must be made to secure that really prominent personalities are sent as members of these delegations, otherwise the aim of the delegation will not be achieved. From personal experience I can say that when foreign lawyers come to undertake the defence of workers, the authorities in the Balkan countries make short work of them when they come from such countries as Austria. Even if the lawyers in question are not always arrested as was the case with me, they are pretty certain of being expelled suddenly, perhaps under unpleasant accompanying circumstances, although they need not always fear such things as occur in Bulgaria and Roumania where on more than one occasion bombs have been placed in the homes of defending lawyers. Should the lawyer come from France or Great Britain, then the authorities in the Balkans are somewhat more careful. Public opinion in France and Britain means something still for the Balkans. It can happen of course, as in Roumania, that people of really international reputation like Henri Barbusse can be expelled, although politely and in a cloaked form.

I am also of the opinion that it is best to invite two lawyers to go together. In this respect I am relying once again upon my personal experience. In

order that you will understand better, I would like to tell you a personal experience of my own.

I have already reported about the first section of my Roumanian journey.

After having been present at a trial for three days, I was arrested on the fourth day and a protocol was placed before me for signature in which I was to admit that I had been sent to Roumania by the Soviet Union. The chief of police explained quite openly to me that if I would sign the protocol I would be immediately released. He added: "And if you don't sign it, then most unpleasant things can happen to you". I did not permit myself to be intimidated and I was sent home on the same day.

I appeared there as an Austrian advocate, but the Roumanians snap their fingers at Austria, indeed, they seem not to have known exactly what sort of a country Austria is, for they believed or pretended to believe that my pass was forged and that I was in reality no advocate, but a swindler.

I was released the day after a French and a Tcheckish comrade had arrived. The latter was Dr. Stein from Prague. The Siguranza informed me that they had arrived and that they had confessed everything. The old trick.

I learned afterwards that it was true that they had arrived, but not true that they had been arrested. They were only expelled.

The fact which made the difference of course, was that the two comrades were not from a helpless little State like Austria, but one of them was even from France, a country whose public opinion is still able to exercise decisive influence even in Roumania.

The Roumanian authorities refused all information to these two comrades about me, but they learned of my arrest through a worker who was employed in the neighbourhood of the hotel and who had seen the officials of the Siguranza leading me off. From this the Roumanian authorities concluded quite correctly, the two would make a public scandal out of the affair and show a lively interest for the fate of their colleague.

On the day the two lawyers arrived at the Ministry of the Interior in order to intervene on my behalf, I was released. I was not expelled from Roumania on account of this intervention, but because the Roumanian authorities knew that an intervention would be made, and they wanted to be able to say, well, what about it, he is no longer here.

From this incident we must learn how the thing is to be done in future. If a foreign intervention is to be made, then it must be done at once. At the same time a number of lawyers should be sent, prominent personalities from various countries, if possible simultaneously, in order that the authorities can see that the action is international, that citizens of various nationalities are taking part in it, and that they, the authorities, must be careful.

Sen Katayama (Japan):

The laws of juridical practise in Japan are mostly taken over from France, but recently, much has been borrowed from Germany too. Some time ago a sort of jury trial was introduced into Japan, on paper at least, but up to the present it has not been tried out in practise. The judges have great power. They can reject the application of a lawyer for the subpoenaing of a witness. They can hear the evidence of a witness or not,

as they please, and they have also the right to grant bail or to reject it. Communists are of course always refused bail under all circumstances. The worst thing in Japan is usually that an arrested man is treated from the beginning as though he were guilty, unlike the English law which, theoretically at least, regards every accused as innocent until he is proved guilty. In Japan the arrested lose all their civil rights immediately. Apart from crimes against the safety of the Mikado, which are dealt with before a special court, there are three instances before which cases can be tried: the local courts, the courts of appeal and the Supreme Court. An important factor is that if an accused is acquitted in the first trial before the local court, the prosecutor has the possibility of appealing against the acquittal to the higher court, in those rare cases where communists are acquitted in the first trial, the prosecutor invariably appeals. In America for instance, when an accused is acquitted he is then a free man, but in Japan it is different, if he is acquitted he can never know whether he will be released or not, for perhaps the prosecutor will appeal to a higher court against him. When the matter has been tried before all three courts and he has been acquitted by them all, only then can he reckon on freedom and safety. In this way class-justice has tremendous possibilities against the workers. In a process before the local courts, a sentence of three years imprisonment can be passed. Before the higher courts however, this sentence can easily be increased by many years, and is very seldom reduced, because for the most part the judges of the high courts are reactionary and conservative. In communist trials before higher courts, the sentences are invariably increased.

Up to the present no law exists in Japan limiting the period in which an accused may be held under arrest awaiting trial. The previous enquiries can last 6 months, but it is not unusual for them to last two years or more. It is quite common for an accused man to be held a long time in prison awaiting trial. This is particularly the case with regard to those communists accused in connection with the movement in Korea.

As far as the lawyers are concerned, the latter are usually prepared to undertake the defence of communists, socialists or anarchists free of charge. This may appear strange, however in Japan bourgeois class-consciousness is not very highly developed. For instance, „Das Kapital“ by Karl Marx is now being issued in Japan by capitalist publishers. At the present time two great publishing houses have undertaken the translation and intend to publish the three volumes at the very cheap price of 5 Yen.

Not only are lawyers prepared to defend socialists and communists free of charge, but they are very often prepared to undertake long journeys at their own expense to arrive at the place of the trial. It very often happens that a lawyer pays from his own pocket the cost for the copying of the documents in the case. The reason for all this is that very often lawyers become very popular through their defence work in political cases, and thus increase their practise. When I was arrested in 1912 many prominent lawyers took great pains on my behalf. I think there were fifteen in all. Of course I rejected the services of most of them and retained only five for my defence. For this reason the courts in Japan do their best to avoid classifying an accused as a political prisoner and try to deal with him on some common criminal charge.

In Japan it is extremely difficult, almost impossible, to obtain money for the defence through public collections. The lawyers demand no fees

it is true, but sometimes thousands of pages of the indictment and other documents in the case must be copied. If an appeal for a collection on behalf of the defence of this or that accused before the court is published in a socialist newspaper, the authorities immediately impose a fine of 100 Yen administratively upon the newspaper in question. It is however possible to carry out collections in the name of the accused on behalf of his family. During the preliminary arrest awaiting trial it is also possible to supply the arrested with extra food, as the food in prison is extremely bad.

Spiro (Roumania):

I intend to speak in particular about the situation in Roumania but my remarks can be transferred with very little alteration to the situation in the other Balkan countries and in Poland.

In Roumania it is not necessary to have violated any law in order to be arrested. Arrests are carried out often enough on the basis of the political opinions of the arrested, as soon as these opinions become uncomfortable for the government. Only after the arrest do the secret police receive instructions to construct an offence, which may serve as the basis for an indictment. In the opinion of the authorities the preliminary conditions for this are first of all a term of imprisonment for examination reminiscent of the middle ages, and secondly, torture. In Roumania the situation has developed to such an extent that torture is as much a part of the legal examination as it was under the Inquisition. In Roumania a doctor is always present at the "examination" to control the state of the accused, to determine how many blows he can stand, how powerful the electric current may be with which his tortured nerves are racked, how many finger nails may be torn out. It may sound incredible, but it is nevertheless a fact that when mass arrests are made, the authorities circularise the local police advising the application of this or that form of torture as the best means of arriving at the desired information. The persons entrusted with the "examination", the police, gendarmes etc., are then sometimes ingenious on their own account in discovering "advisable" forms of torture.

When the authorities have succeeded in collecting the material, invariably on the basis of statements made by spies and agents-provocateurs, and of course, upon the basis of the "confessions" extracted from the accused in the usual fashion, the indictment is filed. This document is usually drawn up by a military lawyer whose capacity for the task consists of ignorance and ambition in equal parts, and whose main aim is to include the most hair-raising things he can think of against the accused. A noteworthy thing is that the verdict of the court is never based on the indictment, but upon the secret material of the Siguranza.

During the course of the imprisonment awaiting trial the accused are not permitted to consult their lawyers. There have been cases where the defending lawyers got proofs of the tortures being secretly applied to their clients and raised public protests. There have been continual cases where accused persons have not been permitted to speak with their defending lawyers even in the court during the trial itself. The accused see the indictment against themselves on the day of the trial and not before. The task of the defending lawyers is also made as difficult as possible by

the authorities refusing permission to the defence to examine the documents in the case.

At the trial the police agents and official torturers are present in the court in order to remind the accused by unambiguous signs that should he or they see fit to withdraw the statements made under torture, they would again be returned to the hands of the torturers. In the Kichinev trial of the "sixty five" which took place at the beginning of 1925, the Public Prosecutor declared openly and without contradiction on the part of the judge that it was justifiable and desirable to torture and maltreat communist accused.

From my remarks you will have been able to see that in Roumania the purely juridical defence of the accused plays a very insignificant role. Of course, everything possible must be done in this connection, but alone it is not enough for us. The most important question relating to the organisation of the defence in the Balkan countries is therefore the invitation of foreign lawyers to attend the trial, this is all the more necessary because native lawyers who undertake such cases run the danger of finishing not only their careers but also their lives no matter whether they are communist or bourgeois lawyers.

Then, it must not be forgotten that the greatest service the defending lawyers can render to the accused is the struggle for his bare life, i. e. for the ending of the tortures, or at least for a milder treatment. Successes in this direction have already been achieved, thanks to the heroic struggle of bourgeois and communist lawyers, and I do not wish to omit mention of this fact here.

The organisation of the defence therefore cannot be conducted in a purely juridical manner, but must be taken onto another field of action, the political field. Defence of accused in these countries is only possible when lawyers both from the country in question and also from abroad are present and when public opinion at home and abroad are stirred up in the struggle for bourgeois freedoms.

Rich experience has shown that in most cases a degree of success is achieved. The best success was in the Tatar-Bunar process where in consequence of the intervention of the famous French lawyer Torres, the Italian lawyer Riboldi and the Barbusse delegation, the authorities were compelled to abandon their original plan of imposing death sentences and contented themselves with passing severe hard labour sentences.

Rakosh (Hungary):

Anatole France has characterised the real essence of bourgeois law in his famous statement: "The law in its majestic equality forbids both rich and poor to sleep under bridges and to beg their bread". In these few words there is a deep significance. The bourgeois law forbids the judge to acquit an accused where a violation of the law has taken place. The judge cannot acquit, even if he wanted too, he is compelled under the iron command of class-law to sentence the delinquent. Before the war legal procedure, particularly in the great democratic countries, remained strictly within the legal form laid down for it. After the war this state of affairs changed. Not only in the fascist countries, but also more or less in the democratic countries, the judges and the whole State apparatus became fascist. This means that the fascist courts no longer observe the democratic rules of legal procedure. They pay very

little attention to whether the verdict and the sentence are in accord with the actual evidence and whether the legal procedure is in accordance with the law. The courts treat the accused as a class enemy and sentence him as severely as they can. This is the characteristic of the present fascist courts in the capitalist States.

I come from a country, Hungary, which has suffered for eight years under fascist dominance. This fascist regime was, as is generally known, in the first years of its existence a regime of white terror like that which exists in Italy, Bulgaria, Roumania, Lithuania etc., and murdered, imprisoned, tortured, as only the white terror can. To-day Hungary is to a certain extent different. To-day Hungary represents the country of legal terror in a more perfect form than in any other country. To-day it no longer happens that workers are shot by the dozen, even by the hundred, and their dead bodies flung into the Danube, but the iron regime of the police is so brutal and repressive that the whole revolutionary movement has been forced into complete illegality.

In this situation the process against Szanto, Vagi and their comrades took place. A few days ago the press published the verdict of the Budapest criminal court. This process is characteristic for the present day legal procedure in Hungary. First of all the authorities placed the arrested men before an exceptional court. A great legal debate took place as to whether the exceptional court was valid or not. Liberal jurists were of the opinion that the exceptional law which was the basis of the exceptional court, no longer exists, having lost its legal force. The exceptional law was introduced during the war and periodically lengthened from time to time. The last period has now elapsed and the law no longer possesses any legal basis. Despite this fact, the accused were placed before an exceptional court. Under the wave of international protest in the press and amongst the general public however, the exceptional court was forced to declare that Szanto, Vagi and their fellow-accused did not belong before the exceptional court and that their offence should be dealt with before a normal court. That was the preliminary history of the process.

The verdict showed a certain very clear tendency. The accused were divided into two groups, the communist group around Szanto and the left-wing socialist group around Stephan Vagi. The aim of the government was to settle for both groups in one process in order to bring the radicalisation of the working masses to a halt and to dispose of the left-wing socialist movement. The aim was to deprive the Communist Party of every possibility of working in legality and to stamp the Socialist Workers Party as communist and drive it into illegality also. The process was prepared in the atmosphere of war against the Soviet Union and this explains also the severity of the sentences passed against the accused. The fascist chief of the Budapest police gave an interview to the Vienna "Neue Freie Presse" and relieved himself, inter alia, of the following: "We have been successful in discovering a widely-laid communist conspiracy. The agents of this conspiracy are to be found in Buchara, Afghanistan, Persia, India and China. The Canton troops consisted for the most part not of Chinese but of Russian bolsheviks, Borodin and Bela Kun met each other in Budapest and worked out the plans for the Balkans together." This nonsense shows that the Hungarian government wanted to pose as the saviours of the world from bolshevism in order to make a good impression upon Chamberlain and to assist him in his anti-soviet campaign.

In this process the rights of the defence were limited in every possible way. In contradiction to all custom, the court and particularly the police brought stenographers into the court to take down the speeches of the lawyers for the defence. The aim of the authorities was, of course, to intimidate the lawyers for the defence and to interfere with the development of the case for the defence.

Velev (Bulgaria):

Schoenhof has already enumerated all the difficulties which are placed by the authorities in the way of the organisation of the defence in political trials. I consider it valuable to read a document here, namely the protest of the Association of Bulgarian Advocates against these artificial difficulties made by the authorities. This protest contains facts to support it and is particularly interesting because its authors are not communists, but good and respectable bourgeois lawyers who saw themselves compelled to protest against the attitude of the authorities. Here is the document:

"Protest of the Association of Bulgarian Advocates.

"The rights of the defence are absolutely necessary for the existence of justice, and justice is the basis of civilised life. The law guarantees poor people a free defence, but rejects a voluntary defence. The defending lawyer is a defender of society. His chief task is to lead law and justice to victory, and this gives him the moral strength to fulfill his task.

"Desiré did not hesitate to undertake the defence of the deposed King Louis XVI of France, although he knew that he was risking his own life in doing so.

"The Bulgarian advocates have also shown in a wonderful fashion that they are prepared to do their duty at all costs.

"In Lom lawyers for the defence were insulted and mishandled.

"Explosive substances were thrown into the houses of the lawyer Patev in Burgas and the lawyer D. K. Genov in Karlovo.

"In Pleven, Stara Pagora and Sliven lawyers have been threatened.

"All this was done in order to intimidate them and prevent them carrying out their functions as the defence.

"Without hesitation however, all the lawyers have refused to abandon the cause of the accused. Their moral courage and their splendid example of loyalty to duty are glowing and exemplary deeds in this present period of darkness.

"The Association of Bulgarian Lawyers openly expresses its admiration and satisfaction at the courageous attitude of its colleagues.

"At the same time the Association declares that these challenges which aim at preventing the lawyers from carrying out their duties, are dangerous, no matter from what quarter they may come, not only to the lawyers in question, but also to society as a whole.

"Having regard to this fact, the Association of Bulgarian Lawyers protests in the name of the law and of justice against these challenges and appeals to all Bulgarian citizens to put an end to these threats to the rights of the defence. This matter is one for public opinion in general.

"The Association of Bulgarian Lawyers appeals to the Bulgarian government to take effective and energetic measures to guarantee the rights of

the defence, for their existence represents one of the primitive conditions for the existence of a civilised State."

We cannot agree with everything the Bulgarian lawyers say in this protest, particularly not with their fashion of defending the accused. We are of the opinion that the political convictions of the accused should not be concealed in order to obtain an acquittal. But I repeat, this document is important because it enumerates the facts and represents the situation as they actually are.

It is interesting to note that the attitude of the authorities is such that not only the Association of Bulgarian Lawyers has been led to protest, but also the Association of Judges has begun to protest, for there have been cases, rare it is true, where judges, whom one really cannot accuse of prejudice in favour of communists or left-wing members of the Peasant Unions, have found it necessary, in consequence of the crying insufficiency of the indictment, to acquit the accused.

Not long ago there were one or two processes against editors of certain left-wing newspapers. The judges were compelled to acquit the accused, because the latter had really kept themselves within the limits laid down even by the exceptional law for the protection of the State. The organ of Liaptcheff the prime minister of Bulgaria, "Preportz" wrote concerning the acquittals: "We bow to the dictates of justice, but we must point out that in these cases the Bulgarian judges showed themselves unable to grasp the idea of the protection of the State which was entrusted to them". The Association of Judges commenced a polemic with the government and asked: What is the idea which we failed to grasp because the indictment was so baseless?

It is an interesting fact that judges who have really covered themselves with shame (The court of cassation which has sentenced daily innocent men to death and to long terms of imprisonment, overstepped the boundaries of the law for the protection of the State, liquidated all working class organisations without exception, trade unions, co-operatives etc.), even these judges have seen themselves compelled to protest against the practise of the governmental authorities.

This did not occur as a result of the objectivity or courage of the judges, but as result of the struggle carried on by the accused themselves before the court and in particular thanks to the powerful movement which exists in Bulgaria, supported by a similar movement abroad, which cannot remain without influence on the verdicts of the Bulgarian judges.

The conclusion to be drawn from all this is that our lawyers must not conduct their activity within purely juridical limits and must never attempt to conceal the real political situation. The lawyers for the defence must conduct a fight for the freedom of political thought for the accused, and what is particularly important, they must organise public opinion where the case is of importance. Only in this way can any satisfactory results be obtained.

A Polish delegate:

Conditioned release before the expiry of a sentence is only carried out in exceptional cases and as the result of a petition, although this method is perfectly legal. Usually the prison administration proposes to the political prisoner that he lodge a petition with the President of the

Republic, although they know that such a proposal is an insult to the prisoners.

Only very few lawyers are prepared to undertake the defence of communists, for a number of Advocates Chambers have adopted a decision to expel any member undertaking the defence of communists.

The following must be noted:

1. Arrests are chiefly made upon the evidence of police agents.
2. The preliminary examination is not made by an examining magistrate, but by the police and this examination usually lasts from 20 to 22 months. It has happened that a man has been kept in prison awaiting trial for four years.
3. The time spent in prison awaiting trial is not necessarily deducted from the sentence. Judges may make this deduction if they choose, but they are not compelled to.
4. The witnesses who appear before the court on behalf of the prosecution are almost exclusively police agents.

Ruppert (Germany):

I would like to put the question to the comrades from the Balkan countries, do the great mass demonstrations which are held in Europe have any effect upon the semi-savage authorities in your half-civilised countries, as you term them yourselves? This question is important because in Europe there are people who declare that they are "letter" than the communists, and who say that these demonstrations have no effect whatever upon the authorities in your countries. It would be interesting to learn whether this is true or not.

Velev (Bulgaria):

The question is very important and can be answered very briefly. The comrades from the Balkans can corroborate my statement. It is sufficient to follow the bourgeois press in the Balkans in order to see how much the Balkan bourgeoisie fears these demonstrations abroad. It has already been said, and I repeat it here, that all these delegations which come to the Balkans represent such a shameful thing for the governments there, that the latter feel compelled to expel them immediately. All these committees of intellectuals, all these great workers demonstrations and all these protests make a great impression on the authorities in the Balkans. First of all these countries are small and dependent upon Europe and secondly, the governments whose own power in the country is on very unsteady feet, feel themselves still weaker in their attacks upon the workers and peasants when they are bombarded simultaneously with protests from abroad. For instance, the Committee of Intellectuals in Paris is for the governments of the Balkan countries what the French would call "la Bête noire" of these governments. The Balkan governments go so far as to organise special counter-propaganda to our actions. I am certain that for instance Koebloes would have been handed over to the Roumanian authorities by the Tcheckoslovakian authorities if the protest movement had not been so powerful, swift and international. I would like to use this opportunity in the name of the Executive to draw the attention of the foreign comrades in the various countries to the fact that these demonstrations etc., are of first rate importance. The protests to the consulates,

the telegrams to the governments and to the parliaments, make a deep impression. I repeat, it is sufficient to read one number of a Bulgarian or Roumanian bourgeois newspaper in order to know what a great significance these demonstrations have.

Bartoshek (Tschechoslovakia):

It has already been very correctly said that a State based strictly upon respect of the laws, no longer exists anywhere. For us that means that the defence of political accused before the court is a question of power, and that we must organise the defence from this point of view.

The mobilisation of our forces abroad is very important in the great political processes. This mobilisation of public opinion abroad has a very considerable effect upon the trial. I am in a position to speak about this matter particularly because I have had the opportunity to act as defending lawyer for Vouyovitch and Kusovatch in Yugoslavia and twice as the defending lawyer of Boris Stephanov in Roumania. I have had the opportunity of seeing that such intervention really puts the governments and the officials to a great deal of embarrassment. When I journeyed to Yugoslavia in order to interest myself on behalf of Vouyovitch and Kusovatch, I found in the beginning the greatest politeness and willingness, was it real or assumed? on the part of the Yugoslavian government. I was told that the Prime Minister would certainly receive me and that he would be very thankful if I would take the opportunity of assuring myself that what was written in the press abroad about the case was invented or exaggerated. But before I was given this famous opportunity of "convincing myself", I was expelled from the country by order of the police. Much the same happened to me in Roumania also. It is not quite correct to say that one cannot act as a foreign lawyer before the Roumanian courts, because I myself was permitted to act before the court in the case of Stephanov. It is true, the authorities knew how to get themselves out of the situation and they did so simply by postponing the process. When I arrived in Bucharest for the hearing of the postponed trial, the authorities postponed the trial again. On the next day I received a notice from the police to leave the country immediately.

Before I was expelled, however I had the opportunity of speaking with a number of the accused, including Stephanov himself who told me that our work was useful and effective. From the moment when the Stephanov case began to interest public opinion in Europe, a definite improvement in the situation of the political prisoners was observed and they were no longer tortured. The conclusion from these facts for us is that the matter is more a political than a juridical one and we must organise protests abroad i. e. outside of Roumania, more energetically than ever before, for really this work which we are doing is not useless.

I want to draw your attention to another process which is in my opinion in danger of being forgotten, I mean the process against the unitary trade unions in Roumania.

This process too is being postponed again and again, that is to say the government is embarrassed. Therefore if we organise an energetic movement of protest abroad, and if the trade unions in particular make it their task to take up the matter, then we shall certainly be able to exercise some influence here.

A third example, an example in which our efforts were completely successful I would like to mention here because it shows exactly how we should go to work in order to succeed. The case is that of Koebloes. In this case, my own country, Tcheckoslovakia, approached rather dangerously near to the customs of the terror countries. Koebloes was arrested in Tcheckoslovakia and if we had not interfered energetically, he would certainly have been handed over to the Roumanian Siguranza. We secured the French lawyer Robert Bos, a member of the Paris Municipal Council, for the case. Bos is a left-wing bourgeois from the Radical Party of Herriot. Bos came with his recommendations to our authorities and one could notice immediately that the Koebloes case had become embarrassing for the Tcheckish authorities. What were they to do? They would willingly have done the Roumanian authorities a little service of that kind, but French public opinion was also interested in the affair, and its interest was diametrically opposed to the interests of the Roumanian government. Finally the matter was settled by the Roumanian government, after negotiations had gone on behind the scenes, withdrawing the request for extradition. It was also of considerable assistance to us that one of our lawyers, no communist, but a left-wing German social democrat went to Roumania and obtained an official copy of the verdict upon the basis of which the Roumanian government requested the extradition of Koebloes. This quickness of action put the Roumanian government in such a situation that it was practically compelled to withdraw the request for the extradition of Koebloes.

That is an example of how the thing ought to be done, but I would like now to give an example of how it ought not to be done. The last time I was requested to go to Roumania, the request came at the last moment so that I had just time to catch the train. I arrived in Roumania knowing nothing concretely of the case and without any knowledge of the Roumanian legal circumstances etc. Fortunately, the date which had been given to me was wrong, the process actually took place four days later and this respite was of the greatest use to me. In this time I was able to collect the necessary information.

