

**Ivan Kandyba**

**Long-term inmate of Russian prisons and concentration camps**

**Russian Unlawfulness in Ukraine**

**The Life of a Martyr**

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Ivan Kandyba



# Ivan Kandyba reveals the truth about Russian unlawfulness in Ukraine

## STATEMENT

by

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to

CHAIRMAN OF THE PRESIDIUUM OF THE SUPREME SOVIET OF THE UNION OF THE SOVIET SOCIALIST REPUBLICS,

Copies to:

1. Leaders of nations-members of the Helsinki Conference;
2. United Nations Commission on Human Rights;
3. The international organization "Amnesty International";
4. International Association of Jurists-Democrats;
5. Committee of French Attorneys to Promote the Implementation of Helsinki Accords;
6. World Federation on Human Rights;
7. Leaders of Socialist, Labor and Communist Parties.

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### **Arrested for intent to present the question concerning the secession of Ukraine from the Soviet Union**

Together with six others, on January 20, 1961, I was arrested by the KGB of Lviv Oblast, for our intent to present the question concerning the secession of Ukrainian Soviet Socialist Republic from the Union of Soviet Socialist Republics, pursuant to the guarantee of Article 72 of the Constitution of the Union of Soviet Socialist Republics (paragraph 17 of the Constitution of 1936), which states, in part, that "Each Soviet Republic has a right of free secession from the Union of Soviet Socialist Republics".

KGB investigative organs and Lviv Oblast prosecuting magistracy conducted the inquest in our cases completely unobjectively, with prejudice, interjection and falsification of evidential materials. In this manner, the inquest was aimed at conscious rendering of our actions as the most horrendous crimes and by the same token portraying us as dangerous political criminals. As a result, our actions were determined under Article 56, No. 1 of the Criminal Code of Ukrainian SSR, which provides for responsibility for treason to our country, although actually we were innocent of this or any other crime. Lack of any crime whatsoever on our part is proven by Article 56, No. 1 of the Criminal Code of Ukrainian SSR, which states:

"Treason to our country, namely deliberate acts by a citizen of the Union of Soviet Socialist Republics harmful to our country's independence, territorial inviolability or military might of the Union of Soviet Socialist Republics, going over to the enemy side, espionage, revelation of state or military secrets to other countries, escape from or refusal to return to the Union of Soviet Socialist Republics, aid to another country in its conduct of enemy action against the Union of Soviet Socialist Republics, as well as conspiracy with aim of seizure of power, —(penalty

attached to it is imprisonment of between ten and fifteen years, confiscation of property and five years exile, or without the latter; or by death penalty and confiscation of property).”

Therefore, not only did we not violate by our actions but even by our intentions any clause of the above Article and, consequently, should not have been tried in accordance therewith. Accordingly, our accusal under said Article is completely groundless and unlawful.

#### **KGB: “Soviet constitution for the outside world and for idiots”**

Our appeals and protests, based on the Constitution of Union of Soviet Socialist Republics, concerning the groundlessness of the accusations against us, were answered by KGB prosecutors that said Constitution was enacted for the outside world and for idiots, certainly not to be taken realistically. At first, we were skeptical as to the seriousness of such statements of the KGB prosecutors, but further course of events during the inquest proceedings proved to us that they were telling us the truth. We paid very dearly for our faith in the genuinness of the Soviet Constitution.

Simultaneously, the KGB prosecutors acknowledged the fact that life in such a Ukraine as we were envisioning would be much better than in the Ukraine presently existing. However, according to their statements, such Ukraine would be contrary to international solidarity. By this declaration of solidarity, they understood that Ukraine, as the richest republic in the composition of the Soviet Union, was obligated to give away the unused remainder of its productivity to other republics, of course, without any reimbursement whatsoever.

In such manner, a most formidable case has been fabricated against us by KGB investigative organs and Lviv Oblast prosecuting magistracy and transferred to the jurisdiction of Lviv Oblast Court.

Lviv Oblast Criminal Court conducted the trial proceedings in our case similarly to the way the KGB prosecutors did beforehand, with clear disregard of any lawful conduct, completely unobjectively, with grave prejudice, and with undisguised intent to make short work of us. Instead of the trial proceedings taking place in a courtroom, the Court conducted our trial in the KGB isolation ward, the same cell where we were held under guard and where the previous inquest took place, neglecting to mention this circumstance in the trial transcript in accordance with Article 250 of the Code of Criminal Proceedings of the Ukrainian SSR. In addition, the trial was conducted in secret, which fact constituted unlawful conduct of the proceedings pursuant to Article 20 of the Code of Criminal Proceedings of the Ukrainian SSR, which states, in part:

“All trial proceedings in all courts are to be conducted open to the public, with the exception of the ones which might affect national security”.

As far as national security is concerned, our case had absolutely nothing to do with it. Therefore, the trial proceedings of our case should have been conducted open to the public. Further, the above mentioned Article 20 states:

“All judicial verdicts in all court cases are to be made in public”.

#### **Unlawful verdict**

Even this portion of Article 20 was violated by the Court, since during the announcement of the verdict, no one was allowed in the courtroom, not even members of our families, who demanded admittance. It should be noted

that the general public was kept completely in the dark by the KGB not only concerning the progress of our case, but also as to the existence of such a case itself.

The secrecy with which the KGB conducted our case can be exemplified by the fact that even four or five years later, the general public was completely ignorant about this matter. Only, in an article entitled "Concerning the Trial of Pohruzhal'skyj" was there a very general mentioning of our trial, however false, stating that a group of attorneys (names were not given) was tried and shot.

The end result of the trial proceedings conducted by the Lviv Oblast Criminal Court was that it unanimously upheld, "rubber stamped", the findings of the KGB investigative organs and Lviv Oblast prosecuting magistracy inquest, and on May 20, 1961, reached a clearly unjust, therefore completely unlawful, verdict, finding all of us guilty of treason to our fatherland and sentencing us to between ten and fifteen years of imprisonment and condemning Lev Lukyanenko to death, with confiscation of all of our property.

The objectivity of the trial proceedings could easily be judged on the basis of a section of our verdict, quoted below:

"Lukyanenko, Kandyba and others organized a nationalistic, anti-Soviet 'Ukrainian Workers and Peasants Union', aiming toward a struggle against the Soviet state and social order of the Union of Soviet Socialist Republics, against the Communist Party of the Soviet Union and its Marxist-Leninist ideology, and struggle for the break-off of the Ukrainian Soviet Socialist Republic from the Union of Soviet Socialist Republics and creation of so-called Independent Ukraine" (Verdict, page 3).

From the above passage, it is evident that our criticism of existent order of the Soviet Union, its policies in economy, culture and national issues, was substituted by the words "struggle against", and our formulation of questions concerning the secession of Ukrainian Soviet Socialist Republic from the Union of Soviet Socialist Republics, through peaceful means of a national referendum, in accordance with the Constitution of the Soviet Union, was also substituted by the word "break-off", the purpose of which was to indicate the violent intent of our future actions. For such hypothetical future violent intent we were given the severest sentences.

There are numerous examples to be found of such "objectivity" or "impartiality" throughout our trial proceedings. These trial proceedings could only be considered a farce, the purpose of which was vengeance upon us for the "uncomfortable" questions we were voicing.

Reviewing our case in the normal course of appeals, the Criminal Section of the Supreme Court of Ukrainian SSR saw the evident unlawfulness of the verdict of the Lviv Oblast Criminal Court, headed by S. Rudyk, pertaining to the qualifications of our actions. Therefore, it decided to amend our indictment with reference to qualification of our actions only, namely reverse the finding of treason to our fatherland. By said action, it decided to reject the accusations under Article 56, No. 1 of the Criminal Code of Ukrainian SSR, and proceed instead with accusations under Article 62, No. 1 of the Criminal Code of Ukrainian SSR, namely "anti-Soviet agitation and propaganda".

Discovering the intent of the Supreme Court of Ukrainian SSR, the leadership of Lviv KGB did everything to prevent said intent from materializing. It delivered to the Central Committee of the Communist Party of Ukrainian SSR some kind of recording tape, whereupon the Central Committee "recommended" to the Supreme Court of Ukrainian SSR not to amend the verdict in reference to qualifications of our actions.

About the above occurrence I found out from Lviv KGB employee, Marusenko, upon my arrival in concentration camp No. 11 (Yavas) in 1965. He said that the KGB was against the amendment or modification of the qualification of our actions, because it would have caused our sentences to be reduced by more than one-half — in my case from fifteen to seven years.

And so, as a result of gross interference, the Supreme Court of Ukrainian SSR also gravely violated the law and, by its verdict of July 26, 1961, modified Lukyanenko's sentence from death to fifteen years imprisonment, and added some other immaterial, cosmetic amendments, thereby, in fact, upholding the case fabricated against us and the resulting verdict.

However, the law was on our side. Article 367 of the Code of Criminal Proceedings of Ukrainian SSR states:

“The bases for rejection or modification of a verdict in review on appeal are: Unilateralness or incompleteness... of previous or court proceedings; when facts of the case do not correspond to conclusions of the court presented in its verdict; substantive violation of the law of criminal proceedings; improper use of criminal law...”.

Article 371 of this Code states:

“Improper use of criminal law, resulting in revocation or modification of the verdict, consists of:

- 1) Neglect of the relevant statutes of the criminal law by the court in its conclusion;
- 2) Use of irrelevant statutes of the criminal law by the court in its conclusion.”

In accordance with Paragraph 9, Article 370 of this Code:

“In any event the verdict should be revoked... if the court violated the requisites of the Articles of this Code that declare: All phases of trial proceedings are to be open to the public...”.

Therefore, it is evident from the above, that the Supreme Court of Ukrainian SSR had all lawful bases to not only modify the verdict of the Lviv Oblast Criminal Court in our case, but to revoke it. However, as we already know, this did not happen. Power conquered law. In this way, our case was decided not on the basis of the power of the law, but on the basis of the law of power, outside interference.

Our numerous complaints to the highest judicial, prosecuting, state and party organs of the Soviet Union did not aid the law in conquering power. Our complaints were answered by uniform, stereotype, prepared in advance statements, namely, “everything was correct — everything was lawful”. One time I received from the Prosecutor of the Soviet Union this answer: “Classification of the crime was proper and the punishment contained considerations of all mitigating circumstances”. It seems, that I should have been grateful for the fact that I was not sentenced to death and shot, but imprisoned for only “miserly” fifteen years, which, as a matter of fact, is the maximum penalty, with the exception of the death penalty.

And so, I had to serve in full this unlawful sentence in the harsh conditions of Mordovian and Ural concentration camps and the Volodymyr prison.

If all of this took place during the period of the Twentieth Congress of the Communist Party of the Soviet Union, then one could manage to reconcile oneself, there would have been somebody to blame. But, how can one reconcile oneself, when such took place (and continues to occur with reference to me) in a period following the time when the cult of Stalin, with its practice of



lawlessness and high-handedness, was severely condemned from the highest tribunal? It is impossible to reconcile oneself with such situation or to remain silent about it.

Considering how slowly and how hard my years of imprisonment passed, even then time did not stand still, the remainder of my sentence was diminishing and getting closer to its completion. It seemed that soon I will be free and my life would improve. However, it only seemed that way, or I was wishing it so, because this did not materialize. As a matter of fact, while, still interned behind barbed wire, I understood that even after release, I would not be able to enjoy life in freedom.

During the last months of my imprisonment, a representative of Kyiv KGB, Captain Utyra, informed me that during the first six months after my release, I will be under administrative surveillance. However, in practice, it is much worse — I remain under administrative surveillance for already the fifth six-month period, and no end to it seems in sight.

### **Not permitted to reside in the homeland**

Approximately during the time of my conversation with Captain Utyra, I was called out by a representative of the concentration camp administration and asked to prepare a declaration as to where I would like to live after my release. I prepared such a declaration, stating that I would like to reside in Lviv, in my old residence at 57 Decembrist Street, Apartment 37, together with my seventy-four year old father who was living there.

A month later, I was informed by the concentration camp administration that I was not permitted to reside in Lviv after my release and suggested that I supply it with a different desired locality. My answer to this prohibition was that, since I was not allowed to live in my homeland with my seventy-four year old ill father, I was requesting permission to leave the Soviet Union for the West where, I was sure, I would be allowed to live any place I chose. I was told that such a request was unrealistic and again advised to choose a place of residence, with the exception of Lviv or the West, and, if I did not cooperate, they would choose for me. Ignoring this threat, I refused to supply them with another desired place of residence and stood by my previous choices.

Day before my release, a representative of concentration camp administration informed me that I was assigned as my permanent place of residence after release a village called Pustomyty, Lviv Oblast, approximately 20 kilometers from Lviv; all my documents having been already prepared for said village. I did not have any family or acquaintance in the village of Pustomyty, and have never even visited there. So, without any judicial or administrative proceedings, powers that be have assigned me to a place of exile, of course, under administrative surveillance. Here was the long-awaited freedom!

