

FERMENT IN THE UKRAINE

EDITED BY MICHAEL BROWNE
FOREWORD BY MAX HAYWARD



Ferment in the Ukraine

*Documents by V. Chornovil, I. Kandyba, L. Lukyanenko,
V. Moroz and others*

Foreword by Max Hayward

Edited by Michael Browne

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Library of Congress Catalog Card Number: 70-125398

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Published in 1973 in the United States of America
by Crisis Press, P. O. Box 1294, Woodhaven Stn.,
Woodhaven, N. Y. 11421, U. S. A.

This edition is published by arrangement
with Praeger Publishers, Inc.

*Дарунок Оттавського відділу
Канадського Товариства
Приятелів України*

Base persecution for 'separatism',
the persecution of people who are
unable to defend themselves, is
the very limit of shamelessness. . . .

V. Lenin

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FOREWORD

Max Hayward

There are many strands in the ideological disarray which has come to the surface in the Soviet Union since Stalin's death. The outside world is most familiar with the well-articulated discontents of the intelligentsia in the capital. Since 1966, the trials of writers and other intellectuals in Moscow have vividly brought home the issues which have alienated the intelligentsia from the present regime. For many years, it was the proud boast of the communist leaders of Russia that the traditional gulf (greater in Russia from the time of Peter the Great than in any other European country) between the educated elite and the 'masses' had been bridged: for the first time in history, under the guidance of the Communist Party, armed with the wisdom of Lenin and Stalin, a society had been built which was free of class differences and social and ethnic antagonisms, not to mention the exploitation of man by man.

Many gullible people in the West believed this for several decades. In a country in which even rail and air accidents, as well as natural disasters, were not allowed to be mentioned in the press, it was indeed quite easy to create an impression of wellnigh perfect social harmony. Professor Hugh Seton-Watson in an article in 'Encounter' (July 1969) has defined the Soviet regime as a 'pseudocracy' (i.e. government by lie). This well describes what the young intellectuals of Moscow are in revolt against. Fifty-two years of systematic mendacity, unprecedented in world history, have proved too much.

It should not be thought, however, that the Moscow intellectuals are the only group to voice their unwillingness to go on with their previous role as passive witnesses to the 'Great Lie', if not as active promoters of it. It is sometimes suggested by Western observers, who are impressed by the apparent inertia of the Soviet public at large, that the 'liberal' intellectuals are an isolated, unrepresentative group whose occasional pathetic gestures (abortive demonstrations in Red Square such as that organised by Pavel Litvinov in protest against the invasion of Czechoslovakia in 1968) are futile, resulting only in the meaningless martyrdom of years in prison camps and exile to Siberia. It is, of course, impossible to argue against this view – nobody can gauge the nature and intensity of public feeling under a regime like that in the Soviet Union. One can only point to the fact that some Western observers who not long ago doubted the existence of serious discontent even in intellectual circles now confidently speak in similar terms for the masses of the people.

Sometimes they are reflecting the understandable despair and sense of isolation of the intellectuals of Moscow and Leningrad, against whom, as in tsarist times, it is always possible for the regime to mobilise a numerous clique of supporters to act the part of 'public opinion'. In creating the Soviet system as we now know it, Stalin cleverly built up a powerful constituency of the aggressively mediocre and incompetent which was meant to assure a self-perpetuating social base for his rule. The number of militant philistines who thus have a stake in the pseudocracy is legion. But are they the majority in the Soviet Union? Are they not rather a vociferous and omnipresent minority who obscure, for the transient foreigner, the necessarily silent 'masses'? There is no doubt that the social groups that have suffered most at the hands of the system in its half-century of existence, both in terms of numbers and the ferocity with which they have been treated, are those

in whose name it was created – the workers and peasants. Inert they may be, but it would be rash to suppose that they are more deceived than the intellectuals. The invasion of Czechoslovakia may have affected them as little as the crushing of the Indian Mutiny did the workers of Victorian England, but the scale of the human sacrifice offered up to the ‘building of socialism’ in the Soviet Union, not to speak of the fantastic gap between official mythology and the realities of life, is a matter of everybody’s personal experience.

But while it is still difficult to present any evidence about the general mood of the ‘masses’, there is a growing body of documents to illustrate the existence of widespread dissent in areas where grievances can be expressed in terms of certain traditional loyalties that the Soviet regime has been particularly intent on eradicating in the past. Such natural foci for the otherwise diffuse revolt against pseudocracy are religion and national sentiment. In the last few years, the regime has been waging a bitter struggle against believers (particularly Baptists and members of other Protestant sects) who stand up for their faith. The prison camps are, at the moment, full of ‘religiozniki’, as they are called. Like the dissident Moscow intellectuals, they are being punished because they have called the regime’s bluff about the constitutional rights allegedly enjoyed by Soviet citizens: freedom of speech and assembly, and freedom of conscience (Articles 124 and 125 of ‘the most democratic constitution in the world’, promulgated by Stalin in 1936 on the eve of the Great Terror and still in force). As the present collection of documents shows, the same fate awaits those representatives of the non-Russian peoples in the USSR, who take at its face value Article 17 of the Soviet Constitution which guarantees to the constituent republics the right freely to secede from the Union.