When a decision is made to send foreign lawyers, then this decision must be made in good time, and when the action is once commenced, it must be carried out energetically. Only under such circumstances can any success in the matter be obtained.

III. Extra-Legal "Justice" and the Police

Estrin (Soviet Union):

I have made it my task to sum up, so to speak, the facts concerning extra-legal terrorism in the various countries. It is clear, the facts which I will quote here are not new and have not been discovered by me. Most of those present here will have read of these facts in the literature of the International Class War Prisoners Aid, and perhaps have personal knowledge of the bourgeois terror which it was not possible for me to obtain. The written material at my disposal was very insufficient and incomplete. However, it is possible to give a general picture on the basis of this material.

Spiro spoke here of illegality which had been legalised. This statement refers to the countries of the fascist dictatorship. We must examine the question whether or not the contention that illegality has become legalised, is also applicable to the democratic capitalist States. Of course there is a difference between the regime in a fascist country and in a democratic country, but the inner principle is the same. In the countries of democratic capitalism we find a masked dictatorship, i. e. a dictatorship masked with codes of law and juridical practise. In the fascist States we find an open dictatorship. Since the imperialist world war, we can observe that in the democratic countries of Europe and in the United States, the rulers of these countries find themselves more and more at one with the elements of fascism. The law of fascism is the law of open force. Threatened by the rise of the proletariat the bourgeoisie in the democratic capitalist countries are also more and more adopting the weapon of violence. A State based strictly upon the observation of the written law no longer exists. The class-struggle has resulted in the breaking through of the legal framework by the ruling classes themselves. Even in those capitalist countries where the ruling class most loudly proclaims its respect for law and justice, both law and justice are systematically violated against the revolutionary working class. In the fascist countries the governments attach little importance to the preservation of the appearance of "justice". This is the case in Italy, for instance. Following upon the last attempt on the life of Mussolini, the General Secretary of the Fascist Party declared openly that no juridical process was necessary in order to take the lives of the "traitors". This opinion was held by the fascists even before.

A few examples: the murderers of Matteotti who are known to the whole world, remain unpunished.

"Unita" October 1926 reports: On the 26th October a revolver attempt was made on the brothers Silvestrini, both were wounded. The would-be assassins the fascists Ettore Grinaldi and Antonio Grossi were arrested it is true, but released after a short time. In their place 20 workers were arrested who had nothing to do with the attack at all.

In Soreso the worker Guido was sentenced to 6 months imprisonment for allegedly having mishandled a fascist, although the defence was able

to prove that not the worker had attacked the fascist but that a troop of fascists had attacked the worker.

"Avanti", 18th July 1926 reports: A number of fascists accused of violence against women were acquitted in Molinella.

We see however, never-ending arrests of workers in Italy. "A few days ago the police arrested hundreds of persons in broad daylight on the open streets. The excuse of the police for this action was that they wished to capture secret emigrants. The truth of the matter however was that they hoped by this network to capture the secret distributors of revolutionary leaflets".

Newspaper editorial rooms, printing shops and even private homes are raided and destroyed. Lawyers (non-fascists) are openly beaten.

With regard to the rights of the defence in court, the Fascist Party has forbidden its lawyer members to appear in political processes against anti-fascists. An ordinance of the 6th May strikes all lawyers who do not belong to the Fascist Party from the rolls and prohibits them from practising. Prosecutors may not prosecute fascists.

Of course, the ICWPA in Italy is subjected to systematic persecution on the part of the police.

The following figures give a clear picture of the situation: In 1925 118 people were killed in Italy as a result of the fascist terror, 1,699 were wounded or beaten-up. In the first eleven months of 1926 51 people were killed and 468 wounded. Trade union and other working class quarters were also destroyed, in 1925, 380, in 1926, 143. In 1925 over 10,000 searches of houses etc., took place and in 1926 over 11,000 searches were made.

Since the attempt on the life of Mussolini on the 30th October 1926 the white terror has considerably increased. In the month of October 1926 alone over 200,000 arrests were made.

A terrible picture has already been given here of the situation in Bulgaria, Roumania and Yugoslavia. I think it is hardly necessary to speak more about this activity of the fascists. I would like only to make a few observations concerning the police regime in Bulgaria. The whole country is covered with a close net of police agents. There is no single village without its representatives of the police, the secret service, the military associations, the patriotic organisations etc. Further there are the so-called "irresponsible elements" who carry on their dark practices. The task of these latter elements is to crush immediately with streams of blood if necessary, the least sign of discontent amongst the workers and peasants with the Liaptcheff regime. The nightmare of these fascist saviours of the Fatherland is an unbroken chain of "conspiracies", "plots" etc. In order to "prevent the hatching of these plots or to prevent the extension of them", the police make regular wholesale searches in the towns. Military, police, secret agents etc. surround hundreds of houses and turn them inside out in the search for "conspirators" and "conspirative material". The results of these wholesale searches are mass-arrests, murders and, in the phantasy of the police, the uncovering of numerous "conspiracies". Special punitive expeditions are despatched against "bandits". According to the statements of oppositional newspapers like the "Radical", "Kosturkove" and „Nesavissimost", these punitive expeditions frighten the peaceful population out of their lives, causing many of them to fly to the woods for safety,

where they are then rounded up and murdered as "bandits". These punitive expeditions are notorious for their brutality and ruthlessness. In July 1927 for instance, in the Troyansk district a whole series of villages and innumerable private houses were razed to the ground by one of these punitive expeditions. Numerous peasants were arrested and mishandled. Many of the unfortunate arrested peasants were "shot whilst attempting to escape" as usual. In this district alone over 200 unarmed and peaceful peasants were murdered by this punitive expedition.

The police regularly extort illegal taxes and fines from the peasants and enrich themselves in this fashion. Peasant women are raped, arrested men beaten and crippled for life, ears have been cut off and similar atrocities perpetrated. There have even been cases where beasts in police uniform have bitten off the ears of their prisoners. Those prisoners who remain firm despite the terrible tortures and indignities to which they are subjected, are then murdered by the police. For these atrocities the police officials receive high salaries and special bonuses are granted them for specially good "work" and the most famous or rather infamous of these murderers are rewarded by having streets in Sofia named after them.

Of course, the working class organisations are especially subjected to persecution.

The following concerning Roumania: The Siguranza is a special institution of the secret police whose net extends all over the country. The Siguranza has its own special administration and has a special telegraph net at its disposal. For the examination of prisoners the Siguranza utilises the most horrible mediaeval tortures, complemented by the latest achievements of modern technique.

Spiro has given us terrible facts concerning the tortures applied by the police to prisoners in order to extract information. These facts would be hardly credible, but for the fact that we know such things only too well from other countries of the white terror. Doctors are even called to be present at the tortures. I hardly understand how it is possible for doctors to undertake such horrible tasks which are in such contradiction to their medical duties and aims.

I would like to mention the case of Pavel Tkatchenko. After he had been successful in regaining his freedom on a number of occasions, he was again arrested, terribly tortured and later murdered outright by the Siguranza.

In Poland the shooting and mishandling of worker demonstrators and striking workers is a daily occurrence. Thousands of workers are arrested on political suspicion. In April 1926 alone 1,379 persons were arrested.

When we leave the fascist European States and take a look at China, we see the same picture. In China too there is a regime of blood and iron.

On the 14th August in Hankow Wang Ting-wei made the following facts concerning the regime of the "left-wing" Kuomingtang:

On the 14th August in Hankow Wang Tin-wei made the following declaration to a meeting of Kuomingtang agitators:

"We are assembled here in order to work out a fighting plan for the death of the communists. Our task for the moment is the complete extermination of the communists and their party".

This plan of the Kuomingtang has been put into operation in the whole area under the regime of the Hankow government. Mass arrests and

mass executions have taken place of all persons suspected of belonging to the Communist Party.

The following is reported from Shanghai on the 14th November:

"According to the reports of Chinese newspapers the troops of Feng Yu-hsiang have commenced a campaign of extermination against the members of the peasant organisations "Red Pikes" and "Gates of Heaven" in the province of Honan. The punitive expeditions have destroyed whole villages. The reports give the number of killed as varying between 30,000 and 80,000".

As a resumé of the terror in China I would like to quote the words of the former foreign minister Tchen. He says the following:

"Since the revolution in 1911 the Chinese people have made terrible sacrifices in the struggle for their freedom. In consequence of the immense distances and the isolation of the great districts, there can really be no reliable statistics. The number of the victims can only be approximately judged from the newspaper reports. In the meantime the terror is growing on account of the new campaign of extermination against the communists and the workers and peasants organisations in general, the activities of which are unwelcome to the imperialists. The atrocities committed upon the helpless population of the villages are chiefly carried out by the demoralised bands of military. The bourgeois authorities into whose hands prisoners fall are notorious for their brutality. They torture their prisoners terribly in ways unknown in Europe."

The latest statistics concerning the terror in China give the following picture: from March to August 1927, 29,430 people were killed and 31,300 wounded. If the total number of victims is taken the number is 513,000 for this period.

Now let us consider the democratic countries, first of all the United States of America. At the entrance to New York Harbour stands the Statue of Liberty. American liberty however is a class affair.

American liberty is for the ruling class, it means that the individual capitalists and their undertakings may recruit private armies. Whole companies of armed hooligans stand in the services of Mr so and so, or of such and such a company. When necessary these private armies march against peacefully demonstrating workers and disperse their meetings with armed force. The armed forces of the State, the police and the militia, attack the workers in exactly the same fashion. Armed police are present at all large working class meetings, and on more than one occasion gas attacks have been made on the workers.

The so-called "Frame-up" an expression peculiarly American and unknown in other countries except where borrowed from the USA. is typical of the state of affairs in the United States. The "Frame-up" is a convenient way of getting rid of workers who have become uncomfortable by trumping up some charge against them and supporting it with false evidence and thus securing the conviction of the accused. The case of Sacco and Vanzetti is a peculiarly shameful example of the Frame-up.

The police in the United States, like their colleagues in Europe, do not hesitate to mishandle arrested workers who fall into their hands. There is even a special expression, also peculiarly American, for this form of

police brutality towards prisoners, it is known as the "third degree" and is applied in order to extract information.

I would like to remind you that Sacco and Vanzetti were arrested at a time when they were particularly active politically and organised meetings to assist Salsedo. Salsedo was arrested by the police and kept for eight weeks in the notorious building of the Department of Justice in Park Row in New York. At the end of that time his smashed body was found on the pavement, he having jumped or been flung out of the 14th story window. Whether the third degree killed Salsedo and the police flung his dead body out of the window in order to create the impression of suicide, or whether Salsedo jumped out himself in order to save himself from the horrible tortures of the third degree will perhaps never be known. In any case, the methods of the American police are equally terribly exposed.

Further, attention must be paid to the activities of the Ku Klux Klan. This organisation to which members of the American Congress belong, has as its aim the paralysing by secret murder and violence of every progressive movement in the United States. The officials of the State are more than tolerant towards the murderous activities of the Ku Klux Klan. That is liberty as understood in the United States.

Germany is also a democratic country whose public life functions upon the basis of the written laws, or does so allegedly, but here too fascist murders are tolerated. In the presence of Timpe, Menzel and the other delegates from Germany, I need not go into the details of the special German police system. They themselves will certainly be in a position to quote far more examples than I can. I would like however, to mention the case of Juergens, the examining judge attached to the exceptional State court (Staatsgerichtshof, since abolished, but not its functions against the revolutionary movement which have been taken over by the Fourth Senate of the Supreme Court, Reichsgericht). Juergens was arrested and charged with various swindles in numerous affairs. Under the protection of his own powerful position he organised robberies in his own house in order to secure the insurance money, afterwards blaming the crimes onto his political enemies, the communists.

When high officials like Juergens are capable of such incredible corruption and crime, then it is not surprising that the lower officials of the German police do not hesitate to try their hand at maltreating the prisoners who come into their hands.

Other capitalist democracies, Great Britain, France etc., carry on murderous work in their colonies. The colonial countries will be dealt with specially here. In summing up I can say that everywhere the white terror is flourishing. The French imperialists in Syria, the British imperialists in India and the Dutch imperialists in Indonesia have committed unheard of atrocities.

Unfortunately I am not in a position to deal with the French police regime in the Fatherland as the necessary material is not at my disposal. But Foissin and others will be able to deal with this question better than I could.

In Great Britain as far as I am able to judge, the police seemed to be more bound to the law in their activity. But the police here as in all other capitalist countries are also capable of atrocities, as was proved by their activity during the General Strike and the lock-out of the British

miners, and their attitude during the raid on the Russian Trade Delegation Arcos in London.

The political responsibility for the regime of terror does not rest alone on the shoulders of the purely bourgeois parties, the leaders of the social democracy share this responsibility because of the support given by them to governments responsible for the white terror, and because the social democrats do not organise any mass-meetings of protest against the bourgeois white terror. The whole weight of the struggle against the terror is on the shoulders of the International Class War Prisoners Aid and its sympathising organisations. In this fight it receives however, the support of other working class organisations such as the Communist Parties. This struggle must be increased by awakening the masses of the toilers to protest, by publishing the facts of these extra-legal persecutions, by exposing those who bear the responsibility for the terror, by proclaiming the fact that bourgeois "justice" works hand in hand with incendiaries and murderers by giving them protection instead of calling them to account for their crimes.

Katayama (Japan):

It is generally known that the Japanese police is very well organised. The police come mostly from petty-bourgeois circles or from circles of landowners who have lost their lands, and in consequence they apply the law with particular severity against the workers. They use all sorts of tricks against the workers and very often exceed the limits laid down by the laws. What is much worse is the fact that payments are set out for the police who discover and capture criminals. If a policeman captures a criminal he is rewarded at the least with about half a crown, but in many cases he receives as much as a pound or thirty shillings. In order to win this money, the police officials try to manufacture their own "criminals" by provoking workers leaders or working class agitators. Should the police succeed, at the trial the evidence of the police is worth more than that of all the witnesses of the defence put together. Police evidence is always believed. The most valuable evidence is that of the police who carried out the arrest. On the basis of this evidence which is given by the police the fate of the arrested is sealed. A police system exists in Japan according to which a term of imprisonment of approximately a month can be given before any trial takes place. During this period the arrested man can demand his trial, but this demand must be made in writing and lodged officially. Strike leaders and communists are always refused a formal trial. This can be done with communists and strike leaders, because the police invariably watch them closely and prevent them obtaining the services of a lawyer.

To-day strike leaders, communists and working class agitators are tortured in the police stations. They are beaten regularly, in winter they are deprived of their clothing and cold water is flung over them in order in this way to extract confessions from them. Confessions of course referring to crimes or offences they have never committed. In this way confessions are often obtained concerning crimes which the accused have never committed, but for which they are then sentenced.

Further, the Japanese police have the right, armed with the instructions of a higher police official, to make searches in private houses for letters and other material with a view to securing the condemnation of an arrested person. This happens very often.

Then we have fascist organisations which number approximately one and a half million members. These organisations are systematically supported and favoured by the police. The fascists act as strike-breakers, create disturbances at political meetings, attack workers on the streets and raid the headquarters of the working class organisations. You have all read the report in the "Pravda" a few days ago concerning one such raid on the headquarters of the Workers and Peasants Party when a number of documents were confiscated. In this case the police stood idly by and watched the fascists at their illegal work without making any attempt to interfere. As one can see, Japanese police "justice" is very one-sided. The police courts deal very severely with communists and working class agitators whereas the fascists who are armed with automatic pistols and Japanese swords are left in peace by the courts. Occasionally a few fascists are even sentenced in a hopeless effort to save the face of justice, but very little damage is done to them.

In the last few years the police have commenced to co-operate with the gendarmerie. Originally the gendarmerie were introduced to watch over the troops, but at the present moment they are working hand in hand with the police against the communists and radicals, and even carry out arrests on their own account. Together with the police the army and navy participates in the wild campaign against the communists.

The police authorities have their own "black list" of all well-known communists. These latter are constantly persecuted by the police who are very well informed about the strength of the communist organisations. When for instance, the Mikado takes it into his head to travel somewhere, all those people whose names are on the black list are immediately arrested when they leave their houses. It very often happens that the police pay a visit to the employer or to the landlord of a revolutionary worker and inform them that this worker is a member of a trade union or is a communist and that they should therefore not continue to employ him or permit him to remain living in their house.

It is a generally known fact that business people do not like having anything to do with the police, therefore the police do their best to persuade them to let no theatres or halls to communists. Recently the police have been proceeding with particular brutality against the communists and against working class leaders in general. The police are particularly brutal towards the workers on the streets in demonstrations, beating them up, pushing them roughly etc., until the workers themselves are embittered and ready to resist. Street fights between workers and the police very often occur. Even in strikes, workers are seriously wounded and even killed by the police. In one case 155 workers leaders of the Hyogikai were arrested. There was no other reason for their arrest but that the police hoped in this way to defeat the strike. The wives of the arrested however took their places together with other workers and the strike was continued for three months. The Japanese police are very capable and clever in their activity against the workers. They declare that their task is to defend justice, in fact however, their only task is to commit injustices against the workers.

A Macedonian delegate:

I will speak in particular of the situation of the oppressed peoples in the Balkans, and about the white terror to which these peoples are

subjected, particularly at the hands of the so-called "irresponsible elements" who are in reality the agents of the government.

I wish to speak of what is happening in Macedonia, a country which is divided between three Balkan States, Yugoslavia, Greece and Bulgaria. I will also speak of what is happening in Kossovo, a province in the possession of Yugoslavia, which has over a million inhabitants, and of what is happening in Albania. As the Albanian representative is not present, I will speak in his name.

In all three parts of Macedonia there are irresponsible elements at the head of which are Macedonians. You have probably learned from the newspapers that in Macedonia there is an organisation known as the Inner Macedonian Revolutionary Committee at the head of which stands a general named Protogerov, a bloodthirsty man. For three years now this organisation has oppressed and tortured the Macedonian people. This organisation is the unquestioned ruler of that part of Macedonia which is in the possession of Bulgaria. It carries on its activities however, not only in the Macedonian part of Bulgaria, but also in Bulgaria itself. The most brutal and cruel murderers of the Bulgarian workers and peasants are recruited from the ranks of this organisation.

During the last three years in one district of Macedonia alone, the Petritch district which has a population of only 200,000 inhabitants, over a thousand Macedonians were murdered by this band which enjoys the protection of the Bulgarian government under Prime Minister Liaptcheff.

When we regard the situation of the Macedonians under Yugoslavia, we see the white terror raging there also. Here also there are armed bands of murderers in the service of the reactionary militarist fascist Serbian government. I say, "Serbian", for in point of fact, the government is in the hands of the Serbs, although Yugoslavia is officially called the "United Kingdom of the Serbs, Croats and Slovenians". The old "Tchetniki" Trbitch and Pekianetz are at the head of a special organisation which aims at supporting the de-nationalisation policy of the Belgrade government. A number of the leaders of this organisation are deputies of the Belgrade Skuptchina or parliament. There are also Macedonians who are in the service of the Serbian government. These individuals are a real terror for the population. They terrorise, intimidate, mishandle and torture the Macedonian population in every conceivable fashion.

The same system exists in Greece, which owns two fifths of Macedonia. Here too there exist armed bands with so-called captains at their head. One of the most notorious of these robber chiefs is called Captain Stephan. These bands go from village to village persecuting the population, forcing them to deny their nationality and forcing them to abandon their own tongue. It is a policy of de-nationalisation carried out in the most brutal manner possible.

The Serbian government treats the district of Kossovo, a province which has as I have already said, over a million inhabitants, like a colony, or even far worse than a colony. Dozens of villages have been destroyed and hundreds of Albanians flung into prison. The population of this unfortunate country have not even cultural and national rights, much less then political rights.

In Albania where there is apparently a government, a government which calls itself a national independent Albanian government, the real ruler behind the scenes is Mussolini. Achmed Zogu, the President of the

Republic, is only a prefect, a servant of Mussolini who is ruling the country under the orders of Italian fascism.

The real revolutionaries, the pioneers of Albanian freedom, the intellectuals and the Albanian peasants are subjected to all sorts of mistreatment at the hands of Mussolini's servants. Many of the persecuted Albanians have been compelled to flee the country and seek asylum abroad as political fugitives.

When one speaks of the white terror, when this question is up for discussion, it is the Balkan countries which give us the best picture of what this white terror actually is. As far as the "irresponsible elements" are concerned, the Balkans is the place to see these elements not only at their foul work, but in the direct service of the governments.

In connection with this question I would like to say a few words about propaganda abroad. I did not speak upon the subject when Velev was dealing with it. As the representative of an oppressed Balkan people, and because I myself am occupied with this work of propaganda against the white terror and against the national oppression practised in the Balkans, I wish to say that it is absolutely necessary to continue the campaign in Europe, which is being carried on by the communists and national-revolutionaries.

I am in agreement with all that has been said and would like to add that if it had not been for the great campaign of protest abroad in the case of the Rakoshi process, this heroic fighter would in all probability have been sentenced to death and executed. The same would perhaps have happened to Szanto if it had not been for the campaign which was carried on five or six months before the trial in all the civilised countries of the world, for this process was to have taken place before a court martial. There are many such cases which might be quoted. In Yugoslavia there are two revolutionaries who were arrested some months ago, I refer to Vouyovitch and Kusovatch. They were in a terrible situation and had been terribly tortured, but thanks to the campaign in Europe and to the Committee against the White Terror in the Balkans under the chairmanship of Henri Barbusse, to the protests in the press which occupied itself with Balkan affairs, the lot of these two revolutionaries was considerably improved.

The following will perhaps serve as an example of the effect of the campaign abroad upon the authorities in the Balkans and in particular upon the oppressed peoples. When the population in the Balkans learn that a protracted campaign is being carried on in Europe against the regime of oppression and terror which is at work in the Balkans, then the population is spurred on by this knowledge to increase its struggle against the existing regime.

For these reasons I am of the opinion that it would be a great mistake to adopt any decision not to carry on these campaigns. The Executive Committee of the International Class War Prisoners Aid itself is of the opinion that these campaigns against the white terror in the Balkans should be continued, and this attitude is the only correct one.

At the present time there are committees against the white terror in the Balkans in existence in Geneva, Paris, Vienna, London and Brussels.

Such committees must be formed in other countries also and the campaigns against the murderous white terror regime in the Balkans continued with all possible energy.

IV. Prison Conditions

Menzel (Germany):

All those who made reports upon the different phases of our problem and all those speakers who took part in the discussion, laid especial weight upon the fact that capitalism has made its justice into an instrument for holding the working class in submission. For me it was very interesting to hear that you are also all of the opinion that judges, as far as they are in the service of capitalism, deliberately pervert the course of justice when it is a question of crushing the upward struggles of the proletariat.

If this is the case before and during the passing of the verdict against a proletarian accused, you can imagine what happens to the accused when he is no longer the accused, but the condemned. Before the conviction the lawyers do their utmost for the accused and he is to a certain extent protected from the worst injustice, but after the conviction he is as good as buried alive. The lawyers turn their attention to other cases, the relatives and friends of the convicted man have not the means to help him, and the capitalist penal system does its utmost to prevent his sufferings from coming to the ears of public opinion. This is certainly the case in all capitalist countries. I will therefore limit myself to dealing with the penal system in the German prisons, with which I am best acquainted and best qualified to speak. As a comparison I will also deal with the prison system in the Soviet Union with which I have now had sufficient opportunity to acquaint myself.

It is possible to raise the objection that the penal system is not so brutal in Germany as in the countries of white terror and fascism. It is true for instance, that in Prussia since 1916 corporal punishment has been "prohibited". The instructions of the ministry to the prison officials how to administer corporal punishment, how the blows are to be given and how many blows may be administered etc., have been abolished — on paper. Corporal punishment however, is in practise now as before. Corporal punishment is however not the most important thing, far more important are the methods refined and otherwise invented by the modern penal system to martyr the prisoners physically and mentally. In my opinion there is no difference in the principle of the thing, even if the tortures have various nuances. I have the opportunity of visiting the prisons of the German Republic every week. Every week I receive hundreds of despairing letters both from political and from criminal prisoners. I am therefore well fitted to make comparisons.