Finally, the day of January 20, 1976 arrived — the day of completion of my fifteen year sentence. On that day, all my belongings were carefully searched, including my books and manuscripts. My chess set and board, a precious gift from political prisoner, Victor Orlovych, who carved them, were confiscated. All my manuscripts were confiscated. In reality, they were transcripts from different books by Soviet and other writers. Those same transcripts were many times before reviewed by KGB Captain, Utyra, and returned to me as containing nothing anti-Soviet. It seems that said transcripts were allowed in concentration camps, but not so in "freedom". All post cards with greetings from my friends — political prisoners, and the text of the United Nations Universal Declaration

of Human Rights of December 10, 1948 were confiscated. (The Declaration of Human Rights was constantly confiscated in all places of internment, whenever it was found. From me personally, it was taken twice, once on December 6, 1966 in Mordovian concentration camp No. 11 at Yavas, and the second time on November 2, 1973 in Ural concentration camp No. 35.)

After this careful search, I was led outside the concentration camp gates to an automobile which took me to Chusov railway station, from where the same day I took a train for Moscow.

In Moscow I remained for eight days. There I realized that even after completion of my term of imprisonment, I was still considered highly dangerous by the Soviet authorities. Everywhere I went or travelled, I was constantly followed. Twice I was stopped by militiamen. The first time, they stopped me in the metro, checked my papers, telephoned some place, and let me go. The second time, they took me to the 65th Militia Precinct, checked my documents, interrogated me, and took my statement about leaving Moscow.

From Moscow, I went to Kyiv, where I stayed for nine days, under constant surveillance. From Kyiv, I went to Chernihiv, where I visited for two days with Lev Lukyanenko.

En route to Lviv, I stopped in Rivne, where the surveillance was very strict, particularly at a nearby village of Kvasyliv (9 kilometers from Rivne), where I went to visit my aunt. There, her house was surrounded by automobiles, as were other homes where I stopped by. In addition, after my departure, militiamen and "civilian" individuals visited some of the people upon whom I have called, reproached them for welcoming me, and warned them not to receive my visits ever again... Similar occurrences took place in the village of Ostrozhec, Mlyniv Region, Rivne Oblast, where I went to see my family.

In addition, I visited the town of Luck. There, February 13, 1976, at the main post office, I was stopped by militiamen, taken to Militia Headquarters, where I was searched. Thereafter, I was interrogated for two hours, and at the end, ordered to sign a statement about my departure from Luck.

#### **Under constant surveillance**

On February 14, 1976, I arrived in Lviv, at my father's residence. Here also I was constantly under surveillance. Twice I was stopped by militiamen (February 28 and March 8). Each time I was ordered to sign a statement regarding my departure from Lviv. In addition, informational material about me was transmitted to Soviet authorities of Shevchenko and Zaliznychny District Executive Committees of Lviv. Several times I was directed to appear at meetings of so-called surveillance commissions of the two District Executive Committees, at which, my immediate departure from Lviv was demanded, such demands strengthened by threats of punishment through judicial proceedings.

It seems, I was in real danger of being tried under Article 196 of the Criminal Code of Ukrainian SSR, covering passport laws, violation of which is punishable by up to two years of imprisonment, if I were caught in Lviv for the third time. Therefore, on March 11, 1976, I departed from Lviv for my assigned permanent place of residence — the village of Pustomyty.

But even in the village of Pustomyty, regardless of my official assignment there, I was treated with animosity and even hostility. The village authorities tried to get rid of me as soon as possible, by refusing to supply me with, and attempting to interfere with my obtaining, a residence visa. Director of the Passport Bureau, Captain Pavluk, was particularly hostile to me. He publicly

insulted me, using his position of devotion to Soviet power, and my Ukrainian nationality. In addition, he tried to frighten and convince my prospective landlords into not renting to me, which resulted in the fact that Catherine Bulohan, who had rooms to rent, refused me the rental. He also tried to frighten my actual landlord, Maria Shafrayev, but to no avail. This lasted until March 31, until everything became untangled with my living quarters and residence visa. Finally, I obtained lodging in an old house, monthly rent being 25 rubles a month.

Simultaneously with receiving my passport and residence visa, Pustomyty District Militia, by its decision of April 1, 1976, placed me under administrative surveillance for a period of six months, in accordance with the "Statute encompassing administrative surveillance", by the militia of persons freed from internments, ratified by Decree of the Presidium of the Supreme Soviet of the USSR of July 26, 1966.

The administrative surveillance was based on the allegations that I, during my period of imprisonment, showed myself from a negative point of view, systematically violated prison regime, took part in organized anti-regime acts and demands, and possessed a hostile outlook toward state and social order of the Soviet Union.

Even during the instance when said allegations were correct, the concentration camp or prison administration always punished me for such acts. During the term of my imprisonment, numerous times I was placed in strict regime isolation wards; in October of 1962, I was placed in a strict regime isolation ward in the concentration camp for six months, and immediately thereafter, on April 22, 1963, without allowing my return to the regular zone of the concentration camp, I was taken before a tribunal which sentenced me to a one year strict regime internment. On March 27, 1967, the tribunal sentenced me for the second time to a three year period of strict regime internment. Both periods of these strict regime internments, I served at the infamous Volodymyr prison. In addition, I was deprived of the right to receive any parcels (said right consisted of an allowance to receive, after the completion of one-half of the term of internment, one 5 kilogram parcel per year) or visits from my family.

Therefore, not only did I serve my full fifteen year sentence, pursuant to an unlawful verdict, but, in addition, I paid up all my debts to the concentration camp administration for my so-called "violations" of the prison regime, clearing up my slate as far as any claims against me of prosecuting authorities were concerned. However, pursuant to statements of the militia, as far as my hostile outlook toward state and social order of the Soviet Union is concerned, even if true, then I had an absolute right to my beliefs and views as a human being and as a citizen. Such right to his or her own beliefs and views possesses every human being and citizen, I included, pursuant to the United Nations Universal Declaration of Human Rights of December 10, 1948, which was signed by the Soviet Union, the Pact covering the socio-political rights of 1966, and the Helsinki Accords of August 1, 1975, which the Soviet Union even co-authored. . . . Therefore, any and all prosecution and surveillance for my views and beliefs are groundless and unlawful.

Also, punishing me for my actions in the concentration camp, for which I have already paid my debts, is groundless and unlawful.

In addition, placing me, who served his sentence due to political motives, under administrative surveillance meant for criminals, is inappropriate and constitutes a violation of all international, judicial documents concerning human rights.

To prove that the "Statute encompassing administrative surveillance" was meant for the criminal element exclusively, I quote from Article 1 of said Statute:

"Administrative surveillance is to be established for the purpose of overseeing the actions of persons, freed from imprisonments, preventing crimes on their part, and *directing the necessary instructional influence upon them*".

Namely, establishing an inspection process over actions of persons for the purpose of preventing further crimes on their part is clearly necessary in regard to persons inclined toward violations against social order, harmful to society in rowdiness, hooliganism, violence, theft, etc. It is right and lawful to direct the necessary preventive instructional influence upon them.

However, establishing a surveillance over a person based only upon the fact that said person has individual views and beliefs and directing "necessary instructional influence upon them", constitutes nothing less than forcing said person to renounce his or her views and beliefs, which are "uncomfortable" to the authorities. This proves grave violation and complete contradiction of such international judicial documents guaranteeing human rights as the above mentioned UN Universal Declaration of Human Rights, the Pact covering the socio-political rights, and the Helsinki Accords.

This is also evident from Article 2 of said Statute, which talks about the individuals upon whom such administrative surveillance should be established, namely persons:

"... sentenced to imprisonment for serious crimes or imprisoned more than twice for whatever intentional crimes, if their conduct in their places of internment evidences their *stubborn unwillingness to reform* and rejoin the ranks of honest, hardworking society."

It is absolutely proper to demand reformation or to take appropriate steps to accomplish such aim in connection with violators of social order or persons who have proven to be inclined toward serious crimes.

However, as far as I am concerned, the militia formally, and KGB actually, having established administrative surveillance over me, considered my "... unwillingness to reform..." as nothing more than my refusal to change my ideological and political views and beliefs, which did not parrot the official ideology and politics of the USSR. In order to force me to change them, with the aid of administrative surveillance, they were directing upon me their reforming "instructional influence", which in practice consisted of deprivation of such or other rights, persecution, discrimination, blackmail, humiliation of my human dignity, etc.

The above again proves the complete disregard and violation of the UN Universal Declaration of Human Rights, the Pact covering the socio-political rights, and the Helsinki Accords. Therefore, the establishment of administrative surveillance over me is unlawful.

The establishment of administrative surveillance deprives one of various rights. In my case, said deprivation consisted of the following:

- 1) I was forbidden to travel outside of the boundaries of the village of Pustomyty. In practice, this meant that I was forbidden to visit my seventy-five year old ill father, who lived only 20 kilometers (approximately 15 miles) away, as well as any of my family and friends. In fact, I was deprived of the right to visit all cultural, artistic or theatrical establishments located in Lviv, none existing in Pustomyty, as well as the right to enjoy nature (forests, mountains, rivers), or the right to obtain health- resort medical treatment, etc.;

2) I was forbidden to leave my residence from 9:00 p.m. to 7:00 a.m., namely being under house arrest for ten out of every twenty-four hours;

3) I was forbidden to visit any establishments serving hard liquor. As a matter of fact, I use liquor very seldom and in minimal quantities, which fact was known to my "protectors" and "teachers" from the militia and the KGB;

4) Each Wednesday at 6:00 p.m., I was obligated to register at the militia in person. I consider that the aim of such obligation was nothing less than mockery and humiliation of my human dignity.

The militia has broad powers in connection with the imposing of administrative surveillance, which it can use for "instructional influence" on the one being the subject of the surveillance. Article 12 of the Statute states:

"Officer of the militia should systematically oversee the conduct of the persons under administrative surveillance, using all necessary means for their inclusion into socially useful workforce, to distract and divert them from violating the social order and rules of the socialist community life."

During the performance of their duties of administrative surveillance, militia officers have the right to:

a) obtain information about the conduct of the person under surveillance from administrative enterprises, institutions, social organizations, said person's employer, as well as from the friends and acquaintances of said person;

b) summon the person under surveillance for militia interrogations, said interrogations necessarily taking place in the presence of representatives of administrative enterprises, institutions, social organizations, said person's employer, as well as said person's friends and family;

c) demand from the person under surveillance verbal and written explanatory statements in connection with fulfillment of the rules of administrative surveillance;

d) visit at any time the residence of the person under surveillance.

Once again, the above quoted proves that the "instructional influence" by the militia is to be directed only against criminals and those persons inclined toward anti-social conduct, and not against heterodox or dissidents.

Considering the establishment of administrative surveillance over me unlawful and groundless, I appealed to Pustomyty Regional Prosecutor for revocation of the same. Below is the Prosecutor's answer:

"Pustomyty Regional Prosecutor, Lviv Oblast. 292080 village of Pustomyty, 112 Shevchenko Street, October 8, 1976, No. 968:

Citizen Kandyba, Ivan Oleksiyovych, village of Pustomyty, 176 Shevchenko Street.

The Office of Pustomyty Regional Prosecutor reviewed your appeal with reference to revocation of the administrative surveillance over you. The review of your individual case did not reveal any bases for revocation of said administrative surveillance.

*The Office of Pustomyty Regional Prosecutor  
signature — O. F. Bedzyk."*

This is the way my appeal for revocation of the unlawful administrative surveillance over me was "reviewed" — with few empty phrases. No judicial citations were quoted as the basis of "lawfulness" of the established administrative surveillance over me. These are the actions of authorities when they realize their illegality, which is absolutely necessary for power to conquer law.

I did not appeal to higher authorities, anticipating the answers I would receive. There was no way out, nobody to appeal to, and so I reconciled myself with my fate of life in "freedom" under so-called public surveillance. Then, as now, my life was not easy and not without adventures in connection with the conduct of "instructional influence" upon me by the militia and the KGB.

Here are some of the main points of this kind of life:

Above I have already briefly stated my hardships in obtaining a residence visa and quarters. Obtaining work was not any easier. On the date of establishment over me of administrative surveillance, April 1, 1976, I was placed under obligation to find work as soon as possible, said written obligation I was forced to sign. Due to these circumstances, I applied to various judicial organs for a position in my profession. My application was refused, regardless of the provisions of the Labor Code, Article 116, which states:

"Persons, released from punitive institutions, should be provided with employment, if possible, in accordance with their professions . . ."

I was forced to apply at each and every one of the enterprises and organizations of Pustomyty, being refused every time. It seems, the KGB was not tardy in influencing any possible employers. Wherever I went, I was rejected; however, on the other hand, the militia periodically interrogated me in connection with my not obtaining employment, designating for me the time period in which I was to obtain employment and threatening me. This lasted for a month and a half before finally I was employed as an apprentice to a locksmith-repairman of intricate technology, and three months thereafter, became a locksmith-repairman, with a monthly salary of only 70 rubles.

Formally, in the USSR there is no prohibition against anybody being employed in his or her profession, but as a matter of fact, I am being persecuted with such prohibition against dissidents for the last three years.

Here are some facts of the "instructional influence" wielded over me by the militia.

In addition to the above mentioned "instructional influence" of the militia in connection with my obtaining employment, periodically I am visited by the militia in my living quarters. Usually, I am visited by two militiamen or one militiaman with one or two helpers. On November 29, 1977, the militiaman was accompanied by a recently released criminal prisoner, who served as one of the militia helpers. As can be seen, even a criminal has a right to "instructionally influence" me. Militia "instructional influence" in my case manifested itself in the following forms.

On May 24, 1976, I decided to stealthily travel to Lviv to visit my ill father. It seemed to me that I did everything necessary to leave Pustomyty unobserved. However, I was mistaken. After thirty minutes following my leaving of Pustomyty, members of the Pustomyty Detective Service caught up to the bus I was on, stopped it, and ordered me to transfer to their automobile, which returned me to Pustomyty. At the Militia Headquarters, a charge sheet was prepared in connection with my violation of surveillance regime, I was ordered to write a report about my reasons for wishing to visit Lviv, and after a thorough search and confiscation of my notebook, released.

In addition, records of my "violation" of surveillance regime were transmitted to the court and after a few days, Peoples Judge Levchenko fined me in the sum of 10 rubles.

On June 19, 1976, I was stopped on the street and my wallet searched by the Chief of the Detective Service of Pustomyty Militia First Lieutenant Marchura, Bohdan Petrowych.

On July 29, 1976, I was visited by Member-Correspondent of Armenian Academy of Science, Yuriy Orlov, with his wife Irena. They were leaving Pustomyty that evening, and I walked them to the main road which runs near my home, about 60 or 70 meters away. When I was returning and was approximately half-way back home, the above mentioned First Lieutenant, Machurad, caught up to me and said: "Kandyba, why are you strolling through Postumyty at night and violating the surveillance regime?" At that time, it was about 9:30 p.m. (I was allowed to remain outdoors only until 9:00 p.m.). He ordered me to accompany him to his automobile, which was parked on the main road, in the exact place where I bid farewell to my friends. I was told to get into the automobile. My guests, Yuriy Orlov and his wife did not have a chance to depart far and heard every word. They returned and informed First Lieutenant Machurad that, if he was taking me away, he should also take them. It seems, that was exactly what he wanted, because he agreed immediately to their proposition. We were taken to the Militia Headquarters. There, firstly, a charge was prepared in connection with my violation of the surveillance regime. Thereafter, all three of us were searched thoroughly, confiscating everything that was handwritten and copying same, including my notations appearing on photographs — my gifts to Yuriy Orlov and his wife Irena. In addition, all three of us separately were required to write a report of explanation. We were allowed to leave about 1:00 a.m. the next day.

This is another example of how thoroughly I am watched and all those who visit me.

As in the prior instance of my "violation" (my attempt to visit my father in Lviv), records of this new "violation" on my part of militia surveillance regime were transmitted to the court, based upon which Peoples Judge Bokova fined me 25 rubles.

The six month period of administrative surveillance over me was to end on October 1, 1976, but on the eve of its completion, namely on September 30, 1976, the militia extended said administrative surveillance for another six months on the basis that I twice "violated" the surveillance regime (my attempt to visit my father in Lviv on May 24th and the time that I was walking my friends Yuriy and Irena Orlov on July 24, 1976), and, therefore, did not "take the road toward improvement", as was written in the Militia Decree of September 30, 1976, in connection with the extension of administrative surveillance over me.

### **Persecution and harrasment**

I had to reconcile myself to living under administrative surveillance for another six months and suffering militia and KGB attempts at "instructional influence".

For example, on October 24, 1976, I was having dinner at a restaurant in Pustomyty with one of my friends from Lviv and having been seen by the above mentioned First Lieutenant Machurad. The same day, I was interrogated at the Militia Headquarters as to why did I dine in a restaurant, with whom, and at whose expense.

Just one more example of how the "instructional influence" over me looked in practice, performed by officials of the Detective Service of Pustomyty Militia, headed by the above mentioned First Lieutenant Machurad, under whose "protection" I found myself during my first year of being under administrative surveillance.

Simultaneously, it should be made clear that the militia is only formally surveilling me, in practice, it applied to me the cruellest forms of persecution and harassment pursuant to KGB orders, which had the "behind the scenes" responsibility for my "instructional influence".

Such "instructional influence" by the KGB is not only practiced through the militia, but also directly by the KGB, however quietly and secretly. In this way, the KGB directs the question of my employment, giving specific orders to managers of enterprises and organizations as to whether I should be hired or not and in what capacity should I be employed. Here are some examples of the KGB interference, in the person of its Chief, Captain Polishchuk, in connection with this matter.

The circumstances of my employment in the shop where I worked as a locksmith became unbearable, and I decided to seek employment elsewhere. After a while, I found employment in one of Pustomyty enterprises and, upon making arrangements with the manager in connection with the start of my employment, I took a leave of absence from the locksmith shop on October 8, 1976. The KGB Chief found out about this and the manager of the enterprise who hired me, suddenly changed his mind and refused me employment. In connection therewith, I found myself in a most unpleasant position. Wherever I applied, I was refused employment. At the end of October, I considered myself lucky to find employment in a construction organization, and on November 1, I started work. However, this did not last long, since the very next day, the manager stated that, due to various sets of circumstances, he had to terminate my employment as of that day. The loss of this employment was due entirely to the direct interference of the Chief of KGB. Not having any other alternative, I was forced to return to my former employment at the locksmith shop.

In both places where I was hired, I was assigned to work as an unskilled laborer. Then why the interference by the Chief of KGB? One day, he revealed the reason to an acquaintance of mine, namely that "...I desire that Kandyba work where I can see him every day through the window of my office". The locksmith shop where I worked was located across from the window of his office and the other enterprises somewhat remote.

Agents of the KGB shadow me in my place of employment, outside my residence and trail me whenever I go out, in addition to trailing all those who visit me, whomever I meet or talk to, even those whom I only greet on the street. The KGB does everything to isolate me from other citizens of Pustomyty, with the aim of limiting its surveillance over persons of my acquaintance. More than once I heard, "Do not approach Kandyba and do not talk to him, or you will be called in by the KGB". This proves that most likely more than one of my acquaintances was called in by the KGB for interrogation because of me.

Yet another instance. One day on the street I met my neighbor, Mychajlo Medvid, and talked to him for a short while. This was enough for Mychajlo Medvid to be called in by the KGB and interrogated as to the reason he talked to me and what we talked about. The KGB Chief himself told me about this event.

In my view, an explanation might be in order as to who is M. Medvid. He is a seventy year old man, pensioner, suffering from a severe case of asthma. Regardless, he still works very hard. During the entire cold-weather season of 1977—1978, namely during seven months, he worked as a stoker at the boiler-house "Silhosptechnic", where he serviced four large boilers. In accordance with the current labor laws, he should not be working more than thirty-six hours per week, but was forced to work each and every week eighty-four hours, be-



cause in said boiler-house instead of four necessary stokers there were employed two only. Due to harsh labor conditions, not many are willing to work there. Therefore, this sick old man is forced to toil full twenty-four hour shifts, which can only be considered as nothing less than cruelty — and, in addition, being interrogated by the KGB.

The KGB Chief often called in my co-workers with whom I conversed, inquiring what we talk about, who visits me, and about my general disposition, etc.

The KGB, with the cooperation of local authorities and postal employees of Pustomyty holds-up and censors my correspondence. As a result of such unlawful interference, some of the letters get lost. For example, my letter dated December 10, 1977 to political exile Vasyl Stus got lost, as well as my letter to former political prisoner Kuzma Matviuk, and many others. In addition, the KGB monitors my telephone conversations, censors my telegrams, parcels, etc. These things are done regardless of the fact that they violate the Constitution of the Soviet Union and are considered crimes.

Article 56 of the Constitution of the Soviet Union states:

“Personal life of the citizens, privacy of correspondence, telephone conversations and telegrams is protected by law.”

How is this privacy protected by law? How is violation of such privacy punishable? Article 131 of the Criminal Code of Ukrainian SSR states:

“Violation of privacy of correspondence committed by a public official — is punishable by punitive assignments during a six month period, or by a fine in the sum of 30 rubles, or by a public reprimand.”

As can be seen, the punishment is such that it cannot provoke much hesitation in committing said crime. In my instance, nobody is going to accuse postal employees of such crime, if same was committed pursuant to KGB demands. The KGB, as is well known, is all-powerful, it is allowed to do anything.

Here are some more facts with reference to the “instructional influence” over me by my factual and principal “protectors-teachers” from the KGB.

On April 1, 1977, my one year term of being under administrative surveillance ended. Since it was not extended, I obtained permission to leave Pustomyty and reside and work in another place. I moved to Lviv and commuted to my place of employment in Pustomyty (from beginning of March, 1977, I worked as a stoker in a public steam bath-house with a monthly salary of 60 rubles).

On June 7, 1977, I took a leave of absence from my employment for the purpose of obtaining some rest after my fifteen years of imprisonment and one year of being under administrative surveillance, as well as visit some friends and family, thereafter find another employment and residence in Lviv.

Regardless of the fact that the outward administrative surveillance over me came to an end, the KGB did not leave me outside the sphere of its attention and continued to conduct surreptitious surveillance over me. Its agents followed me wherever I went. Even when, on June 26, 1977, I was going by train from Lviv to Donetsk, to appear as a witness, pursuant to a subpoena, at the trial of Mykola Rudenko and Oleksa Tykhyj, which was taking place in the town of Druzhkivka, Donetsk Oblast, nearby in the same car travelled one of the agents of the KGB, well known to me, who, in fact, was escorting me.

The KGB periodically changed its agents, therefore, it was not easy to immediately recognize them. My rest and tour of Ukraine I completed with a visit to Moscow, returning to Lviv on September 21, 1977. Immediately upon my return, the very same day, I proceeded to look for employment. I walked

around until quite late and did not notice any KGB agents following me. The same impression continued through the next day, which somewhat surprised me. However, as I discovered, said agents were in fact around. In the afternoon of September 22, 1977, I was looking for an establishment where I was to apply for employment, but did not know the street where it was located. At that moment, some fourth and fifth grade girl students appeared and I asked them for directions. They gave me directions where to find the necessary street. When I was about two hundred meters away from them, one of the girls rushed after me and excitedly told me: "Mister, you are being followed". As a matter of fact, there were two KGB agents following me. With gratitude, I was pleasantly moved by the honesty and courage of the girl student.

I did not retain even this relative freedom for long. The next day, namely September 23, 1977, having been relatively free for less than six months, I was again placed under administrative surveillance.

From early morning hours of September 23, 1977, Chief of Pustomyty KGB, Captain Polishchuk, was searching for me throughout Lviv. When around noon he finally found me, he told me to accompany him and took me by automobile to the Prosecutor's Office of Lviv Oblast to see Assistant Prosecutor of Lviv Oblast Rudenko. Shortly, we were joined by the Chief of Administrative Command of Lviv KGB, General Poluden.

The conversation started with complaints relative to my actions, namely that I led an improper sort of life, did not work, travelled all over — to Kyiv, to Chernihiv, to Rivne, to Kharkiv to visit Ihor Krawciv (former political prisoner), to Moscow, and even to Tarus to visit Nina Strokata-Karavanska (also former political prisoner). Thereafter, I was informed about the conclusions of two expert researchers — professors of Donetsk University, in connection with the ideologically-political trend of the Declaration of Ukrainian Group promoting the implementation of the Helsinki Accords (Ukrainian Helsinki Group). In accordance with their conclusion, said Declaration in its contents and ideology is a hostile, anti-Soviet document. Here I was threatened that, in the event I alone or in cooperation with somebody else will ever write a similar document, I will be held criminally liable. Then General Poluden left the room.

Continuing the conversation, Assistant Prosecutor Rudenko suggested that I renounce my views and beliefs and condemn them publicly through the press and television. If I would take his suggestion, I will be allowed to remain in Lviv and work in my profession, although not as an attorney, but as a legal advisor in a commercial enterprise. However, in the event I refuse, then my place is only in Pustomyty and the only employment available to me would be as an unskilled laborer...