Some years ago when we brought in a motion in the Prussian Diet for the improvement of the penal system in Germany, I thought we had worked out something wonderful, but since I have been here in the Soviet Union and have had the opportunity of studying the soviet prison system I have

seen that my wishes, even my dreams, for forty years and more, have all been introduced and put into operation.

It is clear that a prison, no matter where it is and no matter on what lines it is run, does not make a good impression. Locks and bars are not beautiful things. But even that is not the decisive matter. The most decisive thing is the spirit, the atmosphere in the prison. My experiences here in the Soviet Union have shown me that here, in contradistinction to the capitalist countries, the prison system seeks to discover the human being in the prisoners and to bring back the erring citizen to the healthy community. One of the first things I saw was so simple and human and made a deep impression upon me because it is typical of the differences between prison here and prison in the capitalist countries. I was in a prison in Leningrad and was present at an interview between a prisoner and the governor of the prison. Without the least embarrassment the prisoner drew a packet of cigarettes from his pocket, offered one to the governor, who took it with the same nonchalance as the prisoner showed in offering it. Together they lighted up and smoked as they talked. In Germany a prisoner who dared such a thing would get at the very least 14 days bread and water, and probably much worse.

Referring to disciplinary punishments. They rain down on the prisoners in the capitalist countries. I wanted to know how the situation stood here in the Soviet Union. The governor brought me the prison book and a typist copied out the figures for me. I was able to see from the information I obtained that disciplinary punishments are hardly ever imposed and that the usual method is to influence the prisoners by educative measures, for temporary withdrawal of the right to send out letters, official rebukes and such things can hardly be termed punishments as punishment is understood in capitalist countries. Punishments are occasionally administered, even solitary confinement, and I will deal with this later on. But when I think of the "delinquencies", then I know that for such things a prisoner in Germany would receive 14 days solitary on bread and water, if not more, and perhaps with chains on hands and feet for the purposes of "pacification".

When in Germany a poor devil is fined 100 Marks which he is not able to pay, then he must go to prison, even if he has not been previously convicted, for 20 days in order to work off the fine at 5 Marks per day, although the aim of the judge should be to prevent under all circumstances that a man without previous convictions should make the acquaintance of prison. Here in the Soviet Union they arrange the matter differently. When here a man is fined, the authorities make no attempt to obtain the whole sum from him at once and perhaps ruin his life, but the fine is deducted from his wages in small payments, the amount varying according to what he earns. If the man is unemployed, then he must do certain work apportioned to him by the authorities, for this work he then receives 75 % of the trade union rate. The other 25 % goes to pay off the fine. That is what I call a humane and intelligent system.

In Germany unfortunately the system is quite different. In Prussia alone from 70,000 to 75,000 persons go through the prison institutions annually. Whoever once sets his foot as a prisoner inside such an institution is for the most part hopelessly lost, socially condemned and no one wishes to have anything more to do with him. There is great unemployment in Germany, qualified workers are on the streets. Under

such circumstances it is incredibly difficult for a convicted man to secure work when he leaves prison. Whilst he was in prison his labour power was ruthlessly exploited and when he comes out he has no money, or next to none in his pocket. Under such circumstances it is not long before he once again breaks the law and lands back into prison again.

In my visits to the prisons I have found innumerable men who have 15 and 20 convictions behind them and who since they have become adults have only been out of prison for a few weeks or months at a time. They have never been given a fair chance of making good. The worst human material is not found in prisons. It is astounding what intelligent men can be met with there. The most "incurable" prisoners lying deep in the cellars in the German prisons chained hand and foot, have often great prospects for good in them for the man who can talk with them and knows how to get at their better sides. But it is not the object of society to do this, and certainly not the object of the capitalist prison system. In most cases, not the prisoner is responsible for his situation, but capitalist society, the educational system etc. Whoever has made any serious study of the penal system is certainly in a situation to bear out what I say.

One of the most terrible problems for the prisoner who is still in possession of his health and strength is the sexual problem. When one visits large prison institutions, particularly those for women, one's hair can stand on end at the moral situation there.

In this respect I once made a proposal in the Prussian Diet that at least the married prisoners should be permitted from time to time to see their wives or husbands, as the case may be, in private without the presence of the usual warder. Bourgeois deputies asked me to explain what I meant, and I explained exactly what I meant and how I imagined the visits should take place. "Good God", exclaimed a bourgeois deputy, "the German woman is too high for me to consider such a possibility, everyone would know what happened". I turned to him and said openly: "Good God man, don't sleep in the same room with your wife, for if you do the whole world will know what happens".

The situation here in the Soviet Union is very different. When the prisoner is well conducted he receives the right to take a holiday from time to time, and the sexual problem is easily solved.

Whilst I was here I visited one of the prisons of the GPU which according to the bourgeois press represent the last word in horror. I must say that I couldn't find anything of the sort. In the tailors workshop in this prison I found men and women working together in the same room and at the same tables. This would be absolutely impossible in Germany. In Germany on one of my prison visits I wanted to take a woman comrade with me because I was very ill at the time and it was difficult for me to walk much without support. It took me hours of negotiation with the prison governor to persuade him to give his permission. Finally he agreed to take the risk. With my German ideas on the subject I asked the director of the GPU prison whether when men and women worked together in the same room nothing ever happened. He seemed very astonished at the question and put me another question instead of answering mine. Are men and women separated in German theatres, he asked? Are men and women not permitted to walk together on the streets in Germany? And how is it in the German factories, don't the men and women work

together? And do things happen in consequence? I had no answer to make of course. Well, he said, nothing happens here either, why should it?

Another question of very great importance is that of the reward for the work performed in prison. Here in the Soviet Union the prisoners are not robbed of the wages they earn in prison as in the case in the capitalist countries. Here in the Soviet Union the prison regime aims not at exploiting the labour power of the prisoners, but at educating them by work paid at trade union rates and handing them afterwards back to society as cured, like a hospital cures physical illnesses and hands back the patients to society cured. It was a deep pleasure to me to see that here the prisoner is employed at his trade or if he has none, is introduced into one during his term. I was often compelled to exclaim: "These are no prisons but factories!" If such a system were introduced into Germany, Austria or France there would be a storm of protest from the professional associations of the masters complaining at the competition of the prisons. That lies in the character of capitalist civilisation. In the capitalist countries tens of thousands of unfortunats are slowly being ruined by the insane penal system, instead of being cured.

In the Soviet Union the prisoners are paid 75 % of the trade union rates for the particular kind of work performed by them. This 75 % is not paid out to them until the end of their term. The other 25 % pays for their food etc., whilst in prison. When a prisoner has served his term he is not set before the prison gates with next to nothing in his pocket. On the contrary, he has been compelled to save and with this money at his disposal he has an excellent chance of finding his way back into normal honest civil life. Whilst he is in prison his family need not starve, for from what he earns he is well able to provide for them. As a general rule the Guardians in Germany refuse to do anything for the families of prisoners and so the prisoners go to rack and ruin in the prisons and their families outside.

In Germany the prisoners have to do their settled amount of work. They are told that when they work industriously the conditions will be made easier for them. When the director finds that the man works well, the amount of work performed is made the minimum. When this high minimum is not performed, then "privileges" are withdrawn and perhaps the prisoner is punished with solitary.

The "wages" paid in the German prisons are nothing if not munificent. They vary from 2 to 20 Pfennig per day. (Twenty Pfennig is about 2½d. in English money. Tr.). But the prisons which pay 20 Pfennig per day are rare. Normally the rate is from 2 to 10 Pfennig per day. That under such circumstances none of the prisoners have any desire to work and that they take no trouble to perform good work, is rather clear. Of course, in the Soviet Union the exact opposite is true, and I was not in the least surprised to see the prisoners paying the most careful attention to their work and treating the finest leather with the utmost care. The key to this is that the prisoners are treated not as prisoners but as citizens and workers. I had the feeling that even in prison the men were treated as comrades and not as prisoners.

With regard to the treatment of the prisoners.

In Germany one should write over the doors of all prisons: "Abandon hope all ye who enter here", for the prison is not there for the prisoners, but the prisoners are there for the prison.

If you enter a prison in Germany you will see flower-pots at the windows of the corridors and the floors are polished. This outward show is intended to smother the misery which exists in the prison. There is a white stripe there and a notice: "Visitors are requested not to pass the white stripe". Heaven help the prisoner who steps over it. 14 days solitary is his fate. Superficial people however, often let themselves be deceived by the outward appearances. They go into the Russian prisons and see the building which is the heritage of Czarism and does not look very inviting. I am well prepared to believe that the Soviet Union has more important things to do than build new prisons. The authorities use those buildings which are already in existence, for perhaps the Soviet Union will soon need no prisons at all. But in any case, the most important thing about the soviet prisons is the spirit that is prevalent there.

In the soviet prisons there is no chicanery practised against the prisoners, none of the deliberately petty tortures which are so common in capitalist prisons and which make the sentences of the prisoners to real hells.

In the western European countries attempts have been made recently to be humane. In Germany for instance, an attempt is being made to treat prisoners according to the three category system. It would take up too much time if I were to deal with this system as a whole. I will limit myself to a few facts. A prisoner who has been officially recognised as political can obtain certain privileges. In prison he may read newspapers, but not communist newspapers, communist newspapers are prohibited. He may buy himself tooth paste. Most prison directors in Germany do not grant these extra privileges however. They use the new regulations in order to irritate and punish the prisoners. In Insterburg in East Prussia I asked the prison director what he thought of his prisoners. He described them to me as very decent fellows. I then asked him why, if they behaved themselves as well as he had said, they were not in the third category whereupon he replied that they would first have to change their opinions. I then asked why the three categories were there at all. If a Catholic prisoner was in prison in a Protestant neighbourhood, the Protestant director could say to him, you have not got the right ideas, you must change your notions before you can be put in the third category. Or if a Protestant is in prison in a Catholic district, then the same might be said to him. From this one can see the meanness and pettyness with which the three category system is applied. As an example I would like to mention the following case. Last year in December a proletarian political prisoner had his birthday. His old mother bought three red carnations, the money was really taken from her own food allowance. With the three carnations the old lady then went to the prison to give them to her son on his birthday. When she arrived at the prison, her visit was permitted, but she was not allowed to give her son the three carnations because he was not in the third category and as a result had not the right to have flowers in his cell. You can imagine how this stupid piece of brutality affected both the mother and her son.

In Prussia there exists the so-called penal order. This system is intended to improve the general penal system. For instance, paragraph 113 lays down what rights a prisoner possesses with regard to writing. When for instance a criminal prisbner or a prisoner convicted of a sexual offence expresses the wish to correspond, with his relatives that is a sign of betterment. Everything should then be done to further this correspondence

and not to hinder it. The fact is however, that the prisoner has to carry on a struggle for every letter he wants to write, and this struggle is almost invariably accompanied by punishments of one sort or another. In 1923 we had a number of such cases. One prison director treated the prisoners with extreme brutality with a view to preventing letters being written to parliamentary deputies. The Ministry of Justice has invented the fiction that parliamentary deputies are private persons, and the prison director wanted to prevent the prisoners from writing to me.

The situation with regard to literature is the same. Communist literature and communist newspapers are prohibited for the prisoners. I have often said in the Prussian Diet that if we were in power and permitted Catholic prisoners to read nothing but the "Rote Fahne" (The official organ of the German Communist Party. Tr.) and communist literature, then that would be malicious. The bourgeois deputies all applauded this remark. But when I then accused them of adopting exactly the attitude they had just condemned towards my comrades in prison, they could not or would not see the point.

Much worse is the situation of prisoners who lose their mental balance in consequence of their prison experiences. The most severe punishment which a Russian prison director can impose on a prisoner is 14 days solitary confinement. But in Germany all hard labour prisoners have first of all to sit for three years in solitary, and this is enough to upset the mental balance of even strong men. I wonder how many comrades there have been whom I have known as cheerful healthy young men, and whom I have almost failed to recognise when I went to visit them in prison.

These cells in which the prisoners must live in solitary confinement are so narrow that standing in the middle of them one can touch either wall with the outstretched hands. The length is not much greater. During the day the bed is put up against the wall like a flap and the cell is then the workroom of the prisoner. And the work which he has to perform is calculated to deaden and kill his mental faculties. Pasting paper bags! Stripping feathers! In the same cell, the prisoner works, eats and sleeps. The whole day long and all night he has no opportunity of speaking with anyone.

During the day he is allowed out for exercise for half an hour, but heaven help him if he permits a word to cross his lips. Should he do so, the exercise is immediately broken off and he is taken below to the punishment cells, for speaking is strictly prohibited and is severely punished.

Under these circumstances it is not surprising that there are thousands of men in the prisons whose minds have become inferior without the n actually going mad. A man forced to spend three years in such a hole mu t lose his mental balance, all the more so as he is in an environment which makes no effort to understand or help him. I wish I had time to give you a few examples of how stupid and hopeless these people are whose self-appointed task is to improve men. The prison directors are for the most part ex-officers or ex-Corps-Students whose scarred faces offer no helpful example to the prisoner serving a term for inflicting bodily injury. When the prisoner sees the faces of such people he must think to himself, they are no better than I am, it's only an accident that I'm on this side of the bars and they on the other.

I once visited a prison and heard screaming that rang through the whole building. I went down into the basement cells and found a prisoner shouting himself hoarse. I said before that these cells are so narrow that you can touch both walls simultaneously with the tips of your fingers. In the cell in question an iron cage had been built in, like a lion's cage, in order to impress the prisoner with a proper sense of his situation. On one side of the cell was a clap-up bed for nights, otherwise there was nothing whatever in the cell. In the cage the prisoner was shouting. I managed to stop him and we commenced to talk. It turned out that he had been in solitary confinement for over two years. He said: I can feel such fits coming, and then I ask to be isolated. The man had been ruined mentally in solitary confinement. There are doctors in the prisons of course, but they don't trouble much about the prisoners. The prisoners are tortured body and soul. These tortures are not of the variety where one can say, this and this man is responsible, but the sufferings are not less than those in Roumania. When the soviet authorities fix 14 days solitary confinement as the most severe punishment there is, you can imagine the result of three years solitary confinement on the hard labour prisoners in Germany, and in particular upon the proletarian political prisoners who are for the most part more highly strung than the normal criminal prisoners.

In the Soviet Union there are also prisoners with many convictions to their record. These persons also easily lose their mental balance. How are such persons treated here? One of the things I noticed in the soviet prisons was that apparently much value is laid upon sufficient medical attendance. In one prison alone which I visited there were no less than five doctors. My friend Timpe who was with me, questioned each of these doctors concerning their special knowledge, and I was astonished to find with what care the prisoners were treated. In Germany there is often one old district doctor for over a thousand prisoners. And here in the Soviet Union in a much smaller prison there were no less than five doctors.

But that is not the most important factor. How are frenzied prisoners dealt with here? First of all they receive a soothing injection, and if that does not help then they are placed in a linen strip which is made wet. This is not nice, but at least the prisoners are prevented from doing themselves any harm during their frenzy.

In Germany Paragraph 71 of the prison regulations reads:

"Frenzied prisoners who rave, scream or destroy articles shall be placed in a special cell with unbreakable windows and flat walls and from which all articles with which the prisoner could damage himself or others have been previously removed."

That sounds very fine, but in reality the affair works like this: The prisoner is taken from his cell by five or six powerful warders and taken forcibly (blows are "prohibited") to the special cell. Here he is stripped absolutely naked and left on the cement floor. A receptacle for him to relieve his natural impulses is not in the cell. He might injure himself with this is the reason given. In winter the window is usually opened. Here too a "good" reason is to hand. I asked once: Why is the window open, in this cold weather on a cement floor absolutely naked the man can become seriously ill. The answer was: The window must be open, you see the man has relieved himself there in the corner, and if the window were closed the stink would be too great.

Still better methods are available for unfortunate prisoners who have lost their mental balance and seek to commit suicide. Paragraph 78 article b of the German prison regulations deals with the treatment of a prisoner who attempts to commit suicide:

"Prisoners may be manacled after having made attempts at suicide or escape, or after having attacked persons or damaged things, as far as prevention is still necessary. The prisoner may be manacled with normal handcuffs round the wrists, or with handcuffs attached to an iron bar 50 centimetres long fastened to the feet and then to the floor or the wall, or with foot manacles with chains or with movable fastenings on both hands and feet simultaneously."

This manacling is carried out in the following fashion: The hands are placed in handcuffs to which an iron bar is attached, at the other end of the bar are the manacles for the feet. If the warders have any reason to dislike the prisoners, it is possible for them to fix the manacles in such a fashion that the iron bar is short and the body is drawn together. This form of manacling is "forbidden" of course, but the fact is that it is very often done.

I would like to mention the so-called "Care for released Prisoners" In 1927 the Prussian State expended 200,000 Marks for this purpose. I told you before that annually 75,000 men and women go through the prisons of Prussia. A simple reckoning will show you how much they get each when they are released. The Class War Prisoners Aid is far in advance of the State in this respect, for in 1926 the German Class War Prisoners Aid paid out no less than 730,000 Marks for the political prisoners alone.

How can we fight against all these brutalities? I am of the opinion that the work of the lawyers must not end with the conviction, but must begin anew on a fresh basis. It is absolutely necessary that the lawyers should consider it their task to concern themselves closely with the fate of the accused after conviction.

The German Class War Prisoners Aid has succeeded in securing the appointment of visitors who may see the prisoners, and this has proved itself to be very good.

Another method which must be used is that the comrades who are members of parliamentary bodies continually bring in motions for the improvement of the lot of the prisoners. In the Prussian Diet we have been bringing in such motions since 1922. In 1926 we forced the bourgeois deputies to spend a whole week discussing the communist proposals for the improvement of the lot of the prisoners.

A further task of the deputies is to spend some part of their free time to visit the proletarian political prisoners and at the same time to make a note of their complaints. In Germany the ICWPA organisation has a special juristical department which deals also with all questions relating to the penal system. I myself journey from one prison to the other, make a note of all complaints and then return to the juristical department and deal with them. By our constant protests we have succeeded in securing many improvements for the prisoners.

Another of our tasks is to secure the revision of sentences. When I hear of particularly brutal sentences from the prisoners, then I obtain the documents in the case and we then do our best to persuade the

Minister of Justice that the sentence constitutes an injustice. In this way we succeeded in 1927 in securing the abolition of no less than 111 years imprisonment.

In Germany we occupy ourselves systematically with the work for the improvement of the situation not only of the proletarian political prisoners, but also of the common criminals. We work unceasingly because we know that the number of prisoners is increasing rather than diminishing.

If we are going to achieve that which our Russian comrades have achieved, then we have a thorny path to tread. In this task we urgently need the assistance of the International Class War Prisoners Aid. The care of the ICWPA for the proletarian political prisoners gives them backbone and new spirit and courage. The prisoners feel that they have not been abandoned. The prisoners know that the ICWPA is working not only for them, but also for their wives and children. This work is one of the means of assisting the proletariat on the way to victory.

Spiro (Roumania):

We have been shown here a detailed picture of prison conditions in the so-called civilised and cultivated western countries. You have heard how the law and the penal system in these countries transform the life of the political prisoners into a permanent and merciless moral and physical torture.

I will now attempt to give you a picture of the prison conditions in the Balkans on the basis of a description of the penal system in Roumania. I would like to say from the beginning that things which for instance in Germany are not only permitted in law, but even ordered, are prohibited in Roumania. The law which deals by the way very little with the penal system, prohibits the use of every form of manacle. You have perhaps heard of the notorious punishment cells. These punishment cells are not for the use of civil prisoners and may in law only be used for military persons. All blows are also prohibited, but nevertheless daily prisoners are beaten, sometimes even to death. I will do my best to describe to you without passion the things which are daily occurrences in Roumania for the proletarian political prisoners. The sentences dealt out to political prisoners are much more severe than those of common criminals. From the very beginning the political prisoner has to perform hard labour, unless he refuses very energetically. In Roumania there is no difference between imprisonment whilst awaiting trial, and hard labour after having been sentenced. The only way the prisoner can defend himself and resist, is to go on hunger-strike. The Communist Party is opposed to these hunger-strikes and carries on a campaign against them, but nevertheless, the hunger-strikes break out again and again. The comrades are very upset when they are reproached on this account. "We stand the blows, the torture and the humiliations, but then there comes a moment when we can stand it no longer". Thus the hunger-strike is the permanent accompanying feature of the penal system in Roumania. You will have heard from the newspaper reports of the long hunger-strikes carried out by the revolutionaries Dobrotchianu and Max Goldstein. The latter died after having been on hunger-strike for 60 days. Max Goldstein died at the end of that period, as you probably know, not a natural death, but with the assistance of the prison authorities. The Roumanian prison directors treat the matter very humorously. They say, if you've hungered

for 25 days, then go on, no one will interfere with you. Details concerning the sufferings of the hunger-strikers are superfluous I take it. You will be able to imagine what it means.

As I said, chains and manacles are forbidden. The law declares that in the interests of the maintenance of order, the prison director may impose punishment on the prisoners in accordance with their level of education. I would like to tell you of a little episode which happened to me. I had the honour of being mishandled the whole night by a major of the imperial army. The next morning he plunged excitedly into my cell with profuse apologies: "Excuse me, I did not know that you were an intellectual, otherwise I would not have treated you like that". I made a mental note of that, for I see that the standard of education in Roumania is respected.

I will now deal with the question of manacles. Despite the prohibition, manacles are laid on political prisoners. When this becomes known the authorities excuse themselves by declaring that there was a danger of escape. The remarkable thing is however, that all prisoners who have been "shot whilst attempting to escape" have been transported without manacles.

I would like to describe the Roumanian punishment cells to you. Imagine a case about the size of a grandfather clock, just about as wide and deep. The prisoner is placed in this case. He is able to move neither his legs nor his arms. There is a small hole through which he is able to drink water. The prisoner is also entitled to a portion of mais bread. If the warder is kind, he puts this directly into the mouth of the prisoner, but usually the bread falls down onto the floor. The prisoner remains boxed up like this for one hour, two hours, three hours, a whole day, a whole night, two days, three days, six days, ten days. Ten days is normal. Day after day the prisoner must stand boxed up without being able to move hand or foot. The feet swell after a very short time, wounds with pus form themselves. In winter the feet freeze to the cement floor. Max Goldstein was forced to remain in this form of punishment cell for months on end, being released from time to time for a day or so. This form of brutality is made still worse by the withholding of the maisbread, and by the fact that at night drunken officers and non-commissioned officers are liable to visit the prisoner to let loose their sadistic impulses on him. The prisoners are often stripped naked and thrashed unmercifully, this is then a disciplinary punishment within the limits permitted to the director.

I deal deliberately first of all with the disciplinary punishments, now for the question of food. In Roumania to-day the daily allowance for a prisoner is 8 Lei. In order to show you what that means, I need only tell you that a kilogram of black bread costs 20 Lei. For this 8 Lei the prisoners receive tea, that is, hot water, coloured with something or the other and faintly reminiscent of tea. At dinnertime the prisoners receive potato soup. This soup is bad and a few potato peelings swim around in it. In the evening the soup appears again accompanied by stale mais bread. The director is the one who supplies the meal for the bread. Thanks to his savings in this matter, he owns a goodly part of the shares of the Roumanian milling concern.

Concerning sickness in the Roumanian prisons, 80 to 90% of all prisoners suffer with stomach trouble. A particularly common complaint is stomach ulcers. There is no question of medical treatment. If the doctor says anything at all, it is only a recommendation for the punishment cell. In order to obtain a detailed picture of the medical conditions it is only

necessary to read the books of Costa Foru and Henri Barbusse. Ten percent of all prisoners in Roumania are consumptive. They receive no treatment whatever.

There is only one reason why the prison conditions in Roumania are not much worse, and that is the attention paid by the international proletariat to Roumanian conditions and the storm of protest of the toilers in all countries under the leadership of the ICWPA.

The hygienic conditions in most of the prisons are dreadful. In Jilava for instance, from 18 to 20 prisoners are held in a cell about three to four metres in size. They sleep on wooden benches which are rotten with worms. The windows of these cells are extremely small. Exercise is one hour a day in a place called the yard, which is in reality an underground cellar lighted by a grating. Clothing and underclothing are not provided by the Roumanian prison authorities. Food from outside is an exceptional favour. Very often such food is confiscated by the warders.