It would be to the point herein to quote a few words from my conversation with Assistant to Chief of Lviv Oblast KGB, Colonel Andrienko and his associate Colonel Davydow, which took place in Pustomyty on March 29, 1977, namely two days before the completion of the one year administrative surveillance over me. During said conversation, Colonel Davydow intimated that, in his opinion, the administrative surveillance over me will not be continued and in a few days I will be free and able to live and work in Lviv. He even suggested that I apply to the First Secretary of Lviv Communist Party Dobryk, asking for a residence visa to remain in Lviv and employment in my profession. How is that?! Such treatment was certainly surprising and I became most suspicious. First I was sent to Pustomyty and administrative surveillance was established over me immediately after my release from imprisonment for no

violation on my part. And now, this treatment, after I became a member of the Ukrainian Helsinki Group and co-author of its Declaration as well as other memoranda, similar actions causing the arrest and current trial of Mykola Rudenko and Oleksa Tykhyj. I was not that naive and did not believe Colonel Davydow, of which I advised Colonel Andrienko. In addition, I informed him that I will not make any concessions or compromises as regards my views and beliefs. He answered that they did not need anything from me.

Therefore, if Colonel Andrienko told the truth that the administrative surveillance over me will not be extended, then his statement that they did not need anything from me for allowing me to live and work in Lviv was false. As can be seen clearly, they wanted a lot from me for this "privilege", which, of course, I rejected.

Upon hearing my negative reply, Assistant Prosecutor Rudenko instantly changed the tone of his comments, called me an anti-Soviet person, a degenerate and enemy No. One (I did not have a chance to ascertain of which section of the Soviet Union was I an enemy No. One — the whole Ukraine, Western Ukraine or only Lviv Oblast), and commanded the Chief of Pustomyty KGB to order my father and brother to appear on September 26, 1977 before him in order to be told what kind of degenerate they have as a son and brother.

On the day ordered, my father and brother appeared at the Prosecutor's Office. There they were told what kind of a person I am, they were reproached for helping me financially, and were asked to influence me so that I will renounce my demands for Independent Ukraine and reject my nationalistic, anti-Soviet beliefs, or I will again wind up in prison. It should be noted here that my father and brother were never told what happened to me and they did not know where I was during the next four days.

Returning to my former narrative — after giving orders with reference to my father and brother, the Assistant Prosecutor presented me with a previously prepared Ordinance, dated September 23, 1977, re-establishing administrative surveillance over me for the next six months. This ended our conversation and Assistant Prosecutor Rudenko ordered my immediate removal to Pustomyty for commencement of the administrative surveillance over me (in fact, I was placed under house arrest without being allowed to return to my residence in Lviv for the purpose of packing my necessities, like towels, soap, toothbrush, toothpaste, razor, etc., the lack of which, for four days, namely until my brother delivered them to me, was most inconvenient).

The first ten days of my stay in Pustomyty I had to spend in a hotel, since my old quarters were not available anymore and new ones hard to find. As during my first stay in Pustomyty, it was very hard for me to find employment. After about a month, with great difficulty, I was employed as a stoker in one of Pustomyty boiler-house establishments, with a salary of 70 rubles per month. The rent for my quarters was 30 rubles per month. In this way started my second term of factual exile under administrative surveillance and under practical house arrest.

Pustomyty militia, under its Ordinance of September 23, 1977 stated the following motives for its extension of administrative surveillance over me:

1. Continuously refused to work;
2. Did not live where he was directed to;
3. Travelled through regions and cities of the Soviet Union.

The limitations upon my person were the same as during the previous circumstances, with the exception that, instead of my being allowed to walk around the village from 8:00 a.m. to 9:00 p.m., namely for fourteen hours, this time such allowance was reduced by one hour requiring me to terminate my

allotment outside by 8:00 p.m. In this manner, the actual period of my house arrest was increased from ten hours in 1976 to eleven hours in 1977.

Therefore, by the repetitive ascertainment over me of administrative surveillance, and in fact, coercion, all international legal agreements in connection with human rights, such as the UN Universal Declaration of Human Rights, the Pact covering the socio-political rights, and the Helsinki Accords were cruelly violated.

Above I have already mentioned the illegality and groundlessness of establishing administrative surveillance over persons for their ideological and political views and beliefs, the regulations of July 26, 1966 covering administrative surveillance applying only to criminals and other anti-social elements.

This time also the imposition over me of administrative surveillance, pursuant to Militia Ordinance of September 23, 1977, was absolutely illegal and groundless.

In accordance with Article 6 of the "Statute encompassing administrative surveillance", the basis for the establishment of such surveillance is:

"Materials of the militia organs which prove that the person, released from imprisonment, is conducting himself or herself in an anti-social manner".

Even the above did not completely cover everything.

In Article 5, No. 6 of the Resolution of Plenum of the Supreme Court of the Soviet Union, dated July 5, 1974, "Covering the practice of application by courts of law regarding the responsibility for violation of rules of administrative surveillance", is written:

*"The establishment of administrative surveillance by a militia organ, in case of violation of social order and rules of socialistic manner of life, may be considered as having sufficient grounds only in the presence of a written warning of the possibility of establishment of administrative surveillance over an individual, in the event said individual, after having received such a warning, continues to conduct himself or herself in an anti-social manner."*

There, in order that the militia have grounds for establishing administrative surveillance over a person, it is necessary that said person not only conducted himself or herself in an anti-social manner, but, after having been warned in writing that he or she does in fact conduct himself or herself in an anti-social manner, neglects such warning and continues to behave himself or herself in an anti-social manner.

#### **The establishment of administrative surveillance illegal and groundless**

Why is the establishment over me of administrative surveillance, pursuant to Militia Ordinance of September 23, 1977, groundless and illegal?

Firstly, the "motives" stated by the militia in its Ordinance, namely that it considers my conduct as anti-social, are such that either did not take place, or such that contain no grounds whatsoever to be scrutinized as being anti-social. Secondly, even if it could be considered for a moment, purely hypothetically, that I did behave myself in an anti-social manner, then militia still did not have any grounds for establishing administrative surveillance over me, since during the entire period of my so-called anti-social conduct, no written, or even verbal, warning was administered to me in accordance with Article 5, No. 6 of the Resolution of the Plenum of the Supreme Court of the Soviet Union, dated July 5, 1974.

The statements of the militia that I "continuously refused to work" do not reflect the truth.

During the period of time that I did not work, namely from June 7 through to September 23, 1977, I was never once ordered to appear at the militia or questioned why I did not work. Then on what grounds is based the statement that I "continuously refused to work"!

To the contrary, during the above mentioned period, I, on my own initiative, was attempting to find employment through my former colleagues (Lviv jurists), who, if necessary, could have corroborated this, by directly applying to Lviv organizations and enterprises, and by frequently applying at Lviv employment service, which could be corroborated by it referring me, by Referral No. 3548, dated September 12, 1977, which Referral I still have in my possession, for employment as a legal consultant to Lviv Iron-Concrete Works. It is another matter that I was not hired.

However, there remains conclusive proof that I did not refuse to work, was attempting to find employment through my own initiative, because I was certainly more interested in it than were my "teachers-protectors".

Militia's statement that I "did not live where I was directed to", even if reflecting the truth, does not automatically mean that I conducted myself in an anti-social manner. To reside anyplace without a residence visa is a violation of passport rules, the violation of said rules, either through administrative or criminal judicial process, in accordance with Article 196 of the Criminal Code of Ukrainian SSR, is punishable by imprisonment of up to two years or a fine of up to 50 rubles. The militia certainly knows very well the difference between anti-social conduct and violation of passport rules. Therefore, it should have charged me with violating passport rules, not for anti-social conduct, during the above mentioned period.

In addition, during the entire above mentioned period of time, Pustomyty militia did not once inquire about my not residing at the place I was directed to, namely 176 Shevchenko Street, Pustomyty.

Therefore, even if this residence violation be considered an anti-social conduct, then, due to the fact that I never received any warnings in accordance with Article 5, No. 6 of the Resolution of the Plenum of the Supreme Court of the Soviet Union, dated July 5, 1974, there were no grounds for establishing administrative surveillance over me.

I do not deny that I "travelled throughout regions and cities of the Soviet Union". So what? I, as a free citizen, had the right to travel wherever or whenever I deemed necessary, and did so. However, on what basis is the fact of my travel qualified by the militia as anti-social conduct? Particularly, taking into consideration the fact that the militia at no time warned me that through travelling I was conducting myself in an anti-social manner. Such warning, of course, is required by Article 5, No. 6 of the Resolution of the Plenum of the Supreme Court of the Soviet Union, as grounds for establishing over me of the administrative surveillance.

Therefore, from the above, it could be noted that Soviet law stands one hundred percent behind a non-Soviet person and even an enemy No. One (as I was called by Assistant Prosecutor Rudenko), and not even one percent behind the initiators of this red, groundless and lawless coercion of me by the Soviet people. However, in practice, the Soviet government is the greatest violator of said law, which was only written for naive westerners. On my side, so-called law, on the side of my "protectors-teachers" power. Power won over law, thereby constituting the most arbitrary rule and lawlessness.

It could only be concluded that imprisoning a person in concentration camps and prisons for a period of fifteen years and then in addition keeping such

person under administrative surveillance for a year, all completely unjustly, groundlessly and illegally is considered "lawful"; however, if said person after suffering the above, decides to rest and travel to revive his soul after having been caged and under a microscope for such a long period of time, then such action is qualified as anti-social conduct. In such a case, the only conclusion that could be arrived at is that the "normal" life in this country is not in freedom, even a relative one, but in concentration camps, prisons, exile, under administrative surveillance and house arrest.

### **KGB provocation**

Here I would like to mention a few additional facts.

During my above mentioned conversation with Colonel Andrienko, which lasted more than three hours, he asked me: "What is your impression of the Soviet reality?" I answered that, in fact, I could tell him very little of the Soviet reality, since immediately upon my release from imprisonment, I was herded into Pustomyty, having had no opportunity to view or observe much of anything. However, if Soviet reality is to be judged in accordance with Pustomyty, then it truly looks very, very sad. For instance, during my whole year there, in the stores (all run by the government) there was not one instance when meat or meat by-products could be purchased at governmentally regulated prices, they were always sold at commission prices, namely double that of the governmentally regulated prices (this practice continues up to date); and butter and margarine could be purchased only very seldom. There is a large chicken farm in Pustomyty, however, chicken and eggs are impossible to buy — everything is being transported out somewhere. It seems unbelievable, but there was a day when eggs imported from Finland were being sold. There are never sufficient quantities of dairy products.

Colonel Andrienko stated that true Soviet reality could not be judged in accordance with Pustomyty (seems that in Pustomyty there is only a non-Soviet reality), but that I will soon have a chance to travel throughout Ukraine, and even the whole Soviet Union, and then I will see the great changes for the better and achievements in all fields of the economy, therefore, the true Soviet reality. Actually, Colonel Andrienko was one of the officials who considered my travels as anti-social conduct and punished me by establishing administrative surveillance over me.

Here I will allow myself to show another side of the coin.

On December 18, 1977, while listening to one of the western broadcasts on the radio, I heard such: "The next comment will be about KGB provocation in connection with former political prisoner Ivan Kandyba...". I became suddenly very attentive. As far as I knew, neither during my presence in Pustomyty nor during my travels and rest in Crimea from June through September, 1977, did the KGB commit any provocation against me. However, when I caught a few more words (due to strong static interference, I was unable to understand much), namely "... what of it, if Kandyba was in the Crimea, he was resting there...", faint realization dawned on me. My understanding became clearer when, shortly after the above mentioned broadcast, I received a letter from my friend from Kyiv. Here is a portion thereof: "I already know about your cruel fate (she meant the re-establishment over me of administrative surveillance — I. K.). Heard also about the false rumours from western sources. However, it is their defeat, and your victory. This is the way we all understand it." I was trying to find out more about the "false rumors", but my attempts came to nothing, since she never received any more of my letters nor I of hers. I still

do not know exactly in what concrete manner did the KGB commit a provocation against me. However, from pieces of information gathered here and there, I came to the following conclusion. The KGB made it known that the West believes that Kandyba is being persecuted by the KGB and his freedom, after release from imprisonment, is being severely curtailed by the KGB through the establishment over him of illegal administrative surveillance. However, all of this is untrue. He, with complete freedom, travels all over Ukraine, enjoys himself with women at Crimea beaches, etc. For "corroboration" of the above, the KGB probably photographed me with some woman of slight acquaintance, or it could have used the photograph of me with my aunt (my mother's sister), Maria Dowhanska, born in 1919, who was also taking a rest-leave in the Crimea at the same time I was. My conclusion is that such or similar rumour was spread by the KGB against me, constituting grave false provocation.

This KGB provocation was committed with the aim of firstly to prove to the western world that I was completely free, and secondly to compromise me in the eyes of the western world. At the same time, the KGB was attempting as soon as possible to herd me back to Pustomyty under administrative surveillance, thereby depriving me of any further opportunities for travel, including medicinal rest visits to Crimea. This aim it accomplished shortly thereafter.

In accordance with Article 8 of the Pact covering socio-political rights, it is forbidden to force or obligate anybody to work, however, I was accused and punished because I "continuously refused to work".

Also, in accordance with Article 12 of the Pact covering socio-political rights and Principle 13 of the UN Universal Declaration of Human Rights, each individual has a right to freely move around and the freedom of choice of his or her place of residence, not only in his or her own country, but any place outside of it; and here I am being punished for "not living where I was directed to" and "travelling through regions and cities of the Soviet Union".

The clearly unlawful Militia Ordinance dated September 23, 1977 with reference to the re-imposing over me of administrative surveillance I appealed to the Prosecutor of Ukrainian SSR. The Prosecutor of Ukrainian SSR refused to review my case, transferring it to Lviv Oblast Prosecutor, who, without even glancing at it, transferred it for review to Pustomyty Prosecutor's Office. Therefore, my appeal wound up before the particular Prosecutor who was completely agreeable with the Militia Ordinance of September 23, 1977 re-establishing administrative surveillance over me, sanctioned it and finally confirmed and upheld it. In these circumstances, I knew ahead of time that my case will be decided negatively. And that is what actually happened. Below is the answer of Pustomyty Prosecutor to my appeal:

"Pustomyty Regional Prosecutor, Lviv Oblast, December 26, 1977, No. 1420.

Citizen, Kandyba, I. A., village of Pustomyty, 302 Shevchenko Street.

Your appeal, addressed to the Prosecutor of Ukrainian SSR, with reference to allegedly illegal re-establishment of administrative surveillance over you, was reviewed by the undersigned and refused as groundless.

Your contention about the illegality of the re-establishment of administrative surveillance over you has been found to be groundless.

There are no basis for reversal of the Ordinance. Your appeal is hereby refused.

Pustomyty Regional Prosecutor  
Signature — Horbulko"

Here another empty, brief refusal, without any reference to legal basis. He purposefully omitted any such reference, knowing very well that Soviet law was one hundred percent on my side. However, in accordance with Paragraph 3, Article 7 of the Decree of the Presidium of the Supreme Soviet of Ukrainian SSR of April 12, 1968, about "the process of review of proposals, declarations and appeals of citizens", it is stated:

"Officials, when deciding proposals, declarations and appeals are obligated ... *in the event of refusal of such proposals, declarations and appeals to cite motives, basis and reason for such refusal.*"

In this manner, the Prosecutor in this case was permitted to completely ignore Article 5, No. 6 of the Resolution of the Plenum of the Supreme Court of the Soviet Union of July 5, 1974.

Then how is Article 164 of the Constitution of the Soviet Union, which places upon Prosecutors "*The gravest responsibility of strict and impartial application of law ... is placed upon the General Prosecutor of the Soviet Union and the Prosecutors answerable to him*" upheld?

### **Power over law**

If the government were to strictly uphold the laws of the Soviet Union, then it would have revoked the administrative surveillance over me, even if I were, according to the words of Assistant Prosecutor Rudenko, a non-Soviet person, degenerate and enemy No. One, and to allow me even relative freedom. Therefore, Soviet laws were overturned completely for the benefit of my enemies, and once this happened, it seems imperative to renounce them and conduct oneself as one desires and as is convenient to the KGB, to the Prosecutor, and the Soviet power, generally in accordance with power.

So, pursuant to the political resolution of this question, power got the upper hand over the law. Although this kind of approach constitutes high-handedness and unlawfulness, it doesn't mean anything. Mainly, it is convenient for the powers that be.

Possessing unlimited power, there exists every possibility for arbitrarily deciding the fate of such inconvenient element as I, and, without any lawful grounds, by way of force and blackmail, placing me in a hopeless, servile situation, and proposing that I, through rejection of my views and beliefs, buy my freedom, which is mine by law and which was forcefully taken from me. This took place in the office of Assistant Prosecutor Rudenko. Almost the same took place in five days' time, on September 28, 1977, here in Pustomyty during my next conversation with Oblast Chief of KGB, General Poluden. Keeping in mind what Assistant Prosecutor told me on September 23, 1977, General Poluden stated that a few days ago, namely on September 23, 1977, we were talking as "an equal to an equal", and presently it is not so because I am under administrative surveillance, and he is a free person. In this way, he made me understand that the price of my freedom, which was taken from me unlawfully by way of force, will be much higher.

Similar conversation between me and General Poluden, pursuant to his demand, took place here in Pustomyty on January 26, 1978.

This is one of the methods of "instructional influence" as practiced by the KGB.

The term of administrative surveillance over me, which was established on September 23, 1977, ended on March 23, 1978. Few days before its completion, namely on March 20, 1978, I was called out to the office of Chief of Pustomyty KGB, Captain Polishchuk, who asked me what my reply was to the



propositions of Assistant Prosecutor Rudenko and General Poluden, and in not so many words made me understand that the continuation or cessation of administrative surveillance over me will depend upon my answer. As previously, I categorically declined the propositions of both Assistant Prosecutor Rudenko and General Poluden, which required me to reject my views and beliefs. Captain Polishchuk tried to convince me that my views and beliefs were harmful to my existence and were the reasons for me being limited in almost everything. He reasoned that I have no place to live, am unable to obtain better employment, am even unable to build a family, and finally he offered me his help and service in finding me a wife. This seemed to me almost funny! They wanted to supply me with a wife, educated by them and belonging to them heart and soul, in order to "re-educate" me through her. Well, I rejected all his propositions and we parted company.

On March 22, 1978, I was called out to the Headquarters of the Detective Service of Pustomyty, where its Chief First Lieutenant Machurad familiarized me with its decision to extend the administrative surveillance over me for a period of another six months.

So, another extension, but on what grounds?

In accordance with Paragraph A, Article 13 of the "Statute encompassing administrative surveillance", said surveillance is to be stopped *"upon completion of the term for which said administrative surveillance was established"*.

When in 1976 the administrative surveillance over me was extended, then the militia, or actually the KGB, at least had some so-called "grounds", since I twice "allowed" myself to "violate" the surveillance regime. However, during the latter six months term of administrative surveillance over me, I did not allow myself to "violate" said surveillance regime even once, therefore, in accordance with the above mentioned Paragraph A, Article 13 of the "Statute encompassing administrative surveillance", said surveillance should have been stopped. But, this did not happen. As in the previous instances, so in this one, this question was not decided upon pursuant to Soviet law, which again was one hundred percent on the side of the non-Soviet person, degenerate and enemy No. One, myself, but pursuant to the dictates of power.

In the Ordinance of the militia dated March 22, 1978, the following grounds were stated as the basis for the extension of administrative surveillance over me:

"Presently it is evident from existent materials that the person under administrative surveillance is consciously unwilling to enter upon the road to reformation".

From this "basis" for the extension of administrative surveillance over me, it can be surmised that said extension was clearly the result of my conversation with Chief of Pustomyty KGB Captain Polishchuk, which took place on March 20, 1978, and during which I categorically rejected his proposition to renounce my views and beliefs. In such case, of course, it meant that I was "consciously unwilling to enter upon the road to reformation" and my place was under administrative surveillance.

In answer to my demands to be presented with materials that constitute the evidence of my conscious unwillingness to enter upon the road to reformation, I was not allowed to peruse them, since, pursuant to militia statements, said materials or documents were not for my use but for the use of the militia.

In addition to the extension of administrative surveillance over me, the KGB, from spite, ordered some of the limitations I was under to be increased. For example, up to March 23, 1978, I was allowed to remain outside my quarters from 7:00 a.m. to 8:00 p.m. (and in 1976, until 9:00 p.m.), then from March

23, 1978, I was allowed to remain outside my quarters from 7:00 a.m. to 7:00 p.m. only, which forced me to stay in my quarters for full twelve hours out of every twenty-four — namely being under house arrest for half of the time of my so-called freedom.

As could be noted from the above, the period of my house arrest was systematically extended. In 1976, said house arrest period constituted ten hours out of every twenty-four, in 1977 — eleven hours, and in 1978 — twelve hours.

All of the above, the KGB does not only to spite me or to make my life harder, but also to “wrangle” some concessions from me.

And so, on April 5, 1978, I was called to the office of Chief of Pustomyty KGB Captain Polishchuk for a discussion to ascertain my reaction to the extension of administrative surveillance over me and to attempt to “haggle” something from me. In answer to my demands in connection with the lack of grounds for the extension of administrative surveillance over me, he answered that all of that could easily be fixed, namely the administrative surveillance could be revoked, if only I would agree to the propositions of Assistant Prosecutor Rudenko and General Poluden, in fact, if I would spit upon my beliefs and the beliefs of others like me. However, if I was not willing to agree to said propositions, then maybe I could do something else advantageous to Soviet authorities, which would result in lessening of the limitations placed upon me — for example, I would be allowed to remain outside my quarters until 9:00 p.m. or even 10:00 p.m., in lieu of my present allowance of 7:00 p.m.

Therefore, the KGB, having in its possession the greatest power (maybe even all the power), is ready to bargain with everything, sell everything, and not risk anything. If a person spits on his or her beliefs and the beliefs of others like him or her, rejects his or her soul, beliefs and views, sells himself or herself and his or her friends, or becomes a traitor to his or her friends, then the KGB may revoke the public administrative surveillance established over said person, or may not even establish such a surveillance, but just keep its eye on said person, or may not use any methods of surveillance whatsoever, or may even allow said person to live, for example, in Lviv, or other such place, or may find said person suitable employment, attractive living quarters, or may even make said person “very happy” by finding such person a wife or husband, as the case may be, and may do a lot of other things for said person, everything depending upon how much and what said person is willing to pay.

In addition, during my conversation with Captain Polishchuk, he reprimanded me in connection with my exchanging letters with all kinds of criminals and other unsavory characters, of course, having in mind political prisoners and political exiles, and proposed that I cease all communications with them. Similar suggestions were extended to my friend Lev Lukyanenko. When I mentioned that he does not have any grounds for insulting the political prisoners, and particularly Lukyanenko, who was then under investigation and could not be considered guilty under any judicial ruling, he answered with the standard (however groundless it may be) reply that there are no political prisoners in the Soviet Union and, as far as Lukyanenko is concerned, that, since he was arrested, he is undoubtedly guilty, and will eventually be tried, found so, and sentenced.

At the end of our conversation, seeing that nothing could be “wrangled” from or bargained with me this year, Captain Polishchuk stated with sadness: “It is too bad that beatings are not allowed anymore”.

That is how the KGB understands the meaning of one of the most basic rules of jurisprudence — *the presumption of innocence*, and beating are what they are still pining for.

Knowing ahead of time (having had similar experiences before) what the final decision of the Prosecutor is going to be, I nevertheless decided to appeal to Lviv Oblast Prosecutor the Militia Ordinance of March 22, 1978 extending the administrative surveillance over me, which in fact constituted arbitrary and unlawful persecution, with the demand for revocation of said administrative surveillance.

Lviv Oblast Prosecutor for the second time refused to review my appeal and transferred it to the Pustomyty Regional Prosecutor for review and decision, who upheld the Militia Ordinance which I was appealing. Therefore, it was not surprising (nothing surprises me anymore) that this time also I received a formal and groundless answer to my appeal, which read as follows:

“Pustomyty Regional Prosecutor, village of Pustomyty, 112 Shevchenko Street, April 25, 1978, No. 365:

Citizen Kandyba, I. A., village of Pustomyty, 302 Shevchenko Street.

Your appeal addressed to Lviv Oblast Prosecutor with reference to allegedly illegal extension of administrative surveillance over you was reviewed by the undersigned and refused as groundless.

Your contention about the illegality of the extension of administrative surveillance over you has been found to be groundless.

Pustomyty Regional Prosecutor  
Class 1 Jurist  
Signature — I. M. Horbulko”

Here again, “no violations of law were determined”. By the same token, the Prosecutor, instead of demanding that “the law be carried out strictly”, which he is obligated to do in accordance with Article 164 of the Soviet Constitution, ignored the Constitution completely and upheld the authors of arbitrariness and lawlessness.

It would have been absolutely correct if the answer of the Prosecutor were: “no violations of arbitrariness and lawlessness were determined”, in which event I would not have any grounds for dissatisfaction. Once, however, the Prosecutor states that the law was not violated, then I am unable to agree with his decision and decided to accuse him, which I have a right to do under Article 8 of the Decree of the Presidium of the Supreme Soviet of the USSR, dated April 12, 1968, which states in connection with “Rules of review of propositions, applications, appeals and charges of citizens:

“Citizen who does not agree with the decision taken in connection with his or her application, appeal or charge, has the right to appeal said decision to a higher organ, to which the involved state organ, entity, establishment or organization, which has made the decision being appealed, is directly subordinated.”

This means that I have the right to appeal to a higher organ, namely to Lviv Oblast Prosecutor, the decision of Pustomyty Regional Prosecutor, Class 1 Jurist I. M. Horbulko, dated April 25, 1978, that I did not agree with, which action I did take.

And what happened?