Any description of the situation of the dependents of the prisoners is really unnecessary under these circumstances. Most of them live on the streets because they have not money enough to pay rent. The prisoners write despairing letters begging that the support for them should be given to their dependents in order that these may at least be able to maintain life, "for we have at least our food".

That is a plain picture of the situation. I promised you I would describe the situation calmly and without passion, without decorating my tale with individual pictures.

For years the International Class War Prisoners Aid has been carrying on a struggle for the bare lives of the prisoners, for a few years of hard labour in Roumania is often as good as a death sentence.

Prison conditions in Roumania have been so bad since 1921/22. The only reason that they are not worse is the protest which has been made abroad. If this protest had not been made, there would have been mass-murders in the Roumanian prisons. The international protest campaign of the workers under the leadership of the ICWPA has done much good. The prisoners themselves are very well aware of this fact.

When hundreds were killed and wounded in the July insurrection in Vienna, the prisoners in Jilava were well aware of their international duty. All the things which they had produced in months of hard work, match-boxes, chess sets, cigarette boxes and woodwork of all sorts was sent to Vienna with the request that they should be sold and the proceeds given to the dependents of the killed and wounded workers. The only thing which maintains the sanity and the very life of the proletarian political prisoners in Roumania is the practical solidarity shown by the workers of the world.

K a t a y a m a (J a p a n) :

In Japan almost all the prisons are built and conducted upon European lines, and the armed warders are dressed in European uniforms and boots. Everything outside and inside the prisons makes a comparatively good impression, but the discipline maintained in these prisons is barbaric. The prisoners are punished in dark cells, they are punished corporally with the lash, by kicks and by being hanged up by their hands. In winter a form of punishment is to strip the prisoners naked and pour ice-cold water over their shivering bodies. Another form of punishment is to put them naked

into containers with hot water. All European methods of torture are in vogue in the Japanese prisons.

As far as work in the prison is concerned, every prisoner is compelled to work for from 10 to 14 hours a day, and if he does not achieve a certain minimum then his food is cut down. Those workers imprisoned on account of strike activities are forced to work particularly hard.

The food given to the prisoners in Japanese prisons is extremely bad. Formerly the prisoners received 40% rice and 60% barley. To-day however, the percentage has been altered to 30% rice and 70% barley. Both rice and barley are of a very poor quality. The quality and quantity of the food given is so insufficient that many prisoners, particularly young prisoners, die.

The daily exercise for the prisoners is from 10 to 15 minutes, during rain or other forms of bad weather no exercise is allowed, so that in winter the prisoners hardly leave their cells for months on end.

The mental situation of the prisoners is unconscionable. They receive no books or newspapers of any sort. Only when their conduct is very good are they given publications of a religious and moral nature. Periodical publications or newspapers never enter the prison, at least, not for the use of the prisoners. The prisoners have little or no connection with the outside world and visits are extremely seldom. Every prisoner is entitled to receive two letters a month and to write one. When a prisoner wishes to write a letter he is given a small piece of paper and a large brush. In this way the prisoner is only able to write a line or two at a time. Visits from one person, wife or brother, are permitted once in two months, and then only for five minutes.

When the prisoners leave prison they are usually extremely weak from lack of sufficient food. I can give many examples to prove this.

In 1910 11 anarchists were sentenced to imprisonment for life. They were all placed in different prisons and in special cells. To-day we learn that only 4 or 5 of these prisoners are still alive. Some are terribly ill, others have gone mad and the remainder have committed suicide or have died as a result of sickness contracted in prison.

All communists and socialists in prison are placed in isolated small and dirty cells. Most of these cells are infested with vermin, and sleep is therefore very difficult. The whole time during the dark hours, the electric light is full on, in order to prevent escapes. Every five minutes the warder marches past with clanking sabre and stamping feet. Only intense exhaustion and tiredness can find sleep under such conditions. Further, from my own experience I am able to say that in Japanese prisons the disciplinary punishments are imposed in the night. The unfortunate prisoner in question is taken to a special cell where all the instruments for punishment are kept. When one is in the silence of an isolated cell, the screams of the tortured prisoners can be heard throughout the prison. In the beginning the screams are loud and clear, but gradually they become weaker and weaker until the unfortunate is half unconscious and no longer able to scream. This sort of thing happens regularly in the Japanese prisons. I was 9 months in a prison with fifteen hundred others and every night I heard the horrible screams of prisoners being tortured.

In Japan all prisoners, and particularly communists, are placed in individual cells which limit their freedom of movement. Even in the Czarist prisons the prisoners were permitted freedom of movement in

their cells at least, but in the Japanese prisons the prisoners have to remain in a particular position the whole time whether they have work or not, and they are not permitted to walk around the cells, or even to swing their arms in any gymnastic movements. The regime in the Japanese prisons is deliberately made so hard in order to make the life of the prisoners as horrible as possible.

Guiboud-Ribaud (France):

The question of prison conditions is a most important one. This question goes beyond party differences and touches the problems of humanity.

For this reason I feel myself very fortunate in being able to be present at such a thorough discussion of this question as I have witnessed this evening.

The speakers provided us with rich material. We have seen that the same things are true of Roumania, Japan and all capitalist countries all over the world. Brutality and crime are prevalent in capitalist prisons everywhere. The first speaker dealt correctly with the matter, he showed us the prison conditions in his own country and then those in the Soviet Union.

I think that still more material could be supplied with regard to this question. The other French delegates could have spoken about France and told many of the things which happen in our country. But I will try to avoid repetition.

The penal system in the imperialist and capitalist countries is based upon the following principle: A man once inside prison, once convicted is an enemy of the State, he must be regarded and treated as a pariah, as one whose death does not matter, is in fact an advantage to the community. And this is the attitude of the authorities in Germany, France, Japan, Roumania and other capitalist countries.

Here however, in the Soviet Union, and I am particularly happy to have the opportunity of saying so here, exactly the contrary is the case. This fact can be seen both from the speech which was made by Menzel and from the information which I have personally been able to obtain. In the Soviet Union the penal system is built up on quite a different basis.

In the Soviet Union the convicted man is still a human being, and is treated as such, as I have been able to observe. The prisoner is not treated as an enemy, but as a patient who must be brought back to health. He is not treated as one of Lombroso's criminals and put into hospital. We have visited no hospitals here. The prisoner is treated as a person suffering from social sickness. The principle of the prison system in the Soviet Union is the following: A convicted man is ignorant, he is a weakling, the main need is to educate him and let him work his way back to health. To punish him, cause him to suffer etc., would be useless, it would only succeed in embittering him, making him angry and hostile and would lead him inevitably back to prison again. A man who knows social bitterness and suffering and who goes to prison and leaves it without having received anything towards his education and improvement, has only one path before him and this leads inevitably back to prison.

On the one hand we have heard what happens in capitalist countries, and on the other hand what happens here. The difference between the prison regime here in the Soviet Union and there in the capitalist countries,

can be determined with exactitude: in the capitalist countries the prisoners are imprisoned with a view to punishing them, they are as enemies who must be smashed. Here in the Soviet Union the prisoners are patients who must be attended to and brought back to social health by medical and social attention.

The application of this splendid idea is quite new and I welcome it with enthusiasm.

Is it possible to transform the mentality of the capitalist governments by any progressive reforms? Is it possible to convince them of that which the authorities here have grasped? Is not an active movement more important and necessary than an ideological movement? Everyone must examine his conscience before answering this question.

For my part, I have already given my answer, and I hope that you have all understood me.

When we return to our home countries we can only express our opinions in an active movement.

Ehrmann (Yugoslavia):

I wish to deal with conditions in Yugoslavia. The remand regime there for prisoners awaiting trial is generally known. I would like to remind you of various cases, the case of Vouyovitch for instance, and many others where we had an opportunity of taking a look behind the scenes in the Yugoslavian remand system.

On the other hand, the penal system in the prisons is unknown to public opinion. I have a document in front of me now which will permit us to make the acquaintance of the methods of the penal system in the Yugoslavian prisons. This document is a petition of the proletarian political prisoners in Slavonian Mitrovitza to the Minister of Justice in which they complain of the treatment to which they are being subjected and threaten to go on hunger-strike unless improvements are made. Political prisoners in Yugoslavia are not recognised as such, they are treated as common criminals and as a particularly dangerous brand. When one asks the authorities why this or that prisoner who is in prison for political reasons, is treated like a common criminal, then the answer is: The man has been sentenced not to internment, but to hard labour and a man sentenced to hard labour is not a political prisoner. This treatment is of course ridiculous. How can the form of punishment determine the nature of the crime? Only the opposite can under certain circumstances be true. Under these circumstances, anyone sentenced to hard labour is a common criminal. Should however the government for any reason exercise its prerogative and turn the sentence of hard labour into one of imprisonment or internment, then the political prisoner is regarded as such, although his offence is one and the same.

I wished to show by this the way in which political prisoners in Yugoslavia are stamped as common criminals and treated as such. In reality, the treatment accorded to political prisoners is worse than that accorded to the worst criminals. I will show the methods of the penal system in Yugoslavia in a few words.

The Yugoslavian prisons are administered according to the so-called Irish system. A prisoner is first of all placed in solitary confinement where he remains for at least two months. There are cases where this period of solitary confinement lasts up to 6 months.

Political prisoners are never permitted to be together in the same room. Prisoners convicted for robbery and murder, perhaps ten or twelve members of the same gang, are permitted to occupy the same room together. When the prisoners are political however, they are not permitted to remain together. Should they meet each other accidentally, in the corridors, in the yard at exercise, or on some such occasion, they are not permitted to speak to each other. Should they do so, their lot is severe disciplinary punishment. The first offence is punished with solitary confinement which can last indefinitely. There have been political prisoners who have been kept as long as five years in solitary confinement. There is the case of Steyitch who carried out a terrorist attempt. Steyitch was kept for five years in solitary confinement. During this whole period he was loaded with heavy chains. This is a particularly fearful form of punishment, especially in winter when the solitary confinement cells are not heated.

Another form of disciplinary punishment which is very widely applied is the practise of binding the prisoners to some object. This punishment is familiar from the army practise of Field Punishment No. 2. Six hours is the usual punishment. That is to say the prisoners are tied up for six hours at a stretch. This form of punishment is forbidden by the law for common criminals, but for political prisoners it is still in vogue. Comrade Steyitch carried chains for 5 years. Many others have worn chains for four years, for instance comrade Zipushevitch. To carry chains for 3 years is quite common. Common criminals are also put in chains, but never for such long periods as political prisoners.

Common criminals have certain privileges, for instance, conditioned release for certain periods, this does not come into question for political prisoners. There is no single case in Yugoslavian prison history where a political prisoner has been granted this temporary release. By this more severe treatment the punishment of the political prisoners is made twice as serious.

There have been various amnesties granted in Yugoslavia, for instance on the King's birthday and on similar occasions, but no single political prisoner has ever benefited from these amnesties.

Another difference between political and common prisoners is the following: A common criminal after having served a certain part of his sentence is then placed in the mediatory stage. In this stage he has considerable privileges. He may smoke, move about with comparative freedom, and may even on certain occasions leave the prison building. In Yugoslavia these prisoners are termed "Slibotnyak" or half-free prisoners. Every criminal prisoner knows positively that on such and such a day he will be transferred to the "Slibotnyak". The political prisoner is never put into this department, no matter how long a term he may have served.

It is generally known that numerous hunger-strikes occur in the Yugoslavian prisons. These hunger-strikes have stirred up public opinion and made known the conditions in prison to the general public outside. This shows us the chief weapon which we must use in order to assist the prisoners and improve their lot. This weapon is to stir up public opinion to active solidarity with the political prisoners with a view to improving their conditions and securing their complete release.

Beshanova (Bulgaria):

I will attempt to describe in a few words the prison regime which exists in Bulgaria for those who still remain alive after all the horrors

and tortures of the Bulgarian police. Before the political prisoners arrive in prison they have to go through the hands of the Bulgarian police. The regime of the Bulgarian police is sufficiently known to the whole world. The horrors of the so-called "examination", the tortures, the beatings, searing with red hot iron, torture with electric current, the crushing of fingers, slow strangulation etc. etc. Only those who manage to live through these tortures arrive in prison. There they are subjected to slow starvation, for the food supplied in the Bulgarian prisons is so little in quantity and so poor in quality that it is not sufficient to satisfy the exhausted and tortured men. Oftentimes the food offered is so disgusting that the prisoners cannot eat it. In the morning the prisoners are given a drink termed tea, without sugar. At mid-day they are given soup.

The administration does its utmost to find opportunities for imposing punishments on the prisoners. Political prisoners are punished severely when their tone of voice is not thought servile enough by the authorities. Beating up the political prisoners is a common pastime of the warders. The punishments imposed usually consist of the punishment cell. The punishment cells in the Central Prison of Sofia consist of cement dungeons without light and air. Water is let into them in order to prevent the prisoner from sitting down on the floor. Those prisoners with whom the administration is particularly dissatisfied are stripped naked and cold water is poured over them. In the punishment cells the prisoners receive only bread and water, and here they are kept for 5, 10 and 20 days at a time. It sometimes happens that the political prisoners are punished en masse, and the punishment cells are then packed full with political prisoners who are kept in these cells for as long as 20 days and never allowed to leave the cells during this period. They are not even permitted to go to the W. C. The normal functions of nature are satisfied with the aid of a pail. On bread and water they are held in an impossible atmosphere without fresh air.

A second form of punishment is to transfer the political prisoners into cells with common criminals. This form of punishment is often practised with women prisoners.

Despite all the tortures, mishandlings and chicanery, the spirit of the political prisoners is good, although amongst them are very many who have been under sentence of death for four years and more. There are many amongst them who for two, three and four years have never gone to bed without wondering whether in the morning they would be led to the gallows or not.

Those sentenced to death are kept in chains and these chains are not even removed at night, the prisoners having to carry them the whole time.

Medical assistance does not exist in the prisons. If the prison authorities do finally call in a doctor from outside, then the sick prisoner is usually too far gone for the doctor to be of any assistance to him. There is the case of the political prisoner Patov. The wife of Patov is a doctor and managed to secure permission for a necessary operation to take place with a complete anaesthetic. The anaesthesia was given in such a fashion that only the presence of his wife saved Patov from never waking up out of it. Immediately after the operation Patov was compelled to return to the Sofia Central Prison on foot.

Such conditions exist not only in the Central Sofia Prison, but in all the provincial prisons.

The prison practise of the Bulgarian authorities recently includes the following phenomenon: Political prisoners are no longer permitted to receive visits from their relatives or even from their defending lawyers. In order to make visits as difficult as possible, the political prisoners are removed to prisons as far as possible from their homes. When visits are exceptionally allowed, then they are only for a very short time and the prisoners and their relatives are separated by a stout iron grating and are watched carefully by guards.

The aim of this intolerable situation in prison is to break the will and spirit of the political prisoners and to break them physically also.

Despite all this, the spirit of the political prisoners is very good. When at Christmas a priest or parson tried to make them a speech about christianity, the prisoners answered with the singing of the "Internationale" In the same night the so-called "irresponsible" elements forced their way into the cells of the political prisoners and beat them up terribly, killing a number of them. The seven days hunger-strike of which you have read, is also a proof for the unbroken spirit of the political prisoners.

Despite all the chicanery of the authorities, the mass-movement for a full and unconditional amnesty is developing more and more. The wives and mothers of the political prisoners are at the head of this movement. Everyone knows that it is not a question of obtaining "mercy" or "pardon" for the prisoners, but of saving their bare lives and thus morally strengthening the revolutionary movement.

V. The Right of Asylum

Schoenhoff (Austria):

Formerly the question of whether the right of asylum should be granted or not, was treated very arbitrarily. But in the time of the French Revolution, the right of asylum was raised to the status of a principle and incorporated in the laws. The French Constitution of 1793 contains for the first time the principle that political fugitives are to be granted the right of asylum, but not tyrants. At the same time the counter-revolutionary States granted the right of asylum to the counter-revolutionary political fugitives. The question of the right of asylum therefore is of particular significance at a time when the class contradictions are sharp and where two opposed political systems exist.

The question for us however, is not so much the right of asylum which revolutionary political fugitives enjoy in the Soviet Union, or which counter-revolutionary political fugitives enjoy in the capitalist countries. The main question for us is to discover how by utilising the "democratic rights" we can secure the right of asylum for revolutionary political fugitives from the countries of the white terror and fascism, in the other capitalist countries.

Before the proletarian revolution appeared dangerous to the bourgeoisie, the bourgeois liberals fought for the democratic rights and customs upon which to-day the fight for the right of asylum can be based. Since then however, these liberals in harmony with the rest of the bourgeoisie, have decisively altered their standpoint and are now about to abolish the last of these legal conceptions favourable to the right of asylum. The question is therefore, how are we to prevent the abolition of these customs or how can we secure their extension.

What is the essence of the previously existing right of asylum? The sources of my information are varied. It must be remembered that a recognised right of asylum existed in some capitalist countries but not in others. There are hundreds of State agreements which join the practise of the various States in this question. But even these agreements are not all-embracing, that is to say, there are many States in which this question is regulated neither by law nor by any State agreements with other States. In these countries the general practise of international law is the only guiding line in this question.

The main principle, although it is absolutely negative, is that fugitives persecuted for political offences may not be extradited. There exists however no positive law granting political fugitives the right of asylum and determining that they shall not be extradited to the persecuting State. Apart from extradition, however, there is the possibility of expulsion, that is the expulsion of the fugitive from the country in which he has sought refuge, without him being handed over to the State seeking him. When

it is said that a political fugitive may in principle not be extradited that means that there is no compulsion to extradite him. That means that the State in question has the right to refuse to extradite him, but that is the right of the State, and not the right of the political fugitive. He is absolutely defenceless when the State in question violates the conditions of expulsion and extradites him, and he is then sentenced for an offence for which he should never have been extradited. In Austria I was successful in securing an acquittal because the man had not been sentenced for the offence for which he had been extradited. However, up to the present there is no law prohibiting the extradition of political fugitives.

Further, there is no principle of definition with regard to political offences, and in fact various opinions exist as to what constitutes a political offence. The older theory is the so-called objective theory, according to which the act itself must have the character of a political offence. Practical examples are; high treason, attacks against the existing State form etc. Murder on the other hand would not be regarded as a political offence according to this theory, even when its aim was political and the murdered man was a political Statesman.

The other theory, the so-called relative theory, the character of the act itself is not so important. The individual case is decisive, and all acts are considered as political which have an exclusively political motive and aim. Dr. Lamasch for instance limits his theory to the case of the immediate preparation of a political act, where the offence has the direct purpose of preparing a treasonable coup. This theory is also insufficient.

Practise varies in the various countries. The Spanish anarchist Ford was for instance extradited by Germany to Spain for having made an attempt upon the Spanish Prime Minister Dato, although this attempt was undoubtedly a political act. On the other hand the murderer of Erzberger was not extradited by the Hungarian government to Germany. The Hungarian government supported itself upon the relative theory and rightly refused the extradition. Thus we see that this or that theory is applied by the capitalist States according to whether the offence in question has been committed by a revolutionary or a counter-revolutionary.

A positive limitation of the practise of non-extradition on account of political offences is expressed in the attempts clause of 1833 which was adopted by all countries. This clause declares that attempts upon the life of the head of the State or upon any members of his family, which are without doubt political actions, must never be regarded as political offences. The old Czarist government strove always to secure the introduction of extradition for general political offences into the inter-State agreements for extradition. This was done in a number of agreements. But this now is a matter of history only.

The important thing for us at the moment, is the growing tendency to distinguish between political and social offences which are directed against the State form or the State institutions of a particular State, but not against the State and Social system. I am of the opinion that it is particularly necessary to draw attention to the difference between political offences which are directed against the institution of a State and political offences which are directed against the system. This distinction has been theoretically sketched by Lamasch. This theoretically worked out difference of Lamasch was adopted in 1892 in a resolution of the Geneva session of the Institute for International Law, and has since then been

adopted in a number of inter-State agreements. The number is however still few and most of the agreements are those of South American States. The most interesting thing is the difference which is made between political and social offences, as though the latter were not political, and the demand which is raised for extradition on account of social offence. This formulation contains the demand which was put forward last year at the Vienna police congress.

We must be very much on our guard against this tendency. The tendency is to exclude the possibility of non-extradition completely from international extradition practise, and to abolish the right of asylum for all revolutionary political fugitives who are really dangerous to the rule of the bourgeoisie.

There is still one point which must be discussed, namely the question of the concurrence of political and common crime. This question is very important because it often happens in practise that the authorities demand the extradition of political offenders under the excuse that they are common criminals. Here there are two cases to be distinguished. It may be that extradition is demanded for a common crime whereas in reality the offence is political. Such cases are easier to deal with and success is more likely. The Hungarian government for instance has often demanded the extradition of former Hungarian Red Army men on account of common murder, because during a counter-revolutionary putch against the soviet government they fired at the orders of their superiors at counter-revolutionaries and hit them, I am thinking of a practical case of this sort. In this case we were successful in preventing the extradition by exposing the real facts of the situation.

It is dangerous when extradition is demanded for quite another crime, which is really a common crime. According to the law there is no possibility of refusing extradition because this crime is at the same time prosecuted as political. This gives the possibility of carrying out the extradition because in extradition matters no enquiry into the justification of the indictment is conducted.

There is then the so-called principle of speciality. Here also there are two theories. The broader principle declares that an extradited person may not be punished for any crime for which the extradition agreement would not have permitted his extradition. The narrower principle of the theory of speciality declares that an extradited person may not be punished for any crime other than that for which he has been extradited, irrespective of whether he could have been extradited for the other crime or not. There is no hard and fast rule for the application of the principle of speciality. A number of extradition agreements however provide us with guiding principles.

The fact is however, that in practise the principle of speciality is continually violated and that once a State has an extradited man in its hands it does not hesitate to put him on trial for all sorts of crimes, including purely political ones.

The remaining points which might be discussed I will not mention, because they are not of special importance for political offences. Another important point however, with which I must deal is the question of the procedure. The weakest side of the practise of extradition is not the vague condition of material law in the matter and not even the great amount of room which is left for manoeuvring, but the fact that during

the whole of the procedure, the defence is not permitted to speak and the prisoner threatened with extradition has no possibility of defending himself.

As a general rule, there are exceptions, the State extraditing demands no proof that the accused is actually guilty of the crime of which he is accused, nor does it trouble to discover whether the crime is political or not. The basis of the whole extradition proceedings is the arrest warrant or the indictment, or when it is a question of extradition with a view to executing a sentence already passed, then the conviction. In other words, the basis of the proceedings is a document of the persecuting State. This document need also not be immediately produced. The arrest may be demanded in advance by the filing of a request for extradition.

A period is laid down during which time the document must be filed, and in the meantime the person threatened with extradition is under arrest. The Austrian government takes up the attitude that this period may be extended and in the case of the extradition of the Yugoslavian comrade Markovitch who had fled to Austria, the Austrian government extended the period in which the documents should have been filed, on two occasions. Only when even after these two friendly extensions the Yugoslavian government was unable to provide the documents in question was Markovitch released.

The Bulgarian government demanded the extradition of a Bulgarian comrade some time ago, whom I defended, on the ground that he was a robber. He was finally released because the Bulgarian government was not able to provide any documents to form a basis for the charge.

Should however such documents actually be filed, then formality is satisfied and the extradition procedure can begin, any examination of the truth of the charges does not take place. The defence receives no official intimation. Should the defence nevertheless discover in time what is going on and demand proof, then this demand can be simply rejected with the excuse that the extradition procedure demands no proof. Exceptions are when it can be proved that the person to be extradited is not identical with the person mentioned in the request for extradition, or when it can be proved that the offence for which extradition is demanded is a political offence. Even if the person threatened with extradition were able to bring proofs through witnesses in the foreign country, it would not be possible to prevent the extradition if the State granting the extradition refused to consider these proofs. This is a great weakness of the present practise of extradition.

Finally, the decision to extradite or not is a purely administrative measure. The courts enter into the case, but only in so far as that they file the motion, the decision lies with the administrative authorities. This is the weak point, and I am of the opinion that the main weight of the struggle with regard to the practise of extradition must be directed to securing a reform of the procedure.

I am now coming to the demands which must be put forward. For the most part the demands arise naturally from all that has previously been said.

The following demands must be put forward:

1. the recognition of non-extradition as the subjective right of the fugitive;
2. the definition of the term political offence in the broadest possible fashion, in the sense of the relative theory and still further, in the sense

of Lamasch that all actions committed from purely political motives shall be regarded as political offences;

3. extradition must not be granted for common crime when the accused can convince the authorities that the request for extradition for common crime is only an excuse to secure the possibility of punishing him for a political offence.

Of course, as a general thing we must press for the abolition of extradition altogether. Of the existing methods we must favour the method of enumeration, i. e. the method in which the crimes and offences for which extradition may be granted are enumerated one by one, because this method is much more exact and limited than if the method of elimination is used.

We favour this method also because it has already been applied in a number of agreements.

Non-extradition for military offences must in general be maintained.

We must also demand the express recognition of the principle of limited speciality, i. e. that an extradited person may only be tried for the crime for which extradition has been granted. We must also demand that no extradition is carried out unless the accused has been given a fair chance to prove his innocence.

We must also demand that extradited persons are never placed before exceptional courts. Guarantees must also be demanded against the extradition of alleged lunatics who have escaped from asylums, or persons who have escaped from reformatories etc., when in actual fact the escaped men are being persecuted politically and are in reality political fugitives.

As I have said, the most important thing, it seems to me, is the question of procedure. In this connection we must demand:

1. That arrest is not granted as a matter of course in all requests for extradition, even before the filing of the documents in the case. We must demand that arrests are only carried out when all the conditions are fulfilled which are normally required for the arrests of persons under both the law in the State filing the request for extradition and the State with which the request is filed. We must not underestimate the practical consequences of this demand.

2. We must demand that a process takes place before a court concerning the question of extradition and that proof against the accused is really filed, if possible before a jury.

3. And finally, we must demand real guarantees against the violation of the extradition conditions by the State obtaining the extradition.

But even if all these demands were fulfilled, the safety of revolutionary political fugitives would still be insufficient, because in practise, the normal expulsion plays a greater role in the life of the political emigrant than the extradition. Political fugitives are insufficiently protected against extradition, but they are not protected at all against normal expulsion. We must understand clearly the difference between extradition and expulsion.

Extradition means that the extradited person is escorted officially to the frontier and handed over to the officials of the State filing the request for extradition with a view to being placed on trial or to serving a sentence already imposed. Expulsion is different. The expelled person is not handed over to the authorities of the State from which he has fled, but he is taken to the frontier of the country in which he has sought asylum and placed over the frontier into some third country.

The previously existing legal protection against this form of expulsion is absolutely insufficient. I have been able to discover that in Switzerland the situation in this respect is just the same as in Austria, and the administrative authorities are in a position to expel whomsoever they please whenever they like. Expulsion is a purely arbitrary administrative act. The political or administrative authorities can order the expulsion without any legal proceedings and upon grounds which they are able to find at any time.

The Austrian regulations provide for the expulsion of all persons endangering public security and order. In Switzerland and in other countries similar regulations exist. These conditions have however become much worse with the passage of time. First of all the situation was legally worsened by cutting off the country by law. The United States of North America for instance prohibited the immigration of fugitives. Violations of this regulation are considered ground for expulsion. Formerly this was not the case. Further, in the practise of the bourgeois courts it ranks as a matter of course that any sort of political activity is ground for expulsion. This was formerly also not the case. For instance, before the war comrade Lenin and many other comrades conducted political activity in Switzerland to an extent which is impossible for political fugitives to-day.

The entry of a political fugitive into a country, without a pass, was always punished, but was not considered as a ground for expulsion. To-day we find cases of expulsion which are almost incredible. For instance, a Roumanian political prisoner escaped from a hard labour prison in Roumania and succeeded in entering Austria. Here he was arrested because he had no pass. He was not extradited it is true, but he was expelled on the ground that he had no pass. Practically therefore the Austrian police demanded from this unfortunate man who had escaped from torture and almost certain death in a Roumanian prison, that he have in his possession an official pass of the Roumanian government. Because he had not, he was expelled, this is known as the "right of asylum" in bourgeois countries.

There are also other reasons for expulsion which are being used to-day. An Austrian law of 1871 provides that persons may be expelled from the country whose presence endangers the interests of Austria. What endangers Austrian interests? Unemployment and a shortage of houses exist in Austria. When a foreigner comes to Austria he may take away the possibility of work and a home from the Austrian workers, in consequence, his presence endangers Austrian interests. Should he however, neither work nor have a home, then he is a vagabond and comes under the laws regulating vagabondage and can of course be expelled for this reason too. The expulsion order is therefore always at hand, the unfortunate fugitive may do what he likes.

Then in Austria there is the new Labour Protection Law which aims at creating a monopoly in the home labour market and which speculates upon certain reactionary craft ideas of the trade unions. Under this law no employer, with a few exceptions, may give work to a fugitive. Even if an employer were prepared to employ a fugitive, the government would not give him the necessary permission to do so.

However, the fugitive is saved from coming under the vagabondage law by the ICWPA organisation which looks after him. In order however to take away this argument from the political fugitive, the authorities

demand proof that the fugitive has an "honestly earned income". The support accorded by the ICWPA is not considered as such and so once again the way for expulsion is free.

It is true, it is possible to appeal to the government against the expulsion and this appeal has the effect of postponing the expulsion until the government has decided upon the appeal. The success of such appeals however is minimal and is usually bound by the proviso that the fugitive must keep apart from all forms of political activity.

Very often the political fugitives are treated in a shameless fashion by the police and simply expelled forthwith. These political fugitives who understand little or no German are presented with a declaration and requested to sign it, the translation made by the police to the fugitive is to say the least of it dishonest, the fugitive signs and discovers only afterwards that he has not merely acknowledged receipt of the order for expulsion but also officially abandoned all legal means of recourse against it.

The whole tragedy of the expulsion however, lies in the fact that the fugitive has no papers, in consequence no State need accept him. He is then held under arrest whilst the authorities canvas other States to see if they can find anyone who will accept him, this form of arrest can last for months. When no other State will have him, the State in which he is imprisoned then does its best to get rid of him. I have spoken with high police officials on this point and I have never been able to get any clear answer from them. What happens is the following, when the fugitive has no money, which is the usual situation, then he is taken under escort in the cheapest possible fashion to the nearest front tier, but not the front tier of the State which is seeking him. In Vienna the authorities send such persons to the Tcheckisch frontier. At the last station the accompanying the cheapest possible fashion to the nearest frontier, but not the frontier there he releases him and turns his back on him as quickly as possible in order not to observe what the fugitive does. Usually the fugitive makes no attempt to cross the frontier, but returns to Vienna. If he be caught there a second time he is then tried for illegal return. If he can prove that he did not go over the frontier, then he is not sentenced, but the game begins all over again. I know cases where political fugitives have had this experience ten and twelve times.

If he does go over the frontier without papers, then he runs the risk of being arrested there and even extradited. Such cases have often happened. The first State did not extradite him, but the second did.

As a general rule, even if the extradition is rejected, the fugitive is usually expelled. The unfortunate is therefore made into a harried quarry and is forced to live illegally.

From what has been said the following demands result:

1. We must demand the introduction of something which does not exist at the present time, a positive right of asylum, a real right for political fugitives to remain in the countries where they have sought asylum. This demand has been put forward in Switzerland in the form that its incorporation in the constitution has been requested.

2. There must be no punishment for entering a country without a pass, and no expulsion on this ground.

3. For the correct application of these demands we need an exact definition of the term political fugitive.

In Germany there is a draft law regulating the right of asylum and the practise of extradition which demands that a political fugitive shall be recognised as such who:

1. is persecuted for a political offence and whose extradition is demanded for this offence;

2. who is recognised by an organisation occupying itself with the support of political fugitives as such.

An Austrian draft law contains another definition. A fugitive shall be recognised as a political fugitive when:

1. his extradition is requested for a political offence;

2. a persecuted person has crossed the frontier from a country in which political disturbance is notorious; and

3. he can produce convincing arguments to prove that he is persecuted politically or that he is threatened with prosecution for political reasons upon his return.

This latter addition is very important, because it has often happened in cases of expulsion to a particular country, the authorities have first of all enquired whether the person in question is under persecution. A reply in the negative having been given, the person is then expelled into the country and only then is he arrested and placed under indictment. This has been the case for instance in Tchechoslovakia.

We must also demand that no political fugitive may be expelled against whom a request for extradition has been filed. In all laws such as the Labour Protection Law in Austria, exceptions must be made with regard to political fugitives. It must also be demanded that no expulsion shall be carried out until some other country has agreed to take the expelled person, and that the person in question may not be kept under arrest whilst the authorities are canvassing other countries.

We must also demand that expulsion is not imposed as a matter of course in all cases where political fugitives are guilty of violating laws of the State granting the right of asylum. We must also demand that expulsion is not carried out for vagabondage and that the support granted by the ICWPA organisations to the political fugitives is officially recognised as honest income. Guarantees against formal expulsion must also be demanded. These are the most important demands which we must raise.

With regard to the procedure in extradition cases, we must demand that the legitimation papers be given to all political fugitives recognised as such by our organisations, and that these papers serve in lieu of all other identity papers. Should the political authorities refuse in some cases to issue such legitimations, then there must be some body to which an appeal against the negative decision can be made. Committees for the right of asylum are proposed, these committees which should be elected, must then decide concerning the recognition of the political fugitive and concerning expulsion cases. And finally, a department for such matters must be attached to a public court in the form of the Austrian constitutional court. These demands must be adapted to the constitutions of the individual countries.

It is very easy to demand many other things, things which we know in advance can only be granted after the seizure of power by the proletariat. We shall have the opportunity of convincing ourselves that not even any decent reform is possible without the proletarian revolution, but this recognition must not prevent us from mobilising the masses on this question. The question of mobilising the broadest possible publicity, including the petty bourgeoisie and the intellectuals is of course also dependent upon the situation existing in the individual countries. I am personally of the opinion that the collection of signatures for draft laws is a good method. We made such an attempt in Austria. We worked out a draft law which was supported by the Freethinkers International. Although the social democracy prohibited the collection of signatures by its freethinker members, the ICWPA alone collected 35,000 signatures. With the mobilisation of public opinion the proletarian parties can be submitted to pressure when it is a question of bringing in draft laws or securing their discussion in parliament.

We have a rich field of work before us and our energy and persistence must be equal to the tasks which we must perform for the benefit of the proletarian political fugitives.

Herzfeld (Germany):

We are now assembled in the classic country of the right of asylum, the Union of Socialist Soviet Republics. The fame of this country in connection with the right of asylum will still exist when all the capitalist countries of the world have become socialist soviet republics.

To-day we can still hear praise of the right of asylum in such countries as Great Britain, the United States of America, Switzerland etc, because at the time of the bourgeois revolutions these countries afforded asylum to political fugitives. The previous speaker has informed us that the landing of political fugitives in the USA is forbidden and punished. From this simple fact we can see clearly how the relations of power and the relations of the classes have changed. The United States of America which once appealed to the fugitives of the bourgeois revolution, even if they were workers, to come to the United States, these same States now prohibit the political fugitives of the proletarian revolution to land in the USA at all, and punish them if they do so. There can hardly be a clearer example than this, that the right of asylum is a class right. Therefore, I must say that the proposals of the previous speaker are very good from the point of view a left-wing parliamentarian, but in my opinion they are absolutely impossible from the standpoint of a proletarian revolutionary, from the standpoint of a communist. In Germany the same conditions exist with regard to extradition and the right of asylum as the speaker described them to us just now. Persons threatened with extradition are exclusively at the mercy of the arbitrariness of the Ministry of Justice, the Foreign Office and the interpretation which the officials of these institutions care to place upon the extradition agreements. Persons threatened with expulsion are completely at the mercy of the police. I however, am of the opinion that there is no other way of altering this than by strengthening the power of the revolutionary workers and peasants in Germany and in the other capitalist countries. Therefore I am of the opinion that the communists in the parliaments and diets of the capitalist countries should not introduce such motions as those proposed by Schoenhof. Only the mobilisation of the masses can win the right of asylum for proletarian

political fugitives, and the International Class War Prisoners Aid can help here.

The question which I want particularly to raise is the protection of revolutionaries against the persecutions of the courts and the police at home. The 4th Penal Senate of our Reichsgericht, and before its existence, the State High Court, have flung hundreds of our best and most heroic comrades into gaol because after the defeat in 1923 they gave refuge to German revolutionaries fleeing before the wave of persecutions. The courts declared that by giving fugitives refuge the persons in question were strengthening the opinions of the fugitives and thus aiding and abetting in high treason and for this the harbourers must go to gaol with hard labour.

It is not quite correct when the speaker says that the right of asylum was first laid down officially in 1793. We know that the right of asylum is one of the oldest known rights in the world. In the world of classical antiquity a persecuted person who fled to the temple of the gods was safe from molestation. During the whole of the middle-ages the Christian church maintained this right of asylum in the church. Whole towns were granted the right to offer fugitives the right of asylum. Up to 1791 this right was used in Germany and was only abolished by the Prussian Law which abolished the old right of asylum in Prussia. To-day the embassies and the consulates still use this right. When for instance the Russian embassy in Peking was raided and revolutionary Chinese dragged off to execution, the whole world protested against the violation of the right of asylum enjoyed by the embassies.

The German penal code contains a paragraph providing that whoever assists a fugitive from justice to escape punishment, shall be punished with imprisonment, I think, not exceeding six months. This paragraph has been made invalid to-day by the practise of the Reichsgericht with regard to persecuted communists. I already mentioned the argumentation of the courts. This is the extreme expression of class-justice. We must therefore fight with all possible energy for the right of those who grant revolutionaries asylum, because with the lack of this right other dangers are connected. If the individual is forbidden to assist revolutionaries, it is only a small step to prohibit the whole organisation and accuse it of high treason on account of the support it accords to political prisoners and to their dependents. It can go still further, the authorities can even interpret the support of foreign political fugitives as high treason.

We see that in this connection we are threatened with fairly considerable dangers. Our struggle must therefore not be limited to the right of asylum for foreign political fugitives, but it must be extended to revolutionaries at home.

Foissin (France):

Schoenhoff has said everything which it is possible to say about the right of asylum. But I am not of his opinion when he says that the right of asylum is formally contained in the French law. It is certain that the governments which followed each other in the nineteenth century, at least in the first half of the nineteenth century, were proud of the right of asylum which was a tradition in France. But in the course of the second half of the nineteenth century the development of capitalism went hand in hand with a gradual limitation of the right of asylum. The world war of 1914/18 strengthened the frontiers instead of

abolishing them, the artificial hatred against the "foreigner" has been increased. Further, apart from the difficulties which fugitives have to overcome when they seek refuge in bourgeois liberal countries, they have lost all the rights which political fugitives formerly possessed in these asylum countries. For instance, to-day political fugitives have no longer the right to express their political opinions. The authorities are even commencing to forbid them to defend their elementary proletarian rights, for instance they are deprived of the right to organise themselves. For these political fugitives the right of the free press and the right to organise have been abolished. This is the situation at the present time in France, not only for those who are actually political fugitives, but also for all the proletarian members of the tremendous economic immigration.

In France the question of extradition is the object of court decision. I would like to prove on the basis of one example that it is actually possible by the mobilisation of public opinion to force the government to regulate juridically the question of extradition. Thanks to a press campaign and to meetings all over the country organised by all left-wing organisations in connection with the proposed extradition of the three Spaniards Ascaso, Durutti and Jover against whom the Argentine Republic had filed a request for extradition, after the French government had already refused a similar request filed by the Spanish government, the French government was compelled to bring in a draft law regulating the question of extradition.

Thanks to this agitation we have now in France in the last few months a law regulating the practise of extradition. In France, and this point I would like to stress, the question is no longer an administrative one. When in the future a foreign government files a request for the extradition of a political fugitive, the French Foreign Office will hand over this request immediately to the Ministry of Justice. This Ministry of Justice will then hand the material on to the Court of Appeal which will examine the material in the case and pass its decision. The person whose extradition is requested has the right to defend his interests by a legal representative. The defending lawyer has access to all the documents in the case and is then in a position to protest that for instance, not all the necessary documents have been filed, or that upon the basis of the filed documents neither sufficient reason nor proof to justify an extradition can be accepted.

The law in France goes even further. The decision of the Court of Appeal, should it declare itself in favour of extradition, is not decisive for the French government. The decision of the Court of Appeal is only then binding for the government when the decision is against the extradition. When the Court of Appeal decides that there is not sufficient ground to justify the extradition, then its decision is final and cannot be quashed. Should the Court of Appeal decide that the request of a foreign government for the extradition of a political fugitive is justified and that the extradition should be granted, the French government is nevertheless not compelled to act upon this decision and grant the extradition.

But what I have just said refers of course only to a very small section of the political fugitives. Most of the political fugitives are not threatened with extradition, but with the arbitrary administrative regulations, and with expulsion by administrative measures. These administrative measures against the political fugitives are carried out in France nowadays with great despatch.

Expulsion normally requires a certain administrative process and takes some time, but nowadays, the Police President is empowered to expel

any foreigners immediately without loss of time if he considers it necessary. He is not even compelled to give any reason for his action.

The thing which makes the expulsion particularly serious is the law by which a foreigner who returns to France after having been expelled is arrested and put into prison. A little while ago such a case occurred. A comrade from Switzerland returned to France after having been expelled. He was arrested and sentenced to 5 months imprisonment for violating an expulsion order.

France offers us another and fantastic example. After the events of the 23rd August, which by the way represented a people's insurrection which took place in Paris, the government proceeded to expel 8,000 foreigners from France. In the course of a few weeks 8,000 people were arrested and deported.

It used to be customary to give the expelled persons the chance of naming the frontier to which they wished to be brought. Officially this is still the case to-day. A few weeks ago however the French government decided that foreigners who had once been deported and had returned, should be brought direct to the frontiers of their home country. In the last few weeks the French government has been busily handing over Italian refugees to the fascist militia. The only crime of these unfortunates was that they had returned a second time to France. These emigrants were sentenced to from 15 to 20 years imprisonment in Italy.

I am of the opinion therefore, that in the case of expulsion the courts must decide whether cause for expulsion exists or not, and we must fight for the treatment of expulsion not as an administrative measure, but as a matter for the courts to decide. We must demand that the police file a document giving the reasons for the expulsion, in order to give the person about to be expelled the chance of taking advice from his lawyer. It is necessary that a properly constituted court decide whether the document filed by the police is sufficient to justify the expulsion. It very often happens that the reasons given by the police are false or unfounded and that in consequence such a document would not be sufficient ground for expulsion.

I would like to show how great the danger in all these questions is on the basis of a special example which happened in France recently. In a particular case of expulsion I got into touch with the director of the foreign department. This man declared openly to me: "We must not treat these Italians with kid gloves, otherwise we will have trouble with Mussolini, and we don't want that".

I will now show on the basis of another example, what we can achieve if we really carry on the struggle with determination and energy. Without exaggeration it can be said that by its great protest action the International Class War Prisoners Aid in alliance with the advocates delegation from Paris, saved comrade Koebloes from being handed over to the Roumanian Siguranza.

The speaker declared that we must also demand an international regulation of the right of asylum. That is true, but I am afraid that instead of progressing towards an international regulation of this question, the development is going farther and farther away from it. I have in mind the international criminal court of which I have already spoken. This court will be founded by those who are in favour of it with the direct aim of abolishing the right of asylum altogether. This court will have the right

to demand the extradition of all revolutionaries who have found refuge in another country, and there will be no possibility of refusing the request for extradition. The foundation of such an international criminal court means the death of the right of asylum for proletarian political prisoners.

Velev (Bulgaria):

In order to characterise the right of asylum as far as Bulgaria is concerned, I will quote one example. Italian comrades sought refuge in Bulgaria. The Bulgarian government did not hesitate for one moment but handed them over to the Italian authorities immediately. The Greek forgers however are walking about unmolested in Bulgaria at the present moment.

Herzfeld dealt with a very interesting question here. Speaking with the revolutionary enthusiasm which has always marked his actions, Herzfeld seemed to intimate that he was not in agreement with the theses of Schoenhof concerning the necessity of the struggle for legislative demands. I am convinced that there is a misunderstanding here. Herzfeld is not a reformist and he therefore has no illusions about how much can be obtained by law, that is clear. This recognition however, must under no circumstances mean that we must refrain from putting forward demands and from working out draft laws and working amongst the masses for our demands.

It is rather clear that it would be a serious error of the International Class War Prisoners Aid if it were to say: as it is an illusion to reckon upon the good will of the bourgeois governments, we will not continue the fight. On the contrary, we must formulate our demands in such a way that they are taken up by the masses who will then fight for them both inside and outside parliament.

I, however, am also of the opinion that the demands as formulated by Schoenhoff require a few comments. Although Schoenhoff also has no illusions, it would seem as though he wanted to intimate to the bourgeoisie that we would be content with little. The demands formulated by him are really too modest. I am of the opinion that the question must be put forward in its whole extent. All that we want, all that the masses need, must be clearly formulated and expressed sharply in parliament. We must not content ourselves with putting forward modest and insufficient demands and saying to ourselves that we couldn't get more under capitalism anyhow. Without underestimating the little which we do manage to win, we must fight both inside and outside of parliament for everything which is necessary for the right of asylum. The draft law which has been presented by the Austrian comrades must therefore be examined from this point of view.

Another point; must we always introduce some new draft law when the right of asylum is violated, although the existing law or the existing regulations grant this right of asylum in principle? Is there any sense in putting forward a new draft law? Is it not more favourable for us in the present situation if we can say, the law exists and guarantees the right of asylum, but you are violating your own laws? I will give an example of what I mean. When the authorities tried to prevent the General Strike in Great Britain, the British workers who possessed the right to strike, did not say to themselves, good, they want to prevent a General Strike, we will therefore bring in a draft law recognising our right to

strike. They struck, and it was the bourgeoisie which afterwards brought in a law to prevent the repetition of such a General Strike. There are certainly cases in which it is better for us not to bring in new draft laws because our position is firmer and better when we appeal to the existing laws and the violation of these laws by the bourgeoisie. Of course, in such cases parliament must also be used, but the work must be done in the form of interpellations and not by bringing in new draft laws. If draft laws are nevertheless brought in, then we must see to it that these drafts are well founded and well formulated. The ICWPA must pay particular attention to this question. The introduction of new draft laws however, can only be worth while if we carry on simultaneously not only national, but international campaigns in order to mobilise public opinion on the broadest possible scale and exercise pressure in this way upon the governments. This is the only way to carry out our tasks in the struggle for the right of asylum.

An Albanian delegate:

Since the end of 1924 Albania has groaned under the yoke of the feudal Beys, the rich landowners, with Achmed Zogu at their head. Their regime was forced upon Albania at the point of the bayonet. A Yugoslavian army invaded Albania under the inspiration of Great Britain and with the agreement of Italy and Greece and put the feudal Beys in power with Achmed Zogu as President. Some of the opponents of the new regime remained in the country whilst others preferred to go into exile. Those who remained in the country had cause to regret their decision. Many of them were imprisoned, and it is generally known what conditions exist in Albanian prisons. The prisoners are not better off than the other prisoners in the Balkan countries. Many opponents of the new regime were interned and many murdered outright.

Those who emigrated quickly recognised that the right of asylum exists in no country of the so-called civilised western world. Almost everywhere they were requested to refrain from all forms of political activity. The fate of those emigrants who sought shelter in the neighbouring countries was bad. In Yugoslavia and Greece the emigrants were placed by the authorities before the dilemma, either to become agents of the government or to be expelled. In Italy their fate was still worse. The Italian authorities demanded that they publicly recognise the treaty of Tirana which turned Albania into an Italian colony. All those who refused to do so were then interned and the Italian government refuses to permit them to leave the country. I would like to mention a special example which shows the right of asylum in Italy in a particularly glaring light. The ex-Minister Gurakugi was murdered by an assassin in the pay of Achmed Zogu. The murderer was not only acquitted by the courts, but sent by the Supreme Italian Court to Albania as a missionary and apostle to spread Italian culture in Albania.