Again nothing. The Lviv Oblast Prosecutor for the third time, without any explanation, transferred my appeal for “review” to the same Pustomyty Regional Prosecutor, the impropriety of whose actions I was appealing. This is completely contrary to Soviet law, with which assuredly the Lviv Oblast Prosecutor is familiar.

Then why is he acting this way? Why is he violating Soviet law? Maybe because said Soviet law one hundred percent protects a non-Soviet person, a degenerate, enemy No. One, as I was described by Assistant Prosecutor Rudenko.

It is written in Article 5 of the above mentioned Decree:

“It is forbidden to transfer a citizen’s appeal for review or decision to the official whose actions are being appealed.”

And not only is it forbidden, it is punished, in accordance with Article 15 of said Decree:

“Violation of the prescribed rule regarding propositions, applications, appeals and charges of citizens, procrastination, bureaucratic red tape in connection with such propositions, applications, appeals and charges, by officials make such officials liable for disciplinary responsibility in accordance with the appropriate regulations.”

Will the Lviv Oblast Prosecutor be held accountable for his actions? I am sure that he is not.

For the last eighteen years Soviet laws, including the principal one, namely the Constitution of the Soviet Union, were completely on the side of the non-Soviet person, myself, and during all that time, I was deprived of freedom and all other rights, was forced into Soviet concentration camps and prisons, and finally was placed under Soviet administrative surveillance. However, not one person was ever found liable or was ever punished for all of the above violations against me and, therefore, the Lviv Oblast Prosecutor as well will not be held liable for the violation of law in regard to me.

Then how should the Pustomyty Regional Prosecutor I. M. Horbulko act in these circumstances, namely in concentration with my appeal? Once Article 5 of the above mentioned Decree forbids the transfer of appeals to persons, whose actions are being appealed, then, in my view, Prosecutor Horbulko does not have the right to review my appeal, since said appeal consists of charges against him. Prosecutor Horbulko should have returned my appeal to Lviv Oblast Prosecutor in accordance with Article 5 of the above mentioned Decree. However, he did not take this action and himself “reviewed” my charges in connection with his actions, finally transmitting to me the following empty reply:

“Pustomyty Regional Prosecutor, Lviv Oblast, April 12, 1978, No. 190, village of Pustomyty.

Citizen Kandyba, Ivan Oleksiyovych, village of Pustomyty, 302 Shevchenko Street.

Your appeal addressed to Lviv Oblast Prosecutor with reference to allegedly illegal extension of administrative surveillance over you was reviewed by the undersigned and refused.

Your contention of the illegality of the extension of administrative surveillance over you has been found groundless.

Pustomyty Regional Prosecutor  
Class 1 Jurist  
Signature — I. M. Horbulko”

This is the third answer of Prosecutor Horbulko to my appeals during the last few months. The first thing that I noted was the fact that all of the answers were form answers — each one exact copy or the same as the others. From the above, it could be derived, that Prosecutor Horbulko answers all charges and appeals by previously prepared, and previously approved by higher organs, standard form replies.

I was thinking about appealing to the General Prosecutor, but decided not to, since I was sure that to such an appeal also I would receive the “classic” answer of Prosecutor Horbulko.

Having been convinced by the harshest teacher of all — experience — that I, together with my one ally — The Law — am absolutely impotent to fight against the “guardians” of the law with their allies Power, Lawlessness and Arbitrariness, I decided to do nothing and wait, arming myself in a cloak of patience, for the conclusion of the term of the administrative surveillance over me.

During that time, the “instructional influence” of the militia and the KGB continued to manifest itself in still different forms.

On April 24, 1978, I was visited by my brother. Ten minutes after he walked into my quarters, Chief of the Detective Service of Pustomyty First Lieutenant Machurad, Bohdan Petrowych, burst into my quarters without knocking, (it seems, his agents informed him that some one was visiting me), approached my brother and demanded to see his documents. At that time, my brother did not have any documents with him. Then First Lieutenant Machurad searched our wallets and ordered my brother to accompany him to the Militia Headquarters. Neither mine nor my landlady’s assurances that the visitor was indeed my brother were believed. He took my brother along to his office at the Militia Headquarters. There they met Chief of Pustomyty KGB Captain Polishchuk. Both of them took statements from my brother, and then Captain Polishchuk asked my brother to help in influencing me to reject my hostile, nationalistic views, and become a Soviet person. Afterwards my brother was allowed to leave.

#### **No privacy of postal communication**

In June, 1978, seven photographs, taken by me in the Carpathian Mountains the year before, were sent to me from Ivano-Frankivsk. However, with the co-operation of the Chief of Pustomyty Regional Communications, Hub B. Krehel, the KGB got its hands on them. In addition, two letters addressed to me from Raisa Rudenko (wife of sentenced Mykola Rudenko) were lost, one letter from Vasyl Stus and one letter from me to him were lost, my letter to Vyacheslav Chornovil was lost (the latter two were former political prisoners and presently are political exiles), and to and from others. Here we see in practice the privacy of postal communications, which is protected by Article 56 of the Constitution of the Soviet Union.

On July 11, 1978, the newspaper of Lviv Komsomol Headquarters “Lenin Youth” published an article about the sentenced Ivan Dykyj entitled “Place a thief on a pedestal”. In this article, completely irrelevant and very insulting mention could be found about Lev Lukyanenko, Petro Hryhorenko and myself. The merit for this could only be placed at KGB’s door.

On August 3, 1978, in a newspaper of Pustomyty Region “Lenin’s Flag”, appeared an article entitled “Through dark glasses”. This article started with the criticism of the actions of the above mentioned Mychajlo Medvid, who was imprisoned during the war for a period of ten years for desertion. However, this article also states that I was somehow responsible for his wrongful actions, since I seem to be his “idealistic mentor”, and then continues to paint me in the darkest colors and monstrous innuendos. Andriy Sakharov, Yuriy Orlov, Volodymyr Bukowskyj, Mykola Rudenko and Oleksa Tykhyj — some of the best of our times — this article called “traitors to the Soviet nation”. All this was done by the KGB in order to compromise me and others in the eyes of

the general public, however, I do not believe that the KGB accomplished its aim in this instance.

On July 19, 1978, Chief of Pustomyty KGB Captain Polishchuk visited me at my place of employment. He was interested, what my decision was as far as the propositions of Assistant Prosecutor Rudenko and General Poluden were concerned, namely whether I was ready to publicly renounce my views and beliefs and accuse my friends who continue to share similar views. In addition, he urged me, not for the first time, to cease all communications with my friends who were in prisons, concentration camps, exile or in similar circumstances to mine, accompanying his urgings with insults of these friends of mine. He also tried to convince me to terminate my association with the Ukrainian Helsinki Group. For complying with all of the above, he promised to amply reward me.

On August 15, 1978, I was called in by Chief of Pustomyty Detective Service First Lieutenant Machurad to his office. He suggested that I move my permanent residence any place I wished, even Siberia, as long as it would be outside the borders of Lviv Oblast. In the event I comply with his suggestion, the administrative surveillance over me will be discontinued. They wished to get rid of me, since I have proven myself to be a nuisance to them. He gave me until September 10 to decide. I answered him that I would not wish to move any place outside Lviv Oblast, because for me even Kyiv was "foreign", however, I would give it a great deal of thought.

After thinking about his proposition, I decided to agree to move to Kyiv and submitted a statement of my decision to the Chief of Regional Militia of Pustomyty.

About a week later, I was called in again by Chief of Pustomyty Detective Service First Lieutenant Machurad, who advised me that I would be unable to reside in Kyiv due to the fact that I would be unable to obtain a residence visa there. In addition, he informed me that I will not be allowed to live in any Oblast center, but only in one of the small towns of one of Ukraine's eastern Oblast, for example in Vinnytsya Oblast, but only in a small town where no one knew me. Upon hearing this, I advised First Lieutenant Machurad that in such case I will continue to live in Pustomyty and not move anyplace else. This clearly indicates the rights I possess as far as travelling through my own country is concerned and as far as my choice of residence.

My decision regarding my move was very much disliked by my "protectors" and afterwards I was called in to see Chief of Pustomyty KGB Captain Polishchuk several times, however, we were unable to come to any agreement about my moving.

In the meantime, the fourth six-month term of administrative surveillance over me was nearing its end.

On September 22, 1978, I was called in by Chief of Pustomyty Detective Service First Lieutenant Machurad who presented me with an Ordinance extending the administrative surveillance over me for another six months. The motives for said extension in accordance with said Ordinance were as follows:

"Due to the fact that the person under administrative surveillance, Kandyba, I. A., did not enter upon the road to reformation, said administrative surveillance over him was extended several times.

To date I. A. Kandyba did not enter upon the road to reformation and consciously does not desire to do so."

Since I did not renounce my views and beliefs, did not spit upon myself and others like me, thereby I did not "...enter upon the road to reformation".

Again and again the question arises. In accordance with the UN Universal Declaration of Human Rights, the Pact covering the socio-political rights, and

the Helsinki Accords, I have the right to my own views and beliefs and to express them freely. Yes, I have such rights on paper, but not in practical application, because it is evident that such rights exist only for the world and for idiots.

But even in accordance with the "Statute encompassing administrative surveillance", said surveillance should not have been extended over me, because not even once during the last six months did I violate the surveillance regime and, therefore, in accordance with Article 13 of said Statute, said surveillance was to have been stopped "upon completion of the term for which said administrative surveillance was established".

Administrative surveillance may be terminated even before the term of said surveillance is completed if it is established that the person under administrative surveillance is leading an honest, productive life and is positively characterized by his employment and general conduct.

The militia had all necessary bases to terminate the administrative surveillance over me (not during the present term only) before its expiration, since my actions in connection with my "employment and general conduct" have been exemplary.

Although in this instance also the law is completely on my side, my "teachers" do not wish to notice my exemplary conduct, what they want is for me to renounce my ideological and political views and beliefs.

Therefore, from the above again it is clearly evident that the administrative surveillance over me was and is being established completely without any grounds and illegally.

With reference to me and others like me, a statute would be applicable which would clearly foresee establishment of administrative surveillance for heterodoxy, views and beliefs differing from the ruling ideology and practices of USSR. However, such statute does not exist in the USSR, and since it does not, then the administrative surveillance over me going on third year is completely without grounds and illegal.

Logic tells me to appeal this illegal Militia Ordinance, but practical reality, life tells me to the contrary. As noted above, the results of my charge and appeals were such, that I decided not to file anymore charges or appeals, considering them naive and humiliating, giving rise to mockery from my "teachers-protectors".

From the above it could be surmised that I will be fated to remain under administrative surveillance as long as my "teachers-protectors" wish it, or even during the remainder of my days. Proof of the accuracy of this statement is in the following:

Article 8 of the "Statute encompassing administrative surveillance" states:

"Administrative surveillance may be established for a period of from six months to one year. *In urgent circumstances*, administrative surveillance may be extended every time for another six months, however, not for more six-month terms than is foreseen by law as punishment for a particular crime."

As noted, no place is there concretely stated when and for what violations does administrative surveillance may be extended, only that such extension is applicable "In urgent circumstances..." This means in fact that said extension is applicable every time the KGB wishes it to be. This vagueness is a most auspicious loophole for wide maneuvering. As is widely known, administrative surveillance over dissidents is established only for their views and beliefs which do not correspond to the official ideology and politics of the USSR. So, the

administrative surveillance over me was extended for the fourth time because I "... did not enter upon the road to reformation and consciously did not desire to...", however, the administrative surveillance over former political prisoner, Yaroslav Lesiv, for example, was extended because he "incorrectly assimilated Soviet reality".

**"I will not change my beliefs at any cost — even my life"**

And so such administrative surveillance may be continuously extended until the end of official conviction of its necessity or forever. Paragraph 8, Article 55 of the Criminal Code of Ukrainian SSR states the following in connection with this matter:

"If persons sentenced to ten or more years of imprisonment (as was I — I. K.) do not commit new crimes during the eight years following the completion of their sentences (original and additional) and if the court establishes that said person has reformed, then said person's conviction may be lifted."

Therefore, if during eight years after my release from imprisonment I do not "reform", namely change my views and beliefs, then the court will not lift my conviction even after said eight years and I will be burdened by it for the rest of my days. And since it is so, then the administrative surveillance over me may be continued for the rest of my life in accordance with Article 8 of the "Statute encompassing administrative surveillance".

Most likely such will happen because I will never go against my conscience for some gratuity from the KGB and, quoting our genius poet-martyr, Taras Shevchenko, "I suffer, endure, but do not repent!", I will not change my views and beliefs, whatever the pressure upon me, whatever rewards from the KGB, or whatever cost — even my life.

I always followed my own views and beliefs, I am doing so now, and until the end of my days, I will follow only my own views and beliefs. If, during the process of my life, I will find some of my views and beliefs inaccurate, I, will change them only pursuant to the demands of my conscience and in accordance with my own individual desires.