VI. The Legal Situation of the National Minorities

Bartoshek (Tcheckoslovakia):

I am of the opinion that the class-struggle proceeds not only amongst individual human beings who are grouped into two diametrically opposed classes, but also amongst collective forms as such, and that therefore the struggles of the nations amongst themselves are also expressions of the class struggle.

Amongst the nations there are, apart from the internal class divisions which exist in all the nations living under the capitalist system of society, also privileged nations as compared with the enslaved and exploited nations. These latter are chiefly the coloured colonial peoples whose situation is of great interest to us as revolutionaries, but who, because of the fact that they form the overwhelming majority in their countries, do not come into the purview of my speech upon the national minorities.

There are of course cases where colonial robbery goes so far that whole races are wiped out and only a small and dying remnant remains. For instance the original Indian inhabitants of North and Central America who to-day form a small minority and who seem to be hopelessly lost. Soon these peoples will form little more than an anthropological curiosity.

There is another process which is going on: just as individuals vanish, so also can whole peoples vanish in the course of a certain length of time. These peoples are absorbed by others with or without violence in the secular process of history. They disappear by the absorption of small groups into larger units, or they themselves alter to such an extent that the quantitative alteration developed into a qualitative alteration. All these historical processes leave over remnants which are regarded as national minorities. There are for instance the Basques in France and Spain, the Bretons or Provençals in France, the Ainos in Japan, the Frisians or the remnants of the Northern Slavs in Germany etc. However in our discussions we can afford to ignore these groups.

In order to regard a definite group as a national minority in our sense of the term, in my opinion two things are necessary. First of all the group must possess its own collective consciousness and its collective will to be regarded as a nation. With regard to the above mentioned groups, for instance, the purely dialect groups, this is not always the case. Secondly the group must have antagonistic interests to the second group so that there is a real oppression of the minority group. This oppression can be varied in intensity from more or less petty impositions and oppressions to a campaign of complete extermination.

Practically our work is limited to the countries of the white races. Amongst the white races there is no single country without its minority in the broad sense of the term.

In America, and particularly in the United States we see a tremendous number of varied nationalities. Even before the war these national

groups were absorbed by the Americanisation without the exercise of force and without any deliberate attempt at de-nationalisation. The tempo of this process varied of course, according to the resistance and persistence of the individual groups. A factor which worked in opposition to this process of absorption was the fact that these groups settle down together in compact masses and these national groups are continually re-inforced by a stream of new immigrants.

The question of the American negro and the question of the yellow races in the United States comes within our purview. The negroes who inhabit American towns in tens of thousands and who mostly live together in special quarters, are not robbed of equal rights with the whites by law, but they are robbed of these rights in practise by the prejudices of the whites, particularly in the Southern States. Negroes may not sit at the same table with whites and they are not permitted to ride in the same compartments or occupy the same public places as whites. In the Western States of the Union, there is a prohibition of Chinese and Japanese immigration.

In Western Europe there are very important national minority problems which are of particular significance for us because they are of importance for the revolutionary class-struggle, although not to the same extent as the national minorities in Southern and Central Europe. The Western European minorities are mostly inter-State questions where possibly the question of autonomy plays a role. However, the most interest will have to be paid to those minorities which play a considerable role in connection with the colonial movement. This is true of the Flemings and of the Irish. It is clear that the principle of complete self-determination for all minorities up to and including if desired complete independence, must be applied to all these cases.

The question can be raised here why we occupy ourselves with the problem of the national minorities. The question might be put so: the International Class War Prisoners Aid is a non-party relief organisation based upon the class-struggle of the proletariat, how then does it come that the ICWPA interests itself for the national minorities? Is there not a danger that we play into the hands of the nationalists? I am of the opinion that for us the oppression of the national minorities is only a part of the general class oppression, all the more so as this oppression of the national minorities rests more heavily on the proletariat than upon any other class. The worker is hit hardest when there are no schools for his minority and when he is unable to negotiate with the authorities in his own language, when his political, civil and other rights are limited or abolished altogether, when he is compelled to pay more taxes, in short when he is robbed of equal rights with the members of the oppressor nation. We are able to observe that the bourgeoisie or whatever class is dominant in the oppressed nation, is well able to create an agreeable modus vivendi for itself under the dominant nation, for the native bourgeoisie etc., is bound up with the oppressor nation by common class interests, whereas the proletariat of the oppressed minority must accept the national oppression as an intensification of the normal class oppression.

As an example I can point to the situation in my home country, Tchechoslovakia. Up to 1925 the bourgeois Germans in Tchechoslovakia were determined irridentists. But immediately the stabilisation of the capitalist regime after the war had advanced so far that the presence of

even the reformist social democrats in the government was no longer pleasant, all the "irreconcilable" interests were overcome at one swoop. The joint class interests united the bourgeoisie of all nationalities into one class camp, and a purely bourgeois government irrespective of nationality was the result.

I will now deal with the conditions in the rest of Europe with the exception of the Soviet Union. Quite different conditions exist in Germany. There nationality and State citizenship are not identical conceptions. A Pole, a Dane, a Lausitz Serbian, the descendants of the Northern Slavs, do not feel themselves German, but rather prisoners of Germany. The violent colonisation of Poland by imperial Germany before the war is generally known. The pre-war Austro-Hungarian Empire was termed, like the old Czarist Empire, the prison of the peoples.

The peace treaties which were concluded not on the basis of the self-determination of the peoples, but at the dictates of the victorious nations, abolished, it is true, one or two "injustices" of the past, but created far more new injustices. Poland which was formerly divided into three parts, has since been reunited. The Italian Terra Irridenta has been given back to Italy. Tchechoslovakia has grown up upon the ruins of the old Austro-Hungarian Empire. Hungary has become independent. Serbian land has been given back to Serbia. But, and this is the most important fact, these new States were not formed in the interests of the peoples living in them, but in the interests of the Great Powers who made possible their foundation. Further, these new States were given large slices of territory which did not belong to them upon any grounds. Poland received a considerable part of White-Russia and a part of the Ukraine. Tchechoslovakia received Carpathian Russia. Considerable German and Slavic minorities were formed in Italy and German, Hungarian and Albanian minorities in Yugoslavia. The case of Roumania deserves especial mention. At the cost of Moldavian Bessarabia, the Bulgarian Dobrudja, Transylvania and a considerable part of Hungary, the territory of Roumania was increased fourfold.

I would also like to point to the following which seems to me to be of considerable importance. I am of the opinion that within the framework of the capitalist States, there can be no emancipation of the national minorities. The frontiers can be altered as much as you like, but thereby minorities will always be newly created in one State or the other and these minorities will then suffer oppression. It is interesting to remember that when the Great Powers concluded the peace treaties they forced the small States to accept clauses guaranteeing the rights of the national minorities. This of course does not mean that the great powers took these guarantees and clauses seriously, for in none of the countries of the great powers is there any official protest when the new States attempt to exterminate their national minorities.

I will now deal with the practical conditions in the various countries, commencing with Tchechoslovakia. According to official statistics there are in Tchechoslovakia 66 %, Tchecks and Slovaks, (It is interesting to observe that the Tchechoslovakian government officially regards the Tchecks and the Slovaks as being one united nation), 23 % Germans, 6 % Hungarians, 3½ % Russians (Ukrainians) and ½ % Poles. In Tchechoslovakia the oppression of the national minorities has not taken on the brutal forms with which we can meet in other countries. The rights of

the minorities are guaranteed in the constitution and in the language laws, and on the whole the provisions of the constitution and the laws are carried out. Despite this, there are all sorts of conditions, for instance, in order to exercise the rights of a national minority, the minority in a district must be at least 20 % of the total population. When this is the case, then the minority party may negotiate with the authorities in its own language, all public documents are in the language of the minority etc. There are many examples of chicanery however, for instance, let us take the case that two Germans in Prague have a case against each other before the court. Although all the judges can speak German, the case is heard in Tcheckish. If for instance in a particular district there are 19 % Germans, 19 % Hungarians and 19 % Ukrainians, or in other words 57 % of the total population, the language used exclusively is Tcheckish, because the 20 % is reckoned for each nationality separately. It happens too that not only officials, but also simple workers are dismissed from the State service for not being able to speak the "State language"

The matter becomes quite different however when social antagonisms are coupled to the difference of language. In such cases in the land of "democratic order", the written laws lose their force. The working class in Slovakia and almost the whole of the poor population in Carpathian Russia are revolutionary in their political opinions. According to the peace treaty Carpathian Russia should receive autonomy and have its own parliament. Since the conclusion of the treaty ten years have passed, but the Carpathian Russian Diet is still imaginary. The whole of Slovakia is administered by Tcheckish officials of a fascist tendency.

When we turn to Poland we see the following picture: Only 69 % of the total population are Poles, the other 31 % do not speak Polish and include 7 million Ukrainians, over 2 million White Russians, over 2 million Jews, a million Germans, 200,000 Lithuanians and 75,000 Tchecks. The figures for the individual Palatinates are still more positive: Vilna, 62.6 % non-Polish; Polesia, 78.2 % non-Polish; Voleynian, 85.5 % non-Polish; Lemberg, 43.92 % non-Polish, and Stanislavov, 78 % non-Polish. In Poland too, the constitution guarantees the rights of the national minorities, but the guarantees are on paper only. The national minorities receive varied treatment. The most brutal example of national oppression is to be seen in the territory of White-Russia. Before the Polish military occupation 400 White-Russian schools existed, not many, it is true for a population of over two millions. To-day all these schools with the exception of about half a dozen have been closed down by the Polish authorities. The brutality will be understood better when I remark that the White-Russian population is revolutionary on the whole, having lived for over five months under a soviet regime. The land was already divided amongst the peasants when the Polish troops of occupation arrived and re-confiscated the land, returning it to the former "owners". The sufferings of the Germans in Upper Silesia are still more generally known. In this district the Polish authorities are carrying out a campaign of polonisation with all means including violence. The number of pupils permitted in the schools where the teaching is in German is arbitrarily reduced, for instance in Kattovitz to 50 for the lower classes of the middle school although 150 applications for admission had been filed. Workers who do not speak Polish are dismissed from the State service. The policy of the government towards the Jews is very interesting. In ethnographically Polish districts the policy of the government is definitely anti-Semitic and a number of pogroms

have taken place, for instance in November 1918 in Lemberg after the evacuation of the town by the Austrian troops, the pogroms of the volunteers of Haller in 1921, and in 1923 in Warsaw and almost every year there excesses occur against the Jewish population. In other districts, however, the government seeks to win the support of the Jews on the maxim "Divide" and Conquer'.

All the resources of the State are being used to crush the minorities, schools are being closed down, colonisation carried out forcibly, electoral districts re-arranged in favour of the Poles, confiscations carried out, non-Polish associations dissolved, mass trials conducted against members of the national minorities, etc.

Mussolini's Italy is a State based on terror. In Italy the national minorities have been wiped out of existence with a stroke of the pen. In non-Italian districts like South Tirol and Istria, all German and Slavic schools have been closed down and even family names have been forcibly Italianised etc. If the present state of affairs is continued for any length of time, then the national minorities will really be crushed out of existence.

The Balkan countries are generally known as the countries of bloody terror. Here the ruling authorities do not hesitate to arrange mass murders in order to get rid of unpleasant elements. Here too, the class character of the capitalist State shows itself in particular brutality against those elements who are suspected of holding revolutionary opinions.

In Yugoslavia, the Serbs and the Croats are in the majority. According to official statistics, which however, it would be wise to accept with reserve, there are 8 million Serbs and Croats from a total population of 12 millions. The statistics of the Pan-Serbs, do not recognise the Croats as a special nation. There are also over a million Slovenians, half a million Germans, half a million Hungarians, half a million Arnautans, approximately 250,000 Roumanians and 13,000 Italians. Approximately 2% of the population is made up of Greeks, Bulgarians, Turks etc. Here too, the minorities are living under a regime of occupation. National oppression expresses itself in arbitrary apportionment of the electoral districts and in electoral terror against the national minorities. It is interesting to note that taxation is distributed in such a fashion that the old privileged Serbia is least of all involved. According to statistics the yearly per capita tax in Serbia proper is 99 Dinar, in Dalmatia 93 Dinar, in Bosnia 116 Dinar, Croatia 159 Dinar, Slovenia 191 Dinar, Voivodina 355 Dinar etc. The terror is carried out chiefly by the official militarist secret organisation "Bela Ruka" in a general political and anti-social direction. A good measure of the grade of the persecution is the fact that the law punishes communist or anarchist propaganda with death and that since the end of the war Yugoslavia has not granted one single amnesty for political prisoners. The most severe national oppression is concentrated in Macedonia which the authorities intend to make Serbian by sheer violence. In the census Macedonia is officially given as a part of Serbia. In 1921 many people were sentenced to 12 years hard labour for no other crime than having sung Bulgarian songs. It is hardly necessary to mention that there are no other schools in Macedonia than Serbian schools. In order to round off the general picture I would like to mention that in the prisons which also serve as one of the weapons of national oppression, torture is the normal thing and that there are many cases in which prisoners have mysteriously disappeared never to be heard of again.

Despite all these terrible things, the crown for national oppression belongs undoubtedly to Roumania. Roumanian territory has a population of 17 millions. According to official statistics only 72% of these are Roumanian. The real fact is however, that only 65% of the total are Roumanians. The Bessarabian Moldavians cannot be reckoned to Roumania for they have their own dialect, use Kyrilian writing and have their own independent culture and history. They also do not feel themselves as Roumanian. If these Bessarabian Moldavians are not reckoned to Roumania, then the percentage of Roumanians is only about 56% of the total. Apart from Roumanians the following races are living in present day Roumania Mare (Greater Roumania): 1.8 million Hungarians, 1.2 million Germans, 0.8 million Russians and Ukrainians, 0.4 million Turks and Tartars, 0.4 million Bulgarians, approximately 0.8 million Moldavians and a million Jews. There is no guarantee of the rights of the national minorities. Non-Roumanian schools exist it is true, as a matter of necessity, but they are not officially recognised. The Roumanian language must be favoured. Non-Roumanian schools have no right to issue certificates, and their pupils must stand their examinations before Roumanian school commissions. Before the courts and in all official matters Roumanian is the only language recognised. Torture in the prisons, murders "whilst attempting to escape", (i. e. the case of Tkatchenko and many others), sentences of from 15 to 20 years hard labour, these are the accompanying features of the white terror in this unfortunate country at the mercy of the Roumanian Siguranza. The worst terror is concentrated on the occupied areas of Bessarabia and the Dobrudja to which Roumania has no right whatever other than that of the sword. Here the white terror shows itself in its worst and most brutal forms. Whole villages have been razed to the ground and their inhabitants, men, women and children put to the sword.

All that has been said is in my opinion sufficient for us as a basis upon which we can draw our own conclusions. As a counterpart to the dark picture of the situation of the national minorities in the capitalist terror countries, I would like to deal with the situation of the national minorities in the Soviet Union. There is hardly any country in the world which has originally so many nationalities within its borders as the Soviet Union. Over a hundred different nationalities live together within its vast territory. At one time the same territory was termed with justification the prison of the peoples. What is the situation to-day? I was astonished in 1923 when I went in Prague to an exhibition of books published in the Soviet Union and found books not only in Russian, but in Ukrainian, White-Russian, Tartar, Mongolian, Georgian, Armenian. And I was still more astonished when I had the opportunity here in Moscow two years ago of studying the work of the Eastern Institute. It is alone a revolutionary factor that Kirgisia has its own autonomous soviet republic whilst India, the mother of all European civilisation, has been degraded to the level of a British colony. We see that in the proletarian State, in a classless society, national oppression has disappeared. The Russian nation continues to exist, it is not less powerful than before. The variety of languages customs and national traditions is not less to-day than before. The variety of cultures is a great now as before. But what has changed tremendously is the social structure and the power in the country. The proletarian revolution has created new written languages, it has awakened the small peoples to consciousness etc. All this is so to speak a by-product of the revolution. The fact remains however, and we are able to convince

ourselves that the root of the evil of national oppression lies in the class contradictions of the bourgeois national States.

National oppression is regarded, it is true, in general as an evil by bourgeois society and measures are even taken against it. As I have already said, the peace treaties provide for guarantees for the protection of the national and religious minorities. The League of Nations in Geneva is supposed to watch over the fulfillment of these guarantees. The fact is however that the national minority wishing to draw the attention of the League of Nations to the violation of the guarantees, can only do so through some State attached to the League of Nations. We are however, well aware of the character of the League of Nations as the protector of the imperialist peace treaties and the antithesis of the Soviet Union. It would be ridiculous to expect assistance from the League of Nations against a state of affairs which is in the interests of the Great Powers and which has been created by the peace treaties. Outside the League of Nations there exists a sort of oppositional union of national minorities which also has imperialist aims, though inversely. The German minorities in the post-war States gravitate towards Germany, the Hungarian minorities towards Hungary, the Polish minorities towards Poland. Let us suppose for a moment that their wishes were carried out, what would be the result? The result would be that in the mixed districts in question oppression would continue to exist, the only difference being that the present majorities would become the minorities and vice-versa. The situation here is therefore only imperialism versus imperialism. If effective work is to be carried out on behalf of the national minorities therefore, we can accept neither the one situation nor the other, but must place ourselves upon the basis of a classless society. In this connection we can only support the Soviet Union which is the only State in the history of the world which has been successful — on the basis of its principle of classlessness — in establishing full rights and equality for all nations within its territory without oppressing any single one of them.

I come therefore to the following conclusions:

1. The reason for all forms of national oppression is to be found in the essence of the capitalist class State which has adopted historically the form of a national State.
2. National oppression represents the source of a constant danger of war.
3. National oppression can only be abolished by the abolition of the class State and its replacement by a classless society.
4. National oppression must therefore be reckoned with and utilised by the revolutionary proletarian movement as an important means of weakening and demoralising the capitalist class State.
5. Real guarantees against the oppression of the national minorities can only be given upon the platform of a classless society.

A Dobrudjan delegate:

There is no single country in Western Europe where the national minorities are treated so badly and with such contempt as in the Balkans. In Yugoslavia, Bulgaria, Greece, Roumania and in short in all countries which have been able to obtain control of large slices of foreign territory with foreign population in consequence of the peace treaties, a policy of violent assimilation and colonisation of these territories is being carried out.

I will speak in particular of the treatment accorded to the native population of the Dobrudja.

The Dobrudja was formerly a province of Bulgaria which was handed over to Roumania by the Versailles Treaty. The particular agreement declares that the inhabitants of the Dobrudja must receive all those rights which are enjoyed by the rest of the Roumanian population. Conditions as they really exist however, show a different picture.

Before the annexation there existed three colleges, two preparatory colleges and 400 schools. To-day none of these exist any more. In all official institutions including the most subordinate, the language is not the native language of the Dobrudja, but Roumanian. Those who cannot speak Roumanian are compelled to employ the services of translators and to pay heavily for them.

The administrative terror and arbitrariness is increasing to a tremendous extent. Administrative requisitions, bribery and the so-called "Dischma" are daily occurrences. "Dischma" is the stirring up of the population of the surrounding provinces against the people of the Dobrudja and this official hatred expresses itself in raids on the fields and gardens of the Dobrudjans and the destruction of their products. In this way the Roumanian oligarchy tries to prevent the creation of a united front on the part of the local population, to keep the peoples at enmity with each other and to use them in this way as the instruments of the Roumanian government.

In Roumania exceptional laws have been adopted concerning the revision of property and State citizenship. The law concerning the revision of property consists in the following: Every Dobrudjan must prove to the Roumanian authorities upon a documentary basis his right to his own property. Those who received their property as the inheritance of their fathers, of course had no documents from the Bulgarian government to prove their property rights. Half of the population was in this condition and the entire property of this section of the population was confiscated by the government. Those who could prove on the basis of documents that they were really the owners of their property, lost only one third of their property by confiscation. As you see, the land of the Dobrudjans was confiscated upon the basis of these shameful laws.

The second shameful law is that concerning State citizenship. Every Dobrudjan who was not in his home locality at the time of the Roumanian occupation was compelled to prove his Roumanian citizenship. Those who fled before the occupation out of fear of repression can now no longer return, for they have no proof of their Roumanian citizenship. The property of all these Dobrudjans was confiscated completely.

That is the juridical situation of the Dobrudjans in Roumania at the present time.

On the 1st May 1926 martial law was proclaimed in the Dobrudja. Four divisions were sent to the Dobrudja and the populations was compelled to pay for the upkeep of these divisions. Food for the troops is requisitioned without payment or recompense. The authorities do not even trouble to make out formal receipts. Where such receipts are filled out, they are usually false so that no compensation can be obtained. In one single month in one single district in the Dobrudja 80 waggons of fodder were requisitioned and the owners of the fodder received neither compensation nor receipts.

In order to prove my statements I would like to quote a few facts. In 1925 500 people were arrested in the Dobrudja. Most of the arrested were afterwards released, but a section received long sentences of hard labour. 7 persons were killed. In Roumania the death sentence has been abolished, but in practise it still exists, the victims of the Roumanian government are killed before they ever come before the courts.

In 1924 300 people were arrested and 8 killed. In 1926 450 persons were arrested and 47 killed. The fate of these 47 killed was the following: The village of Staro Selo in the Tuterek district was attacked by armed bandits, but the attack failed. This served the Roumanian government as an excuse for sending a punitive column to the village consisting of two companies of soldiers. In the first night 200 persons were arrested and transported to Tuterek. On the way 47 of these prisoners were literally slaughtered. The next day the dependents of these unfortunate men were officially informed of their fate.

In 1927 up to September 200 persons were arrested and 4 persons killed. In consequence of this terror emigration is growing from the Dobrudja. 40,000 Dobrudjans have sought refuge in Bulgaria and 20,000 in Turkey. The Bulgarian government is hostile to the Dobrudjan emigrants and even makes agreements with the Roumanian government to hand back the Dobrudjans who have fled. Murders of Dobrudjans occasionally take place in Bulgaria. On the 4th September for instance the four well-known Dobrudjan revolutionaries Detchev, Chorev, Gitzov and Gospodchakov were murdered. They were in Bulgaria with their comrades. The Bulgarian government sent a detachment of 50 soldiers to arrest them. Of six revolutionaries only one escaped with his life. Three revolutionaries were killed outright and two mortally wounded. The two wounded men were flung into the gutter where they then died.

That is the situation in the Dobrudja.

We Dobrudjan revolutionaries and the whole of the Dobrudjan population attempted to appeal to the League of Nations and to the public conscience of Europe through a number of great newspapers and a number of organisations. We wanted them to request the Roumanian government to cease the terrible oppression in the Dobrudja, to abolish the oppressive exceptional laws and to cease to tread the Dobrudjan population into the dust. All our appeals, which were supported by hard facts and figures, were answered with icy silence which has remained unbroken down to the present time.

An Albanian delegate:

In a period of forty one years Albania has suffered three divisions. The first in 1880, the second in 1913 and the last in 1921.

Much has been talked about a free Albania. It has been said that the capitalist Great Powers have given Albania its freedom. That is not true. In 1913 Albania was cut into two parts.

The greater part of the Albanian population was handed over to the Serbian imperialists, to King Nikita and to the Greeks.

The remaining part was made into a so-called independent Albania in order to serve as a Casus Belli in all future Balkan questions. One after the other the various Balkan States cast their eyes longingly upon this piece of Albania which still remained "independent". Italy and

Austria coveted it. In other words, the Albanian people were not free even in this part of their country which was "independent".

The most terrible fate however, was suffered by that part of Albania which was flung to Yugoslavia. In this unfortunate section of Albania the population have no political or civil rights, the bare right to live hardly remains to them. The Albanian population is not allowed to found its own schools, to speak its own language or to develop its own form of native culture. They are not permitted to found their own press or to emigrate to the free part of Albania. An Albanian peasant in Kossovo for instance, is never certain when he leaves his home to work in the fields that he will return safely. And if he does come home safely, then he is never certain that he will be alive on the next day, for he may be killed in the fields, murdered in his bed or shot down on his own doorstep. Thousands and thousands of Albanians have been killed in this way. The Yugoslavian government has organised systematic massacres. I will only mention a few of these slaughters. In 1919 in the little district of Gussinye with 7,000 inhabitants, 600 women and children were slaughtered. At the same time in the little district of Rugovo above Ipek, hundreds of women and children were burned alive in their homes. The statistics of the number of slaughtered women and children have regularly been presented to the capitalist Great Powers. The attitude of the League of Nations has been one of cynical inactivity.

Occasionally the Great Powers have answered our letters with short notes acknowledging the receipt of the statistics and protests and promising to take note of them.

A similar massacre occurred in 1921 in the district of Pritchina where a thousand Albanians, men, women and children were murdered. In 1924 in the neighbourhood of the town of Mitrovitza (Amselfeld) two villages were destroyed with 300 families. The official explanation was that two bandits had fled to these villages and refused to surrender so that it had been necessary to destroy both the villages. We continued to protest. On the basis of the agreements which were concluded, we finally succeeded in drawing the attention of the Great Powers to the state of affairs. We demanded that the agreements should at least be kept. On one occasion, it was in 1924, the League of Nations requested the Yugoslavian government to give explanations concerning the massacres and particularly concerning the happenings in Kossovo. The League of Nations set a period of two months in which the answer was to be filed. In the moment when the the Yugoslavian Prime Minister Pashitch answered the League of Nations, Yugoslavia attacked Albania and laid waste large areas. The director of the section for minorities declared to me at the time: "To-day we received the answer from Belgrade, in consequence we cannot discuss your matter in to-day's session". That was the only answer the League of Nations ever made.

Justice does not exist in Kossovo. There are courts, but these institutions exist only for the purpose of lending a legal cloak to plundering, massacres and all forms of terror perpetrated upon the population.

As far as the elections are concerned, the Albanians of Kossovo have the right to vote both in the parliamentary and municipal elections, but only upon condition that they vote for the Serbian democrats or for the radicals.

Every legal form of organisation, every form of national movement has been prohibited. In the Kossovo district there exists no single national political grouping. As far as the so-called agrarian reform is concerned, this is carried out by driving Albanians off their land and replacing them by Wrangel colonists or by Montenegrins. In general the Albanian peasants are small farmers, they have not enough land to be able to give any of it to others.

10,000 Kossovo Albanians have fled to Albania and 50,000 have fled to Turkey for refuge.

All this has brought us to one idea: In order to free this people there is only one way, the revolutionary way, and I am certain that the Albanians of Kossovo will fight for their freedom along revolutionary lines in alliance with the other oppressed peoples in the Balkans.

A Macedonian delegate:

I would like to say a few words about the situation in Macedonia. After the war the situation there deteriorated considerably.

Before 1912 when Macedonia belonged to Turkey, the national question existed in a very sharp form. This question was dressed in a political and economic form. Cultural and national rights for the population existed. The various nationalities which lived in Albania had their own schools, their libraries, their reading rooms, churches, mosques etc.

After the Balkan war and after the war between the former allies in 1912/13, the situation changed.

The population was robbed of all political rights and subjected to an intolerable economic yoke. Attempts were made to destroy the population and all cultural and national rights were withdrawn. All the schools were closed and the teachers were driven away. Many of them were sent to prison or forced to give lessons in Serbian which language they spoke only badly.

In Macedonia the population which only speaks Bulgarian was forced to speak Serbian. The population was forbidden to use its Macedonian names and was compelled to adopt Serbian names. The man who was called Ivanov 15 years ago is called Ivanovitch to-day, otherwise his life is made a misery.

The world war made the situation much worse. Supplementary agreements were added to the peace treaties in order to protect the national minorities. These agreements however, were worthless, for at the same time agreements were worked out concerning the exchange of populations. Such an agreement was concluded in 1919 between Bulgaria and Greece with a view to exchanging the Bulgarian population in Macedonia with the Greek population in Bulgaria. In 1922 a similar agreement was concluded in Lausanne between Turkey and Greece with a view to exchanging the Turkish population in Macedonia with the Greek population in Asia Minor and Eastern Thrace.

At the present time almost all the nationalities have been driven out of Macedonia. Only about 200,000 Bulgarians are still there. In Yugoslavia the Macedonians are regarded as Serbians. The speaker quoted the statistics of the Yugoslavian government according to which the Macedonians are quite eliminated. The Serbian government uses every form of persecution against the Macedonians. There are no schools in the

mother tongue. From the economic point of view all measures have been taken to ruin the population. I will quote an example so that you are able to get an idea of what I mean. Tobacco is grown in Macedonia. The production of tobacco is very great and forms the chief occupation of the peasants. The price in this year was approximately 30 Dinar per Kilogramm. The Serbian tobacco monopoly however, compelled the peasants to sell their tobacco at 15 Dinar per Kilogramm. From this you can picture the economic oppression which the population has to suffer.

In consequence of this intolerable situation considerable emigration from Macedonia commenced. Many emigrants go to the United States. Others from the parts of Macedonia under Greek domination emigrate to Bulgaria, Turkey etc.

I will not deal now with the administrative regime or the white terror, because I spoke on these subjects yesterday. You are all aware of the terrible regime which exists in Macedonia, in all its three parts, and particularly in the part under Bulgarian rule. As I told you yesterday, thousands of Macedonians have been murdered in the last three years in the district of Petritch which has a population of 200,000. In the parts of Macedonia under Serbian rule there have also been massacres, like the one in Stip which was also discussed yesterday. It was in Stip that the attempt on the life of the Serbian General Kovatchevitch took place. In 1923 in this district 23 Macedonian peasants in the village of Garvan were murdered.

The methods of the ruling fascists and militarists are the same in all the Balkan countries, in the Dobrudja, in Kossovo, in Macedonia, in Bessarabia, everywhere.

VII. Laws and Legal Procedure in the Colonial and Semi-Colonial Countries

De Yong (Holland):

I will deal only with the Dutch colonies, and above all with Indonesia.

The class-struggle in Indonesia has of course a different character from the class-struggle in capitalist Holland. In Indonesia there is no bourgeoisie which acts independently against the workers. However, the beginnings of such a bourgeoisie cannot be denied. Under these circumstances the struggle of the oppressed natives is directed against the oppressive institutions of the Dutch capitalist clique and against the section of the natives who have been corrupted by the capitalists. The struggle against oppression has therefore chiefly the character of a national-revolutionary struggle and less the character of a class-struggle.

I would like to point out another difference. In capitalist Holland as in all other capitalist countries, the capitalist class is compelled to mask its exploitation with various social institutions like hospitals, support for the sick etc. By granting the workers political "democratic rights" and apparently sacrificing a part of their profits for such welfare institutions, the bourgeoisie seeks to undermine the growing revolutionary fighting spirit of the workers which is developing upon the basis of the class-contradictions.

In Indonesia the Dutch capitalists do not need to go in for such manoeuvres. The workers in Indonesia are very severely exploited. The workers here have no very great needs and no attempt has ever been made to increase their needs, on the contrary, the Dutch capitalists do their utmost to hold down the wages as low as possible. Positively exploitation is very great, and negatively it is still greater, because the profit from the colonies goes almost entirely to Holland. The Dutch capitalists pocket their profits and take them to Holland and not even a small part remains in the colonies. The colonies are thus being drained and this makes the economic situation of the natives still worse.

In order to give you a good idea of the exploitation of the colonies, I will quote a few statistical figures. The total territory of the Indonesian group of islands is approximately 1,9 million square kilometres and has a total population of approximately 49.5 millions. The composition of this population in 1926 was as follows: 97.6% Malays, 2.1% Chinese and Arabs and 0.3% whites. To-day the total number of whites is about 200,000 of whom about the half are Dutch.

The most important island of the group is Java. 70% of the total population live here. Sugar, Rice, Coffee and Tea are the chief exports. The first place amongst the exports is occupied by sugar. In 1924 the value of the total export was 695 million Dutch Gulden. Sugar export

was valued in this year at 491.1 million Gulden. Recently petroleum has begun to play a considerable role amongst the exports.

The laws and all the institutions in Indonesia have only one aim and that is to support the Dutch in their efforts to maintain their exploitation of the country. Indonesia has been divided into various provinces. At the head of each province is a Resident Governor with police at his disposal, officials for taxes etc.

There is a complete juridical separation between the Indonesian native population and the European officials and merchants etc. For the Europeans there are special courts with Dutch judges and for the native Indonesians there are courts with Dutch presidents and Indonesian judges. When therefore differences occur between the Dutch government and the native population, the natives do not come before the same courts as the Europeans, but before mixed courts. It is thus not possible to say that the Dutch judges treat the natives differently from the Europeans, because the natives appear before different courts and are tried by the Indonesian agents of the Dutch, although the influence of the Dutch president of these mixed courts must not be overlooked. The aim of this arrangement is to make it appear as though "justice" really existed for the natives in Indonesia and as though only the natives were entitled to dispose of the fate of their fellow natives.

Further, in Indonesia there has existed for some years a People's Council. If one thinks however, that this People's Council is a sort of parliament, then one is wrong. First of all this People's Council has only an advisory vote, and secondly its members are elected by the municipal councils who in their turn are appointed by the Governor General. This means that the members of the People's Council are creatures of the Governor General. In reality the capitalist representatives in the Dutch parliament have more to say about the conduct of affairs than the whole population of Indonesia. The Dutch parliament regulates the Budget for Indonesia etc. As we see, it is a very peculiar form of "democracy" which democratic capitalist Holland has granted to its colonies.

This can be understood still better after an examination of the press, speech and organisational freedoms which exist, or rather do not exist in Indonesia. These freedoms are not so clearly formulated as in the Dutch laws, but in fact the laws do grant them in principle. I say in principle with reason, for in principle is something quite different from in practise. For instance the Governor General has the right to abolish all these rights and freedoms in certain parts of Sumatra, Java or anywhere else where the conditions "compel him" to do so. He need not inform the population what these conditions are which "compel him", it is sufficient that he declares that they are so. In recent years the Governor General has very often been "compelled" to abolish these rights and freedoms, with the result that the Indonesians can no longer reckon with them at all. Recently these rights etc., have been officially abolished in most districts. The rights etc., which have remained are of no practical importance for the Indonesians, for they are made illusory by political chicanery. If one requests permission to hold a public meeting in Java, the police grant permission for the meeting, but only under the express condition that the meeting takes place indoors. The rooms in which such meetings are held, have however, no windows in the European sense, but only openings through which people on the streets can hear what is being said inside. The police declare therefore that meetings in such rooms cannot be allowed

because they are no longer private. In this fashion the police are able to make all meetings impossible and thus the right to hold public meetings no longer exists in practise, although it exists on paper. Here is another example. At such a meeting the police arrive at the commencement and demand to see the papers of all those present. This examination of documents takes so much time that the people present at the meeting can feel pleased if they get their papers back again by dawn. As long as the "examination" is going on of course the meeting cannot take place, and in effect this is only another way of prohibiting the meeting.

Let us take the case of the freedom of the press. There are two kinds of newspapers in Indonesia, the Dutch newspapers and the native newspapers. The Dutch press can attack the natives and stir up hatred and dissension to its heart's content, and no authorities will ever dream of interfering, for the freedom of the press exists in Indonesia. But when the native press attempts to raise any question, say concerning the conditions of labour, the police are immediately to hand with the excuse that the newspaper in question is stirring up the people. The newspaper is not only prohibited, but its editors are placed under arrest. This has been done systematically to such an extent recently that it would be a mockery to speak of any freedom of the press. The following example is characteristic for the freedom of speech. About two years ago a prominent Indonesian woman declared that matters had gone so far that no decent Indonesian woman could regard it as an honour to be married by a Dutch official. I don't want to go into any question of the conception of "honour" involved here, but it is interesting in connection with the freedom to express opinions which is alleged to exist in Indonesia that this woman was sentenced to one year's imprisonment for her remark. The "sensitive" Governor General declared that this remark was an attempt to descry his person.

Let us take another case. When a strike breaks out the Governor General declares that the government will not interfere because this strike represents a private quarrel between the workers and the employers, that is to say, the government will not interfere as long as the strike has no political character. The fact is however, that this latter proviso is applied to every strike and in this way the right to strike is made illusory. In order to be certain anyhow, the government uses the following method: When a strike breaks out the authorities arrest all the strike leaders and lock them up. You can imagine the result for an undeveloped working class movement when the heads of the strike are suddenly removed. It is not easy to replace the leaders, and the strike collapses. When the strike has collapsed the leaders are released with the explanation that the arrest was an error. Even so, the matter is not always so harmless. A few years ago a trade union leader was arrested in this way, and after a day or so the police announced that he had committed suicide in prison. It is hardly necessary to inform you that the actual fact was that the strike leader had been murdered.

When you realise all these things, the infamous chicanery and oppression, you will not be surprised when the natives in despair take up arms against their oppressors. In November 1926 and in January 1927 the Indonesians rose against their oppressors. Their heroic struggle was crushed in blood. After the soldiers of the Dutch government had shot down hundreds of men, women and children, the arrests commenced. According to the figures of the government itself, over 8,000 natives were

arrested. In July of this year or nine months after the defeat of the insurrection, there were still 1,600 natives in prison awaiting trial. Seven death sentences were passed. The death sentence is however abolished in Holland, the Governor General therefore refused at first to sign the death sentences, but after the Dutch exploiters in Holland and in Indonesia had carried on a sufficiently energetic campaign for the executions, the Governor General bowed to "public opinion", signed the death sentences and caused the victims to be executed.

There is still another possibility for the authorities in Indonesia to get rid of unpleasant people, and this is the possibility of deporting them. If the authorities are not able to prove that an accused is guilty of the crimes of which he is accused, then the government has the possibility of saying: True, you are no criminal and the courts cannot therefore sentence you, but you are a positive danger to the maintenance of law and order in Indonesia, in the interests of the people of Indonesia we shall therefore deport you. In this way over a thousand Indonesians, the pick of the people, have been deported to New Guinea where even the first preliminaries of civilised life are missing. This is done to people who, even in the opinion of the government, are innocent of any crime. From this you may very well imagine what happens to those unfortunates who are actually convicted of "crime".

How are "criminals" in Indonesia caught by the law? A well-known professor occupied himself with the problem of the continual internments some time ago and in an article published by him he described the usual methods adopted in order to obtain a basis for proceeding against the "criminals". Under the instructions of the government officials a spy is employed to send an anonymous letter to the governor denouncing this or that individual. One anonymous letter is not sufficient for a judge to take action. Therefore the game is continued by other spies until sufficient denunciations are collected against the individual in question. The courts have then sufficient material to justify an arrest, because the suspicions have become "general", and are therefore probably well-founded.

What conclusions are we able to draw from all this? First of all we can say positively that both law and legal procedure in colonial countries aim simply to preserve the exploitation of the oppressed people. All the high-sounding phrases about the "development of culture in the colonies", the "lifting up of the colonial peoples from their low state" etc. etc. are in reality nothing but hypocritical attempts to deceive public opinion as to the real character of imperialist colonial policy.

The second conclusion is the following: The clearly cut class relations which exist in Germany and in Great Britain and in other countries, do not exist so obviously in Holland. There have been very few political trials in Holland. From the bourgeois point of view, public opinion in Holland is rather left-wing. Despite this, however, the first signs of fascism are beginning to show themselves. I am not saying too much therefore, when I contend that there is a real danger that fascism will come to Holland via the colonies.

This danger is already recognised to a certain extent by the left-wing bourgeoisie, though naturally not in its full dimensions.

It is for instance, not without significance that the authorities in Holland are beginning to limit the chartered "democratic rights". In Holland a great number of young Indonesians are studying. For the most part these young men are nationalists and have their own newspapers etc. And

what have the authorities now done? Something which for Holland is unparalleled, the authorities have arrested a number of these young men. We see therefore that the persecutions are not limited to the colonies, but that the repression against the Indonesians is being extended to the so-called "Motherland".

It is perhaps possible to contend that for Holland a vicious circle can be seen. Although the authorities have seen no cause for attacking the Dutch working class with any degree of sharpness, this has been done energetically in the colonies. And from Indonesia this sharpening of the class-struggle comes back to us in Europe. I attach great importance to this question, because it must act as an urge for us to mobilise increasing masses of the workers for the struggle against the oppression and persecution in the colonies. The tasks we set ourselves in this connection must be in accordance with the stage of development in order that the International Class War Prisoners Aid be fully armed to meet the coming events.

Foissin (France):

I wish to deal less with colonial atrocities and juridical practise in the colonies than with the legal principles which are dominant in colonial legislation.

I will take for example the French laws. As the same economic relations always produce the same legal forms, we find in all the colonial and semi-colonial countries (in the foreign concessions on Chinese territory) the same legal principles as the basis for imperialist legislation in the colonies.

In the last quarter of the nineteenth century, the colonial expansion of the imperialist powers was carried on with particular intensity. The explorers of all countries simultaneously driven by the same thirst for knowledge ("La Passion de la Planete" as a French author Melchior de Vogus has called it) tracked the whole of the continent of Africa which up to that time had appeared on the maps of the world as a white blot. Following closely upon the tracks of the explorers came the European imperialist governments and divided the territories which had been opened up amongst themselves and concluded hurriedly agreements apportioning themselves various "spheres of influence".

The bourgeois professor Charles Gide for instance writes the following:

"This struggle for the division of the world was the most significant phenomenon of the close of the century and we shall feel its favourable or fateful results far into the future".

You know as well as I know that this mysterious force was nothing but that which Lenin has described as "Imperialism, the last Stage of Capitalism".

Politicians and economists are still arguing as to whether the conquest of the colonies was legal or not. In France these discussions are of particular importance and have stirred up passions in the whole of society, but particularly amongst the middle and proletarian classes which were always opposed to colonial conquests and which have overthrown more than one Minister on the subject.

Many political economists have declared that colonial conquests are illegal because they violate the rights of the natives. This is all very fine and good, but the same people who propound this idea also consider

insurrections of the native population in the colonies to be illegal, and are not in the least inclined to support such insurrections when they break out in an effort to prove the correctness of their own first contention. These people are indeed the first to join in the chorus calling for imperialist intervention against the Asiatic or African peoples.

Paul Leroi Beaulieu founds the right to conquer, exploit and oppress the colonial peoples in the following manner:

"It is neither natural nor right that civilised peoples should continue to be satisfied with the decreasing space at their disposal in Europe, that they should accumulate here the wonders of science, art and civilisation and leave the half of the world in the hands of little groups of weak-minded children of nature who are scattered over vast territories, or in the hands of degenerate peoples without energy and leadership who are incapable in their old age of fighting with the forces of nature".

It is hardly necessary to remind the German delegates to this conference of the energetic language of their great jurist von Ingering who attempted to justify colonial conquest in a similar fashion.

The governments of all times have actually concerned themselves very little with the effusions of orators and academic discussions. Instead they have conducted Real-Politik which we can sum up in a few words: the extension of political power, the satisfaction of the need for expansion, the extension of the market for home industries, the economic exploitation of the colonies, the corruption of the working class in the Motherlands at the expense of the colonial masses, thus creating a division between the two, and finally the maintenance of the dominance of the capitalist class over the exploited working class and the oppressed colonial peoples.

The stage of the exploitation of the colonial peoples shows us the following picture:

Great Britain oppresses 404 millions of people, France 52 millions, Holland 48 millions, Japan 21 millions, Belgium 10 millions, the United States 10 millions, Portugal 8 millions, Italy a million and Spain 700,000. When we add to these 5 to 6 hundred million natives in the colonies, the population of such countries as China which must be regarded as a semi-colonial country and which has been striving for years to fling off the yoke of foreign imperialism, and most of the States of South America, Central and Latin-America, then we see that at least two thirds of the human race represent colonial slaves under the yoke of imperialism.

The questions of common law and all the varied forms with which we meet in the colonial and semi-colonial countries, in the Protectorates and in the mandated areas, can be put on one side. These questions are only of interest for diplomats. The fact is that in the colonial and semi-colonial countries, in the Protectorates and in the mandated areas, the only decisive thing is the power of the imperialists which dictates laws to suit itself. Whether the country in question retains a Bey or a Sultan or what not, it is always the power of imperialism which dictates the laws.

The stages set up by the colonial sociologists: the subjection, the assimilation and the autonomy, lead to the belief that the colonies proceed as a matter of course through three stages: first the subjugation, then the assimilation and then autonomy and as a logical result, independence. Nothing of this is true. Instead of developing towards autonomy and independence, the colonial peoples have laws forced on them which

makes the oppression under which they are suffering more brutal and hard than ever before.

The French colonial legislation maintains formally the principle of the maintenance of native institutions. This principle is to be met with in most colonial legislation, for instance, that of Great Britain, Belgium, Holland, Italy etc.

But as you know, the capitalist world is being tortured by contradictions which it cannot get rid of. After having formulated the first principle for the maintenance of native institutions, it proceeds to formulate a second principle which is directly contrary to the first, namely, the "Principle of the Colonial Social Order".

In our European States the governments are beginning to speak more and more of the national social order, that is to say, that the legislation which we studied this morning, is beginning to interest itself more and more for the things which endanger this national social order. During my speech this morning I pointed out to you that we must expect a new legislation on an international scale, and that in this connection new juridical institutions will be formed. From the colonial point of view the situation is exactly the same. This principle was expressed by the tool of French imperialism, Admiral Sheydon in a very few words:

"The natives must be subjected to a regime in accordance with our need for security".

A bourgeois author has described the colonial social order in the following words:

"We understand this to mean that the laws of the land (of the colonial land) which have been declared worthy of respect by the Motherland, are only valid as long as they do not collide with any regulation which the colonising country considers desirable and important for the development of the cause of colonisation".

When the authorities of the Motherland declare that they recognise the native laws of the colonial peoples, that does not mean that they are prepared to maintain the social order of the colonial peoples. On the contrary, they set up a social order and a juridical organisation which are in accordance exclusively with their "civilising mission" and their colonising interests.

The fact of the colonial conquest makes the natives ipso facto the subjects of the imperialist State in question. They lose immediately the right to govern themselves and administer their own affairs in their own way. In the colonies the European is numerically in the minority. But as he wishes to rule alone and to administer the colonies in the interests of the imperialist States, he sees himself "compelled" to abolish the right of the native population to participate in public life. And thus we see that the right to vote is the privilege of the European population. When here and there certain natives are given the right to vote, this is attached to particular difficult conditions (Delegate elections etc.) and the native remains as a matter of course in the minority. In consequence of the withdrawal of political rights from the vast masses of the natives, the Europeans form a majority, both in the municipal councils and in the district and colonial councils. Further, these councils have usually only the right to recommend things to the Governor with whom then the final decision rests.

When the natives have once lost the right to govern and administrate their own country, then they lose as a matter of course the right to issue new laws. The laws governing the colonies are then issued by the parliaments of the imperialist States.

You are aware of the power concentrated into the hands of a Viceroy of India for instance. Our friend de Yong told us of the power of the Governor General in Indonesia. We Frenchmen know very well how powerful the Governors of Algiers, Indo-China etc. are. Or how powerful are the Resident Generals in Morocco or Tunis. They possess privileges which are identical with the mixed privileges of a President of the Council and the President in the Motherland.

Karl Marx has written in the Communist Manifesto that the imperialist State introduces its own imperialist institutions into the colonies and its own most severe criminal code and maintains at the same time the native institutions, preferring amongst them the most severe.

Amongst the natives, civil and criminal law are indissolubly connected also in the text. Immediately after the conquest the colonisers separated civil and criminal law and reserved to themselves the right to determine punishments before any regular criminal code was formulated or an organised form of justice introduced. The most elementary principles of justice are ignored in the face of necessity, and laws are issued for the colonies without the law-givers worrying about the real needs of the natives.

The formula of Admiral Sheydon was fulfilled in this fashion. Under the excuse of "civilising" a barbarous people and milderding its "cruel" customs", the imperialists introduced a regime which in reality caused a great deterioration of the living conditions of the native population. For instance, imprisonment did not exist in the lives of the natives until "civilisation" presented them with it. The natives cannot stand hard labour in prison. After a few weeks they fall sick, stop eating and after a few months they die.

As far as the laws of the Motherland with regard to the right of the free press, the right of meetings, organisation etc., are concerned, these rights are introduced into the colonies in such a form that they practically do not exist except on paper. In the colonies the "freedom of the press" exists, but a preliminary censorship exists also. Permission to issue newspapers, etc., is often refused, and still more often withdrawn after it has been granted. The right to meet in public does not exist. The rights of the trade unions are very uncertain and often do not exist at all.