Therefore, I wish to conduct myself in accordance with my personal views and beliefs and have the right to freely express them. Such international judicial documents as UN Universal Declaration of Human Rights of December 10, 1948, the Pact covering the socio-political rights of 1966, and the Helsinki Accords of August 1, 1975 have bestowed upon me the right for this kind of conduct, namely life in accordance with my personal convictions.

The principal positions of said documents are as follows:

**I. United Nations Universal Declaration of Human Rights**

Principle 2 — Every person possesses all the rights and all the freedoms, without any differentiability, proclaimed by this Declaration, such as ... political or other convictions ...

Principle 4 — No person shall be kept in slavery or in a status of bondage.

Principle 13 — Every person possesses the right to freely move about and travel, as well as choose his place of residence inside the borders of any country.

2) Every person possesses the right to leave any country, including said person's own country.

Principle 19 — Every person possesses the right to his own personal convictions and free expression of said convictions; this right includes free and



unrestricted right to hold such convictions, freedom to search, receive and disseminate information and ideas in whatever manner, regardless of any political or territorial borders.

Principle 20 — Every person possesses a right to free non-violent assembly and association.

Principle 21 —

1) Every person possesses a right to take part in the running of the government of his country, either directly or through his elected representatives.

2) Every person possesses the right of equal access to any governmental agency of his country.

Principle 23 —

1) Every person possesses the right to work, free choice of employment...

4) Every person possesses the right to establish professional or labor unions and to join existing professional or labor unions for the purpose of guaranteeing the security of said person's interests, or for any other purpose.

## II. The Pact covering the socio-political rights

Statute 2 (1) Every country taking part in this Pact is obligated to respect and secure for everyone who lives within its borders and under its jurisdiction, all the rights, without any differentiability, contained in this Pact.

Statute 8 (3a) No person may be forced or obliged to labor or work.

Statute 12 (1) Every person who legally resides inside the territory of whatever country has the right to freely move and travel through said country and the unrestricted choice of place of residence.

2) Every person has the right to leave any country, including his own.

Statute 19 (1) Every person has the right to unrestrictedly hold his own personal views and convictions.

2) Every person has the right to free and unencumbered expression of his views; this right includes free and unrestricted right to search, receive and disseminate all kinds of information and ideas, regardless of political or territorial borders, verbally, in writing or through print, or artistic forms of expression, or through other means of his choice.

The Soviet Union has acknowledged the UN Universal Declaration of Human Rights and joined its signatories, and ratified the International Pact covering the socio-political rights on September 18, 1973, which took effect on March 23, 1976, and which through this ratification became the obligatory law for practical application in the USSR.

At various international forums, the Soviet Union always staunchly defends the above mentioned documents, and calls for their implementation into practical use.

So, for example, the Soviet Union, together with other nations-signatories of the above documents, pledged to uphold them at the Helsinki Conference. On page 7, paragraph 1 of the Helsinki Accords there is written:

“In the sphere of human rights and personal freedoms, the nations-signatories are to act responsibly in accordance with the aims and principles of the Statute of United Nations Universal Declaration of Human Rights. They will also be obligated to execute their pledges in accordance with international declarations and agreements in this field, including among them the 'International Pact covering the socio-political rights', if said nations are associated therewith.”

The Soviet Union is associated with said documents and thereby is obligated to implement them in practice.

In addition, the Soviet Union is even an author of a project, in which it demands the implementation of all human rights in accordance with the UN Universal Declaration of Human Rights, the Pact covering the socio-political rights, and other international agreements and documents.

In accordance with the proposal of the USSR, the United Nations General Assembly adopted on December 20, 1977, the "Declaration for Deepening and Strengthening of Alleviation of International Tensions", which states the following in its Article 8:

"Encouragement and assistance in implementation of human rights and basic freedoms for all in accordance with the Universal Declaration of Human Rights and other appropriate international agreements and documents, including international pacts covering human rights, is to be extended".

I just mentioned briefly the particular human rights which are secured by international legal documents and which are actively defended and upheld by the Soviet Union at various international forums.

#### **Universal Declaration and other International Pacts do not pertain to the Soviet Union**

However, a completely contrary policy is being practised by the Soviet Union internally. For example, often it could be found in the Soviet press that the above mentioned Universal Declaration of Human Rights and other international pacts do not pertain to the Soviet people, since Soviet people for a long time have had the advantages of all the rights enumerated and guaranteed by said documents in connection with human rights. The only reason that the Soviet Union joined in the adoption of said documents was for the purpose of solidarity with nations not possessing the advantages of such human rights, existing under colonialism or hardships of dictatorial regimes.

Similar notions could be found in an article by I. Melnikov, entitled "In the name of peace and happiness of men", citing portions of declarations of the Soviet Union at sessions of the Human Rights Commission, appearing in the newspaper "Pravda" of October 25, 1978. Below I am citing a section thereof:

"The Human Rights Commission is continuing its session in the Geneva Branch of the organization of the United Nations. During today's morning session, the Soviet delegate spoke about the Soviet success of introducing into practice in the Soviet Union the postulates of the International Pact on socio-political rights.

"Five years ago, the Soviet Union was first to ratify this important document. Let it be known as an outstanding fact about the Soviet justice that the ratification of this treaty by the Soviet Union in 1973 and its implementation in 1976 did not require any changes or additions in the laws of our country.

"According to existing policy, the Soviet Union presented this case to attorneys from eighteen countries, members of the Commission. In this presentation, the Soviet Union showed very precisely how, in Soviet laws, the social and personal rights described by the above mentioned international treaty are safeguarded and guaranteed."

What contradiction! "...the Soviet delegate spoke about the Soviet success of introducing into practice the postulates of the International Pact..." and

simultaneously this “success” is declared null and void, because it has never taken place, since “...ratification of this treaty by the Soviet Union... and its implementation... did not require any changes or additions in the laws of our country”.

These statements do not conform to reality, but on the contrary — it is absolutely imperative to implement changes in and additions to Soviet laws in order for at least the laws themselves to comply with International Pacts covering the social and political rights, since even the laws (of course, completely ignored by the authorities) do not reflect many of the provisions of such documents.

For example, nowhere in the Soviet law can there be found a provision prohibiting the authorities from forcing anyone to work. To the contrary, in the Soviet Union work is obligatory and not working is punishable under criminal processes, as for parasitic way of life, sponging, begging, etc. I was accused of “continuously refusing to work”.

Nowhere in the Soviet law can there be found a provision that every Soviet citizen has a right to not only his or her own views and beliefs, but to a free and unencumbered expression of said views and beliefs, through receipt and disseminating of various information and ideas, regardless of national border, verbally and in writing through printed word. To the contrary, expression of a person’s views and beliefs which do not comply with the official ideology and policy of the USSR I considered as being hostile and qualified as anti-Soviet agitation and propaganda, punishable under criminal processes.

Nowhere in the Soviet law can there be found a provision allowing any Soviet citizen to freely emigrate or leave the USSR.

Nowhere in the Soviet law can there be found a provision that every Soviet citizen has a right to free assembly, to freedom of association with others, including the right to establish free (not governmentally controlled) professional unions and to join such unions for security and protection of individual rights. In the USSR, such actions are considered unlawful, punishable under criminal processes.

Above are just some, certainly not all, instances, which prove conclusively the inaccuracy and falsehood of Soviet representatives in the Commission of Human Rights.

From the above, it could be concluded that the Universal Declaration of Human Rights as well as the International Pact covering the socio-political rights are in fact dead.

The International Pact covering the socio-political rights, which was published in the “Register of the Supreme Soviet of the USSR”, No. 17 for the year 1976, was placed in the archives where it gathers mould and dust, and in this way its mission is considered accomplished.

The fate of the Universal Declaration of Human Rights is even sadder. I have no knowledge whether said Declaration was published in the USSR as part of an official process for public consumption. I only saw said Declaration typed in private or in handwritten texts. In addition, it should be remembered that said Declaration was confiscated from me and others every time it was found. It was confiscated from me three times in places of incarceration, namely on December 6, 1966 in concentration camp No. 11 (Yavas), on November 2, 1973 in concentration camp No. 36 (Ural) and on the day of my release, January 20, 1976. Concentration camp and prison administrations confiscated said Declaration also from other political prisoners. Bibles were also confiscated.

To our inquiries as to why said Declaration was being confiscated, concentration camp and prison administrators as well as prosecutors advised us that the Universal Declaration of Human Rights does not possess the strength of a law and that it only reflects "good intentions", that it was not adopted for general use, but only for negroes. No matter how far-fetched, it still might be understood, why said Declaration was confiscated in concentration camps or prisons, a lot more severe harm was being done there. But how could it be understood and explained when said Declaration was being constantly confiscated in freedom.

On December 13, 1977, namely on the date of the arrest of member of the Ukrainian Helsinki Group, Lev Lukyanenko, my quarters and my person were thoroughly searched by Lviv KGB officers Senior Prosecuting Major Yaresko and Captain Shumeyko, together with Chief of Pustomyty KGB Captain Polishchuk. The report containing the purpose of said search read in part as follows:

"It was proposed to Kandyba, Ivan Oleksiyovych, that he deliver all documents of *anti-Soviet and slanderous contents* in forms of manuscripts, typewritten publications of so-called 'samvydav' (self-publishing), photographic films, photographs, as well as other forms, together with any dynamite of firearms, etc."

But what in fact was confiscated from me? The confiscated documents consisted of a few personal, intimate letters and handwritten text of the United Nations Universal Declaration of Human Rights.

Therefore, it seems that the Universal Declaration of Human Rights is an anti-Soviet document. How else can the above be explained?

Since such attitude is taken with respect to the Universal Declaration of Human Rights, then certainly similar attitude is held by representatives of Soviet power in connection with the International Pact of socio-political rights, which reflects many of the provisions and legal norms of the Declaration. This is most likely, since "... its implementation in 1976 did not require any changes or additions in the laws of our country."

In this manner, Soviet citizens are deprived of the opportunity to use all the rights which are contained in the above mentioned documents. Their rights to freely express their views and beliefs and to disseminate them, if such views and beliefs do not comply with the official ideology and policy, are considered as crimes of anti-Soviet agitation and propaganda or slander, and are punishable by long years of harsh incarceration.

In the event such a person, during his or her long years of incarceration, did not change his or her views and beliefs, such a person remains most dangerous and it is impossible for such a person to escape the further punishment of administrative surveillance, as in mine and other cases. For example, in only the one republic of Ukraine, there is an unbelievably high number of persons under administrative surveillance. Here are some of them who have completed their punishment by incarceration and are suffering under administrative surveillance: Nina Strokata-Karavanska, after serving a four year sentence, was for close to three years under administrative surveillance; Vitaliy Kalynenko, after serving a ten year sentence, is presently starting his fourth year under administrative surveillance in the village of Vasylivka, Dnipropetrovsk Oblast (both of the above mentioned are members of the Ukrainian Helsinki Group); Vasyl Ovsyenko, after serving a four year sentence, is presently starting his third year under administrative surveillance in the village of Lenin, Zhytomyr Oblast. Administrative surveillance was established even over Dmytro Basarab, who a few months ago was released after completing a twenty-five year sentence, and is presently living in Stryj, Lviv Oblast. After being released in

October, 1978, Yuriy Dzyuba, residing at 346 A Klochkivska Street, Apt. 16. Kharkiv, was placed under administrative surveillance.

Therefore, from the above, it could be concluded that the Universal Declaration of Human Rights and International Pact covering the socio-political rights endow me with numerous rights and privileges of which I am in actuality deprived.

So, with what rights does the Constitution of the USSR endow me? As a sample, let's peruse some of the Articles thereof:

"Article 1. USSR is a socialist multi-national country, which expresses the will and interest of the workers, peasants and intelligentsia, the toiling members of all nations and peoples of the country."

However it might be, but with certainty the USSR does not express my will or interest as a dissident, but to the contrary persecutes me and places me under various repressions.

"Article 34. Citizens of the USSR are equal before the law regardless of descent, 'race' or nationality . . . and other circumstances."

Above I enumerated many instances where I, as a dissident, was persecuted and discriminated against in my choice of place of residence, employment, etc. In the matter of emigration from the Soviet Union, citizens of Russian nationality are able much more easily to leave the USSR, as compared to members of any other nationalities.

"Article 39. Citizens of the USSR have all the social, economic, political, individual and personal rights and freedoms."

I am deprived of the right even over my own person.

"Article 40. Citizens of the USSR have the right to employment . . . including the right to choose their employment or profession in accordance with their ability, talents, professional experience and education."

I have the right to work where directed by the KGB.

"Article 48. Citizens of the USSR have the right to take part in the conduct of governmental and administrative affairs of the country . . ."

I am certain that I am guaranteed the right to conduct such affairs with a shovel, measuring gauge, crow bar and similar implements.

"Article 49. Each citizen has the right to contribute to governmental organs and social organizations his or her proposals with respect to improving its activities, or criticizing its failures in the performance of their functions."

"Article 50. Pursuant to interests of the people and with the aim of strengthening the development of socialist order, the citizens of the USSR are guaranteed freedoms of speech, print, assembly, meetings, street demonstrations . . ."

For me as a dissident, the guarantee of such freedoms, with the particular pre-condition, means deprivation of such freedoms.

"Article 51. Pursuant to the aims of Communist progress, citizens of the USSR have the right to unite into social organizations."

Such pre-condition upon my right of joining any organization, as a dissident, means that I am deprived of such a right.

"Article 55. Citizens of the USSR are guaranteed the inviolability of their places of residence . . ."

In December, 1960 (before I was arrested), a KGB agent, illegally, in my absence, entered my Lviv residence at 57/38 Dekabrist Street, where he was discovered. Many similar incidents occurred in connection with quarters of other dissidents.

“Article 56. Secrecy and privacy of correspondence, telephone conversations . . . are protected by law.”

Previously, I have already explicated that for the KGB no secrecy, nor privacy, nor any laws exist.

“Article 57. Respect for the individual, defense of the rights and freedoms of citizens — are the obligations of all governmental organs, social organizations and officials.”

I have already mentioned above how my person is being respected and how my rights and freedoms are being protected.

“Article 58. Citizens of the USSR have the right to appeal the actions of officials, governmental and social organs.”

The result of my using such a right was clearly explained above.

“Article 72. Each Soviet Republic has a right of free secession from the USSR.”

My attempt to put this right to a test has already cost me fifteen years of incarceration in concentration camps and prisons and more than two years of virtual enslavement under administrative surveillance.

#### **Accused deprived of the right to a defence**

“Article 158. An accused has the right to a defence.”

In matters of political nature, accused, as a matter of fact, are actually deprived of such a right. An accused does not possess the right to employ a defense counsel not only from outside the USSR, but not even from a judicial consortium of the USSR of his choice; such accused may only employ a counsel from a group of ten or fifteen attorneys, who are certified to defend such suits by the Party Oblast Committee. They are, as a rule, members of the Communist Party and their “defense” of a “traitor” is only a mere formality. Such an attorney looks upon his “client” as an “enemy of the people” and his defense is pure hypocrisy. This has been proven to me in my own case.

From the above, it can be clearly concluded that the USSR Constitution deprives me of the fundamental rights and freedoms due to my heterodoxy.

Therefore, taking under consideration that I am deprived from actually benefiting from such fundamental rights as are proclaimed by the Universal Declaration of Human Rights and by the International Pact covering the socio-political rights, the USSR Constitution in fact deprives me of such rights, and the law of criminal processes and other judicial acts are gravely violated by the militia, the KGB, prosecutors and courts — I find myself in reality outside any laws.

What enormous price I have to pay for my views and beliefs. Having been imprisoned for long years and having been kept under constant administrative surveillance with house arrest, in addition, I am forced, for God knows how long, to submit to persecution, discrimination, blackmail, cruelty, insults to my human dignity, and political and ideological terror. I am placed completely outside any socio-political life and am limited to a minimum of spiritual, cultural and socio-economic life.

As a result, my life here in “freedom” differs very little from the one I was leading in concentration camps and prisons, it might even be considered harder to bear.

For example, I was forced to live inside zones in the different places of incarceration, and similarly I am forced to live inside a zone consisting of the village of Pustomy in “freedom”; when incarcerated, I was not allowed to

remain outside my barrack from 10:00 p.m. to 6:00 a.m., and similarly here I am not allowed to remain outside my quarters from 7:00 p.m. to 7:00 a.m. — there during eight hours and here during twelve hours out of every twenty-four, namely here, in “freedom” my house arrest was increased by four hours; in concentration camps, the camp officials have the right anytime to enter and search the barracks, and here the militia has the same right as far as my living quarters are concerned; in concentration camps I was deprived of the right to work in my profession, I am also deprived of that right here in “freedom”; during incarceration, my correspondence was censored by the authorities, and here it is being censored by the KGB. In concentration camps or prisons, the authorities always informed me about a letter that was confiscated, here in “freedom” my letters simply get “lost”; in concentration camps I was allowed to see my family when they came to visit me, here in “freedom” I am also allowed to see my family only when they come to visit me — I am not allowed to visit them. There are many more parallels that could be pointed out, however, I believe that the ones above mentioned clearly indicate the circumstances of life created for me and for others like me here in “freedom”.

My life in my own country became unbearable, but I did not consider the question of emigration from the USSR immediately upon my release from imprisonment. For me, my fatherland was dearer than anything and I believed that I will have a chance to acquire a right to life in freedom. Therefore, about two months after the establishment of administrative surveillance over me, namely March 7, 1976, I transmitted a lengthy statement to the Politburo of the Central Committee of the Communist Party of the Soviet Union asking it to direct the appropriate authorities to lift from me the illegally established administrative surveillance, because in the event that such administrative surveillance were not lifted or revoked, I would be forced to consider emigrating to one of the countries in the West, since I would be deprived of life in freedom in my own fatherland.

On July 3, 1976, Assistant to the Chief of Oblast Administration of Interior Affairs Rehurskyj arrived in Pustomyty and transmitted to me the answer to my statement to the Politburo. He said that the administrative surveillance over me was established lawfully and added that, if I continued to write similar statements, I will wind up back in the place where I came from, namely concentration camp.

Thereafter, I decided to use all my resources to emigrate from the Soviet Union, since it became clear that I will not be allowed to live freely in my own country.

I started to ask different persons in the Soviet Union as well as in the West to aid me in my quest.

The authorities found out about my inquiries and gave me to understand by different methods that they were against my leaving the Soviet Union, as evidenced by the following instances.

For example, during the above mentioned search of my living quarters, which took place on December 13, 1977, Captain Shumeyko stated, “See, he (namely I) is trying to get to the West, regardless of the cost, in order to reach the easy life”. This is how my hopelessness is being explained, the hopelessness that is forcing me to leave my enslaved and unfortunate fatherland. because such Shumeyko and his “brothers” Polishchuk, Poluden, Horbulko, Rudenko and others deprived me of my inherent rights and freedoms in my own country.

On January 30, 1978, I was called in to see Captain Polishchuk, who informed me that two Austrian citizens appealed to the government of the Soviet

Union to allow me to leave the USSR. He asked me whether I knew them and whether I asked them for their intervention on my behalf. He suggested that I write a statement to the effect that I did not know them and did not ask them for anything. I declined to write such a statement.

In practice, it is almost impossible for dissidents to emigrate from the USSR. During the last ten years, only Nadia Svitlychna was allowed to leave the USSR, as a result of a request-invitation which she received personally, through unofficial channels, since the authorities never transmitted to her the numerous invitations she received previously, nor even informed her thereof.

After two years, I also received a request-invitation through unofficial channels.

The authorities will not even transmit these kinds of invitations to us, but confiscate them on the spot.

Here it should be noted that, as soon as the authorities found out about my being in possession of a request-invitation and that I was making arrangements for preparation of documents for emigration from the USSR, I was called in on November 16, 1978 to see Lviv Oblast Assistant Prosecutor Rudenko (with whom I had dealings on September 23, 1977, mentioned above). Two KGB representatives, Major Ruzhivnskyj and Captain Cherniak were also present. The conversation started with a comment by Assistant Prosecutor Rudenko to the effect that I am looking for a second fatherland. Then the conversation continued about my four letters, which were taken by force from recipient Oksana Meshko during a search of her quarters by representatives of Kyiv KGB in April of 1978. During their searches, the KGB representatives believe everything they find to be anti-Soviet. For example, during a search of my residence on December 24, 1976, the KGB confiscated a photograph of six year old Yarema (son of Nadia Svitlychna) with his godfather Opanas Zalyvakha — a painter and former political prisoner.

So, my four letters to Oksana Meshko were conveniently remembered at the time when I was attempting to obtain a permit to leave the USSR, in order to blackmail and frighten me. Maybe afterwards I will change my mind about emigrating. It is possible that I might have changed my mind about emigration if only the authorities would have lifted the administrative surveillance over me and allowed me to live freely with all the rights and freedoms of a fully-fledged citizen. But not so. They have only one method — power, blackmail, terror. Assistant Prosecutor Rudenko then picked up a copy of the Criminal Code of the Ukrainian SSR and advised me that my letters constituted a violation of Article 62 of the Code, namely anti-Soviet agitation and propaganda, that in the event I did not cease such correspondence, I will have only prison to look forward to, and in the event I do not change my views and beliefs and become a Soviet person, I will remain under administrative surveillance for the rest of my days. Further, with a raised voice, he proclaimed that persons such as I constituted only a miserly group which could be mercilessly crushed pursuant to a whim of such as he. At the conclusion, he advised me to think carefully about my fate and use my brains.

As can be clearly seen, everything is decided from the position of power, not according to law.

However, completely contrary attitude of the authorities is found in connection with emigration from the USSR of persons of Russian nationality, particularly Moscovites. Almost all Russians who request such are given permits to leave the Soviet Union, pursuant to invitations from the West. In addition, there were many instances when the authorities suggested, proposed or even demanded that a Russian leave the Soviet Union. Some of such Russians were



my acquaintances, therefore my information is accurate. I do not envy them, I am glad that they have had the opportunity to pursue better lives in the West.

However, we Ukrainians do not have any choices. We are forced to live either outside of the protection of the law, namely under illegal administrative surveillance, or in concentration camps or prisons.

Therefore, I have no faith in my being allowed to emigrate from the Soviet Union, because I realize that Soviet authorities still consider me gravely dangerous and will do anything to allow me to emigrate to Siberia, Mordovia or the Volodymyr prison, in lieu of the West. I have already heard many innuendoes to that effect.

It certainly will take minimal effort on their part to fabricate a violation of anti-Soviet agitation or propaganda or slander provisions in connection with me — just a few false documents.

If they want to make a greater effort, they can also, through provocation, fabricate the crime of hooliganism, assault, attempted rape, possession of firearms (planted), possession of foreign currency or other compromising materials, and in this manner “prove” me a “criminal”.

I proclaim herein that my aims were not and are not the violent opposition to Soviet authority, regardless of the fact that I dislike it and do not agree with its policy. I only, through lawful means, request the return to me of the rights and freedoms, which are my due in accordance with the law and of which I was groundlessly and illegally deprived.

During my entire life I did not commit any crime, and am not violating any laws presently. My participation and membership in the Ukrainian Helsinki Group and the authorship of the Declaration of the Ukrainian Helsinki Group I do not consider as crimes against Soviet authorities. Through these actions, I am only attempting to be endowed with my rightful social and political rights and freedoms in accordance with domestic and international laws, of which I am in reality deprived.

Through my conduct and actions I will not commit any crime in the future. Any anti-Soviet acts were, are and will be against my nature and beliefs.

Therefore, in the event that the KGB, the militia or prosecuting authorities were to accuse me of any crime or violation of proper conduct, then such accusation will only be the result of conscious fabrication or provocation on the part of the KGB against me, constituting their revenge upon me for not submitting, for remaining a member of the Ukrainian Helsinki Group, for my authorship of the Declaration of the Ukrainian Helsinki Group, and for my adherence to my views and beliefs.

Knowing the nature of the KGB, I expect their revenge to take the form of strengthening of the administrative surveillance over me, blackmail, discrimination, cruel treatment, fabrication of materials with the aim of compromising me (such as took place in 1977), inclusive of physical abuse and torture with the help of various KGB undercover agents.

I admit that even during my youth I was critical of Soviet authorities and their Marxist-Leninist ideology. For this reason I never truly considered myself a Soviet person. After my and others' arrests and so-called “trial”, I came to consider Soviet authority and its Marxist-Leninist ideology not only foreign but hostile.

To date, I consider myself formally a citizen of the Soviet Union, but in reality I never felt like one. I always considered and presently consider myself a citizen of Ukraine, not Ukrainian Soviet Socialist Republic.

The fact that I never attempted to resign my citizenship of USSR (including my Ukrainian SSR citizenship) was because I never actually saw the possibility of realizing such a question.

Therefore, the Soviet government is alien to me and it considers me a hostile alien also. In such circumstances, I consider it imperative to emigrate from the USSR and establish permanent residence in the United States, pursuant to the request-invitation of my first cousin Maria Zarytska, residing at 26019 Canindham Street, Warren, Michigan, 48091, United States of America.

In the event I will not be allowed to realize my desire to emigrate, I will have no choice but to attempt the final act — starvation until death. I would rather die than continue living until the end of my days under total persecution, discrimination, cruel treatment, insult to my human dignity, and ideological and political terror, all resulting from absolute lawlessness and arbitrariness.

January, 1979

(signed) *Ivan Kandyba*  
(Translated from Ukrainian by  
Zena Matla-Rychtycka)