We come now to the question of the courts. For the imperialists, for the French and other European capitalists there are of course European courts. How is this justified? First of all, in a process between European and native persons, it is not possible to place the Europeans before native courts, that would be "one-sided". But nothing is said when a French court tries natives, for this would be an attack upon the honour of the French courts. And finally, the government is there to introduce "law and order" and therefore it must be in possession of the means to do this, to "maintain order" and if necessary to "restore" it.

In order to maintain an appearance of "equality" — capitalist democracy is very skilful at concealing its mailed fist behind "democratic" institutions — the French or European magistrates are "assisted" by native assessors. These assessors are very carefully chosen from a list prepared by the

Governor General himself. Very often these native assessors have only a consultative voice in the proceedings. There do however, exist some courts in which these assessors have a decisive voice. But even here that is not of much importance for the Europeans are always in the majority. Further, the natives who sit in these courts are those who have sold themselves to the Europeans for titles, orders and pelf. Therefore, even when native assessors sit in court on a mixed bench, this is by no means a guarantee that native accused will receive the justice and impartiality which accused are entitled to expect from the courts.

As far as the magistrates of these courts are concerned, there is again a difference as compared with the home countries. In the colonies the Governor General has the right to appoint and dismiss magistrates. Further, in the home countries juridical and administrative functions are separated, but this is not the case in the colonies. Finally, about 99 % of the magistrates do not even understand the language of those who come before them for trial.

With regard to the close relations which exist in the colonies between the juridical and administrative functions, I am aware of a number of examples taken from life. In Tunis advocates have told me of a case where the Resident General waited in a neighbouring room impatiently for the verdict of the court in a rather important process. In Algiers the Governor General did not even take the trouble to go to the court. The telephone was thoroughly sufficient to establish relations between the juridical and administrative authorities. In Algiers it has happened that the magistrates have protested against this practise. The fact of their protest and indignation proves that the practise actually existed.

But all this still seemed insufficient for the imperialist States, for despite all chicanery and sharp practise, a certain minimum of rights still remained to the natives. This juridical organisation is therefore supplemented by a sort of extraordinary justice, by the regime of the special common law which is called the native code and which is to be met with in all colonial countries.

This native code permits far greater severity towards the natives, and further, it is usually the Governor General or the administration which tries the native and the punishment imposed is very severe. The French laws provide for imprisonment, but the Governor General and the Resident General have the right to banish natives into the desert where 50° of heat are usual or into the mountains where snow is eternal. This banishment can be carried out as a simple order of the governing council for a number of „reasons“, but more often than not for no reason at all. There exists also the possibility of confiscating the property of a convicted man and of imposing collective fines on a village or a tribe. Then there are the disciplinary commissions for natives. This native code was evolved in Algiers, but quickly spread to other colonies. I will give you examples of what is considered to be law-breaking on the part of natives.

1. The refusal to provide the necessary assistance and means of transport required by the Prefecture at prices fixed by the Prefecture (You can imagine what these "prices" are), officially requested by the authorities from the chiefs of the tribe or by the magistrates accredited by the municipal authorities in accordance with the annual estimation of the government for special districts. The chief of the tribe or the head of the community is entitled to publish the prices fixed by the Prefecture for

the means of transport required and to draw the attention of the natives to these prices.

2. Failure to comply with the regulations issued in connection with the application of the laws regulating the maintenance of private property. Failure to comply with the provisions of the law of the 25th March 1882 concerning the declarations to be made in connection with the use of patryonimics.

3. Providing tramps and other indigents with shelter without immediately informing the chief man of the village of this fact. (It is hardly necessary to add that the term "tramp" can be applied to anyone).

4. Failure to register within 14 days any weapon coming into the possession of a native as inheritance, as purchase or as prize in a competition.

5. Settlement without the previous permission of the administration or its representatives outside the village on any territory where the right of private property has not yet been regulated. Camping on prohibited areas.

6. The convening of any public meeting of the Ziara or Zerda for conducting a pilgrimage or public meal, or the convening of any public meeting without permission of more than 25 adult persons of the male sex.

7. The opening of any religious or educational institution without obtaining the previous permission of the authorities. (The French government which possesses all these rights as a matter of course, conveniently forgets to open schools.)

8. Refusal to appear before a representative of the juridical police after having been invited in writing to do so by the police carrying out their official duties.

9. The violation of or the failure to comply with any regulations issued by the proper administrative authorities upon the basis of any law, decree or instructions issued by the government or the Departement Prefecture.

10. Violation of the water regulations or the local customs concerning the water containers, springs, wells, rivers or canals. Punishment is independent of the punishments or damages imposed by the water police.

11. The cutting down of any tree or trees which served a public purpose without the previous permission of the administrative authorities, with the exception of the cases provided for in paragraph 135 of the law of the 21st February 1823.

12. Refusal to supply any information officially demanded by the administrative or juridical authorities in the execution of their duty. Giving false information to these authorities.

13. Destroying, damaging, removing or otherwise interfering with the posts, stones and other topographical signs set up by the proper authorities or their servants or agents.

14. Failure or refusal to send a child who has reached school age into the local school providing the same is within three kilometres of the place of residence of the child in question and providing that no adequate reason for not doing so can be given. (In Algiers the French government has forgotten to open such schools.)

Apart from the criminal code imported from the home countries, we see therefore a whole new code of offences all of which bring severe punishments in their train.

With regard to the punishments such as the confiscation of the property of the convicted man, the imposition of collective fines, these punishments are shamelessly and systematically used by the imperialists in order to rob the native tribes of their property and hand over this property to the European capitalists.

All colonial legislation is governed by the same fundamental principles, no matter whether the colonies are British, French, Dutch, Belgian, Portuguese or what not. Differences can only be found in non-essentials.

Let us now examine the freedom of speech, of the press and the right to organise. I will speak of Algiers and Tunis because I know the conditions in these two countries. In Algiers the freedom of the press exists in theory. In practise however, the only native journal which exists is systematically crippled by continual confiscation. I have been told of three searches in the editorial offices within five days. The numbers of the newspaper were confiscated outright or appeared with large white spaces.

In Algiers the ICWPA organisation has a fair number of members. The organisation has attempted to hold public meetings, but has found it impossible to obtain the use of a hall. The reason may very easily be imagined.

Trade unions exist in Algiers, but the conditions under which they are forced to work are almost incredible. For instance, Clavirie a delegate of the French CGTU was sentenced to 18 months imprisonment for no other crime than that of having quoted the words of a former anarchist and present Minister of France, Aristide Briand concerning the General Strike.

The mere expression of opinion is sufficient to bring down punishment on the head of the temerarious. There is the case of Kelife Lemri who declared in a private conversation that in his opinion the French communist Cachin was an intelligent man. The expression of this opinion, one which is undoubtedly held by Cachin's worst enemies, cost Lemri two years strict banishment. What was the crime of Arrighi, Lozeray and Aucoururier? These three arrived one evening in Algiers as delegates of their party. In their absence the police searched their luggage and found a number of pamphlets together with instructions from their party. The three were immediately arrested and sentenced to two years imprisonment each. The reason for the sentence was extremely simple: "That which was found in their luggage and their own declarations, prove that they had come to Algiers with the intention of conducting agitation". They were sentenced therefore for the simple "intention" and for nothing else, this is registered in the official records of the court.

Then there is the case of Youbi. During an election meeting he translated one of my speeches into Arabic. Although he himself was one of the few natives entitled to vote, he was immediately arrested and sentenced to two years banishment.

Let us turn our attention to Tunis. You have certainly all seen photos of the outrages committed by the fascists in Italy against workers institutions etc. I have seen with my own eyes the state of the editorial offices of the "Combat Social" in Tunis after the rooms had officially received the attention of the police. Tables were overturned and broken, the contents of drawers flung into heaps, pictures and notices torn down from the walls, cupboards broken open and ransacked, printing founts

scattered, the print flung all over the floor etc. Since that day it has not been possible to utilise the right of the free press" in Tunis.

The natives of Tunis had organised themselves into a strong "Tunisian Federation". This organisation was simply dissolved by a decision of the criminal court. A process took place in which 5 natives and a Frenchman were placed on trial. Although there was only one French accused, the trial was heard before a French court consisting of 3 French judges and 4 assessors. Two of these assessors were Italian colonists. I am not aware of the nationality of the other two. The natives were banished for 10 years by judges who neither belonged to their own people nor to their own country.

But that is not all. A number of natives were accused of having distributed lists for signatures in favour of Abd el Krim. These lists were forged. The police had manufactured them from various pieces, declared however, that they had been found on the natives during a search.

But all these things were not sufficient for the Resident General. He therefore laid two new decrees before "His Highness" the Bey of Tunis for signature. Such decrees may not be signed by the Resident General himself, for France has only the right of a Protectorate in Tunis. But the Bey did not hesitate to give his signature, and this was done on the 29th January 1926. For although the Resident General may not sign decrees himself, the Bey may also not refuse to sign them when called upon to do so by the representative of France. Here we see the "essential difference" between a protectorate and a colony.

According to these new decrees, persons "guilty of stirring up hatred against or exposing to ridicule or public contempt the head of the government, the government itself, the administration of the Protectorate, the French and Tunisian authorities entrusted with the administration of the Protectorate, French or Tunisian Ministers, shall be punished with not less than two months imprisonment and not more than two years imprisonment". Practise has shown that when a native insults a French sentry, or when the French sentry imagines that the native has insulted him, the native becomes subject to the provisions of these decrees. Another paragraph refers to "All persons guilty of awakening discontent amongst the masses of the population which might lead to disturbances of public order"

These are the sort of laws which are forced on the Tunisians by a Resident General who is actually not a reactionary, but a democrat, a Freemason. You can imagine therefore what the rule of the other governors in the colonies is like.

In Syria the situation is exactly the same. You know all the brutalities and atrocities committed by the French troops. The French courts have practically legalised all the crimes committed by the troops of occupation against the population.

In Indo-China where the Governor General is a socialist and a member of the Second International, the situation is no better. In Indo-China the natives are sentenced to imprisonment and forced labour by the dozen and are subjected to tortures by the authorities.

In France itself there are many natives of the colonies living, but they too have not the right to express their political opinions. All newspapers and journals issued in France in Arabian or in Anamitish are systematically prohibited. In France where there are about 100,000 Arabs, they have not even the right to read news from their own country in their own language. It would be therefore a waste of time to spend more of our attention on

the question of juridical practise. Every day you can read examples of this juridical practise carried out by the governments in the colonial countries.

I will not spend any time describing the colonial regime of Great Britain, for the brutality and oppression of British colonial policy is widely known. The policy of Belgium in the Congo is no better. The French author André Gide visited the Belgian Congo and returned home to publish a series of article on the conditions there which caused great indignation amongst the yellow press.

In Tripolis Italian imperialism conducts the same policy of oppression and exploitation. Only recently 50 natives of respected families were banished to the island of Ustica upon the basis of an exceptional law. It is clear that fascist Italy imports the same regime into its colonies as it applies to the working population in the home country.

We have a report in our possession concerning Corea handed to us in March by a Corean advocate. We read in this report:

"As far as the juridical administration is concerned, Japan has officially declared that Corea is being administered according to the same laws as are valid for the Japanese people. Unfortunately however, this administration according to the laws is only a formality. The juridical expression "the special laws are superior to the general laws in their application" makes the 6 Japanese codes superfluous when the numerous special laws are applied. We must not forget that these special laws have been worked out by Japanese who are foreign both to the Corean people and to its history, traditional institutions, customs and feelings. The notorious "Corean Conspiracy" and the trial of the Coreans framed-up in this connection show how much protection a Corean has to expect from these Japanese courts. On account of this "Conspiracy" against the life of Taranchie, numerous innocent Coreans, young students, intellectuals and others, were arrested. No intelligent person was prepared to believe the rumours of the horrible tortures said to be applied by the Japanese authorities in order to enforce "confessions" from the accused. But the trial showed that despite the horrors of these rumours, the truth was even in excess of them. At the present time 123 of the accused are in freedom and everyone of them bears witness to the agonies he had to endure.

"Most of the political prisoners were treated like common criminals and often sentenced out of hand without the formality of a trial at all. In such cases the sentence is passed by the gendarmerie authorities on the basis of the exception laws. The Coreans possess no individual freedom, private correspondence is subject to police censorship, their homes can be searched at any time by the police. The Coreans have no right to change their place of residence. They must first inform the police where they are moving to and why they are moving! The number of prisoners is growing yearly. This can be illustrated by official statistics:

Year	No. of Prisoners
1911	16,707
1912	19,499
1913	21,846
1914	24,434
1915	27,255
1916	32,836"

These figures are a fine proof of the progress made towards autonomy and independence in Corea under civilised Japanese rule!

As far as Indonesia is concerned, de Yong has already explained all the essential things to us.

In semi-colonial China, the situation is not much different. In the foreign concessions Chinese citizens are convicted by British, French and Japanese magistrates, i. e. without the shadow of justice. 99% of these judges cannot speak Chinese.

I am of the opinion that five practical conclusions must be drawn from what has been said in order to continue the struggle upon a broader basis. We must demand:

1. The abolition of the juridical power of the Governor General, the working out of laws by parliament alone where the members of parliament representing the proletariat in the home countries can exercise their influence, where they can express the protest of the oppressed peoples and where they can make agitation and propaganda in order to draw the attention of public opinion to legislation in the colonies.

2. The separation of the juridical and the administrative power. The Governor General may not be the superior of the judges. This question by the way was raised at the congress upon international law in 1900, but the resolution in question was rejected with a majority vote. The question is however ripe enough to-day for a broad struggle with increased energy on the point.

3. The abolition of the special code for the natives and the abolition of the whole system of punishments which places the natives at the mercy of the colonial administration. A struggle must be carried on for the abolition of this regime in the colonies, in France and in all other European countries whose colonies employ this regime.

4. The re-introduction of the legal system of the natives and the formation of an exclusively native court.

5. Real freedom of the press, organisation and meetings for the natives. Freedom for the trade unions.

In conclusion however, I would like to stress that we must not be under any illusions as to the possibility of obtaining these reforms as long as capitalism is dominant. But just because we have no illusions we must take up the struggle in parliament and outside, because this is the only way to mobilise the working class and wide circles of the left-wing bourgeoisie and to form a bridge between them and the oppressed colonial peoples, in order to fight jointly with the latter for freedom from the yoke of capitalism.

An Indian delegate:

The tortures to which political prisoners are subjected in India are not known to the outside world, because the press is gagged by the British authorities. The situation of the political prisoners in general is unknown to the outside world, and I will therefore try to describe it to you here in brief. I will not go farther back than 1905 when the revolutionary movement commenced in Bengal. At the time of the inception of the Swaraj movement hundreds of proletarians were arrested. Fifty of these prisoners were sent to the Adaman islands, five of the remaining prisoners were hanged and the rest sentenced to from 15 to 20 years imprisonment. Those who were imprisoned were treated with terrible inhumanity in a way only possible otherwise in Czarist Russia. The

prisoners were compelled to perform the most dangerous and difficult work. They were sent into the woods to collect poisonous plants, and the result was serious skin diseases. The prisoners were very often forced to stand for days with their hands bound over their heads and without food. Very often they were beaten.

In 1916 an attempt was made in Bengal and other parts of India to organise a mass insurrection against British rule. In this connection the British authorities arrested over 2,000 persons in Bengal. A number of these arrested persons were hanged and there was a special torture chamber in the Elysium Street in Calcutta where tortures were carried out systematically.

In the night prisoners were brought to this place and tortured with electric current. They were compelled to lie down on iron bedsteads naked and they were then doused with ice-cold water. Some of the methods of torture used cannot be described here.

In 1919 during the non-co-operation movement organised by Ghandi in Bengal, tens of thousands of persons were arrested all over the country. In Bengal alone 10,000 persons were arrested at this time. The prisoners were herded into the prisons and were given no food for seven days at a time. Political prisoners in India are not permitted to read books in their cells. They never receive newspapers and the only food which they are given consists of bread baked from a certain kind of grass.

In 1920 a movement commenced in the Punjab against the priestly caste. The priests own great areas of land in the neighbourhood of the temples. The aim of the movement was to clean the temples of the priests and to remove the land from their control.

Many thousands of people were arrested in the Punjab and flung into prison. In Summer these prisoners were sent into the hottest parts of the country, and in winter into the coldest. In winter they were given no blankets, nor any form of covering to keep themselves warm. Indian women were treated shamelessly by the British soldiery who were let loose upon them.

In 1921 a military movement broke out amongst the soldiers in the Punjab. This movement was known as the Babar-a-kali movement. The chief leaders of this movement were known to the police and were caught and shot outright by soldiery in a village. Four of the leaders were caught in a house which was surrounded by the police and then set alight.

In 1920 at the time of the non-co-operation movement, a peasant revolt took place in the Malabar district. It was a revolt against the landowners. The movement lasted for 6 months and the military were sent to crush the revolt. 40 of the leaders of the revolt were hanged and thousands were shot down by the soldiery. The soldiery went from village to village driving off the inhabitants. In many places the whole property of the peasants was burned down.

The newspapers report strikes on the part of the factory workers. For instance in Bengal there was a strike of the hemp workers and in Bombay a strike of the textile workers because the workers were maltreated, arrested and very often murdered. In cases of strikes the government and the local authorities are always on the side of the employers. There was a lock-out in a hemp factory in Bengal and the government immediately sent troops to "maintain order", but in reality to assist the employers to force through their demands.

The workers are driven from their houses and at nights when they are forced to sleep in the fields brutalities are committed by the soldiery against their wives and children.

In 1923 four persons were arrested in India on account of communist propaganda. After their trial which took place in Cawnpore, they were placed in solitary confinement. Each of these political prisoners was loaded with chains which were affixed to the walls of their cells. Every few minutes they received a visit of the warders to ensure themselves that the prisoners were still there. In reality however the idea was to prevent the prisoners from sleeping. They were also chained in the prison yard to small huts like dogs. They then went on hunger-strike and after 14 days they were thrashed and sent to different prisons in various parts of India. Their food was not improved. They are terribly badly fed, are unable to sleep and are exposed to the arbitrariness of the prison authorities.

That is the treatment accorded to political prisoners in India. During the four years we were in prison we were not permitted to leave the cells for one moment. We could not move and received neither books nor newspapers.

Under these conditions four of our comrades fell seriously ill. Even then they were not given any special food but compelled to work 13 and 14 hours a day. Three years later these sick comrades were released. That was the situation of the prisoners who were arrested in 1923.

I would like to mention the case of an Indian who returned to India from Russia where he had studied. Two months afterwards he was arrested and accused of having visited a communist university. In passing sentence the judge declared that it was a crime to study at a university which was under the control of the Russian government, a government hostile to the British Empire. For this "crime" the prisoner was placed in one of the worst prisons in India.

Ruppert (Germany):

I would like to put a question to the Indian speaker. We read much in the press about the religious struggles between Mohamedans and Hindus. I take it that these religious struggles are deliberately provoked and encouraged by the police and the British authorities in order to divide the Indian people?

An Indian delegate:

In the last two or three years we have had such religious struggles and disturbances all over India. As a rule they were confined to Punjab and the northern provinces of India, but recently the struggles have extended all over India. This is caused on the one hand by the severe economic crisis from which the workers and peasants are suffering, and on the other hand by the Kilophat movement which commenced in India during the period of non-co-operation. Later on when the reform question in India became acute, the government introduced the 1918 ordinance and the Bengal Ordinance. When these ordinances came into operation the Swarajist leaders had a secret conference with the government and came to an understanding that as long as the authorities refrained from arresting and imprisoning Mohamedans, the Swarajists would not support any movement for freedom.

When the Swaraj party lost its influence in Bengal, conditions there became so impossible, thanks to the Bengal Council, that the Bengal communal riots broke out. The riots were caused by the fact that music was played before the doors of the mosques. Soldiers were not permitted to enter the town, but when they arrived nevertheless, they were quartered in various parts of the town with the excuse that they were there to suppress disorders. Before the eyes of the troops however, citizens were beaten up and women and children murdered without the soldiers interfering. When the government was questioned the answer was given that the matter was one for the town to settle on its own.

Allegedly the government does not interfere in religious questions. It was however, later on discovered that the government had fanned the flames of the conflict. It is nevertheless, a part of British propaganda and agitation to make the world believe that the British government does not interfere in religious matters. To a very great extent the disturbances were caused by the British government in India. It was an injustice to ascribe all the responsibility to India. There were often collisions and disturbances with a religious basis before the British ever came to India, but to-day the enmity and bad blood between the Mohamedans and Hindus are worse than ever before. They were not so acute in former times.

An Indonesian delegate:

I am of the opinion that the question of legislation is really very important now. Last week an international conference took place in the Hague and later in Brussels to organise an international action against communism. What forms will this struggle against communism take, and what dangers for the proletariat and the whole of humanity will accompany it? We can see the answer to this question in the legislation in Indonesia.

The legislation existing in Indonesia aims of course exclusively at protecting the interests of Dutch imperialism. Indonesia has fought for 300 years against Holland, or better Holland has fought for this length of time against Indonesia, and up to the present it has been victorious. The character of the legislation is therefore pugnacious, it is a military form of legislation based on violence, deception and arbitrariness. I will give you an example. There is one law which provides that a person inciting hatred against the government shall be punished with 7½ years of imprisonment. There are many such passages in the Dutch legislation. When a Dutch editor criticises the government, then that is not considered as an incitement to hatred within the meaning of this law, but when the Indonesian proletariat does the same thing, this immediately falls within the law.

What sort of courts convict Indonesians? The President of the court is a jurist. The other members of the court are pensioned officials of the Dutch government. When the police arrest a revolutionary and haul him before the courts, it is clear that the pensioned officials of the Dutch government are always on the side of the police and against the revolutionary. In Sumatra there is an institution known as the "Rapad", here the government officials themselves are the jurists. They systematically punish people who attempt to oppose the Dutch oppression.

In Indonesia we also have an anti-strike law according to which any person making a speech in favour of a strike which might cause disturbance

in the economic life of the community, may be punished with 6 years imprisonment.

Katayama (Japan):

I will speak of the Japanese colonies. Japan commenced its colonisation of foreign countries about 32 years ago when Formosa was annexed as a Japanese colony. Later on Corea was seized. The imperial government introduced the laws of Japan into its colonies. The colonies are now under the laws administered by the Japanese officials who are particularly severe and brutal minions of the Japanese laws. At the present time for instance there are 110 communists on trial in Seoul in Corea. It is now generally known that several of the accused were tortured to death in an attempt to extort from them the names of the communist leaders and the particulars regarding the communist organisations. This shows what treatment the political prisoners receive at the hands of the Japanese authorities. In the police stations the arrested are also brutally mishandled. During the preparation of the process against the 110 communists the workers and peasants party commenced a public campaign in Japan and sent lawyers from Japan to Seoul in order to defend the accused before the court. In connection with this campaign many prominent communist lawyers or lawyers who sympathised with the Communist Party went to Seoul in order to be present at the trial and to defend the accused Corean communists. The government in Corea then surrounded the court building with 150 uniformed police, allegedly to "protect the criminals". As these lawyers were prepared to defend the accused without charge they were regarded as the friends of the communists. The enemies of these lawyers declared openly that under the circumstances they would never undertake to defend such criminals. The government mobilised still more police in order to prevent the defending lawyers from protecting the interests of their clients. As however the Japanese law provides that a trial may not take place without the presence of lawyers, the struggle is still going on. A little while ago the government compromised and removed the police from the court room so that the trial could proceed. The colonies of Formosa and Corea which are in the grip of Japan are not like the British colonies. Above all, Japan commenced the colonisation of these countries by seeking to suppress all knowledge of their history and by prohibiting the giving of lessons in the native tongue. The Japanese government commenced teaching in the Corean schools not in the Corean but in the Japanese language. The Coreans have of course no political rights and the only official positions which are open to them are a few subordinate police and civil positions in the villages. Otherwise all official positions in Corea are occupied by Japanese.

In Formosa the process of Japanisation is proceeding apace. In some districts where the population was particularly obstinate in its resistance, the Japanese have attempted to wipe out the population altogether. At the present time the towns of the natives are surrounded with barbed wire charged with a high voltage electric current.

The present movement for the independence of Corea takes on very sharp forms in consequence of the severity of the repressive laws. The attempt on the life of Prince Ido is a proof of how charged the atmosphere is.