There are good reasons why ferment springing from national feeling should find stronger expression in the Ukraine than in the other non-Russian areas of the Soviet Union. The Ukrainians constitute the largest and most concentrated ‘national minority’ in the Soviet Union, and although they have strong linguistic and ethnic affinities with the Russians, they are clearly just as entitled to think of themselves as a separate and independent nation as, say, the equally numerous Poles and the less numerous Slovaks on their borders. Traditional resentment of rule from Moscow has only been increased by the savage repressions of Soviet times. In his campaign against ‘bourgeois nationalism’, Stalin virtually wiped out the Ukrainian intelligentsia during the thirties. Millions of Ukrainian peasants were starved to death or deported to Siberia during collectivisation. In the post-war years again, the Ukraine was particularly hard hit by famine and mass reprisals against whole villages accused of having aided the anti-Soviet guerrillas during the early post-war years. It will take generations before these things are forgotten.

While the movement in the Ukraine, as is clear from the present documents, is a reaction to long-standing grievances, it is noteworthy that most of its spokesmen are young people who have been educated in ‘Soviet patriotism’, and were, in some cases, members of the Komsomol or the Communist Party. The attempts of the regime to discredit them by linking them with the violently anti-Soviet older Ukrainian nationalist movement are, hence, unconvincing. Furthermore, the Ukrainians who are insisting on their constitutional rights are accepted by the Russian liberal intelligentsia as legitimate allies in their struggle for civil liberties. An extraordinary underground bulletin, the ‘Chronicle of Current Events’, which records manifestations of dissent all over the Soviet Union, devotes a great deal of space to the activities of the Ukrainians and the Crimean Tartars, as the two

national groups that have been particularly articulate in protesting against historical injustice. As Western readers will see for themselves, the Ukrainian opposition is striking both for its moderation and its high intellectual level. In this it is typical of the present ferment as a whole, and it is for this reason that it commands such evident respect.

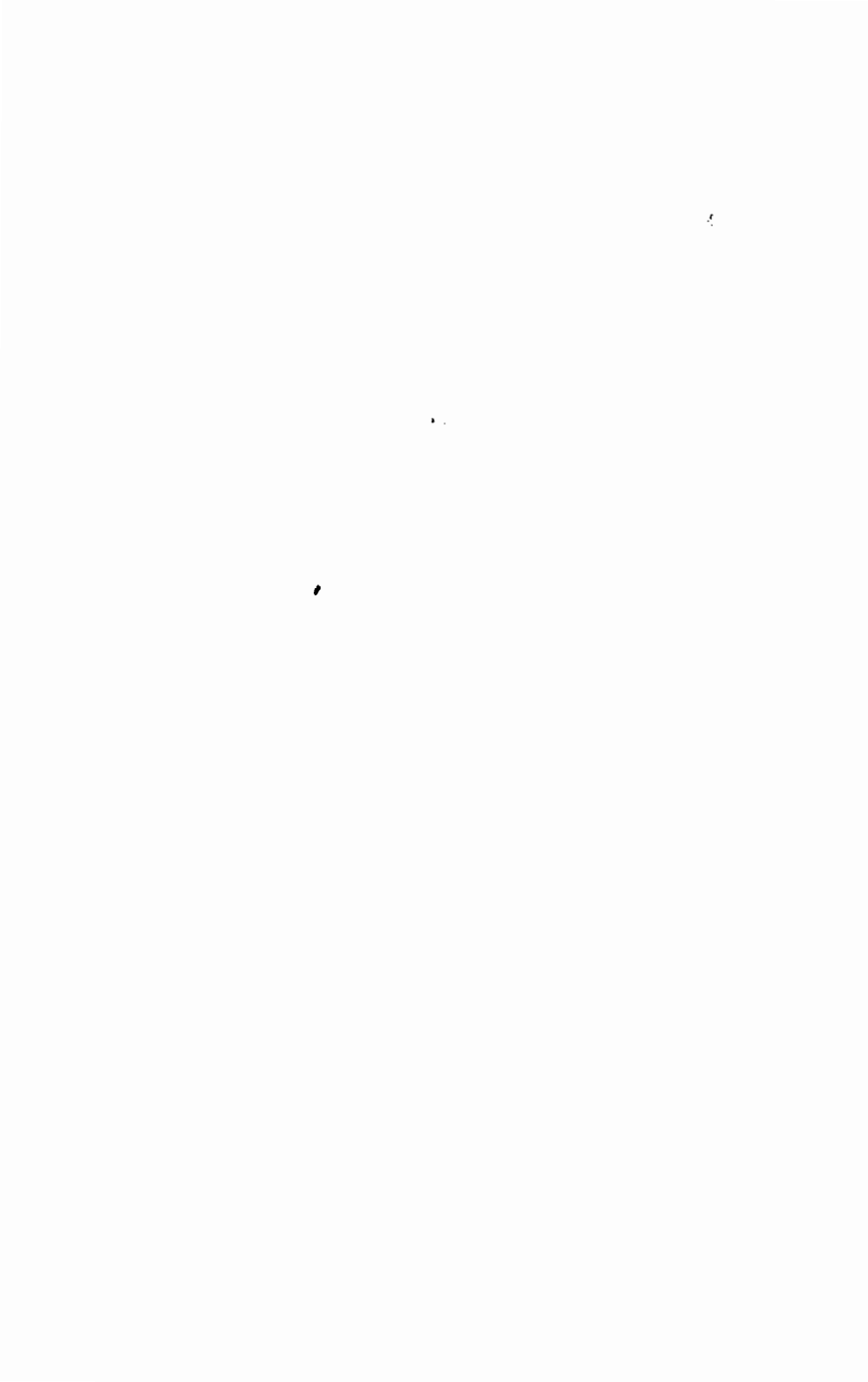
The great question during the coming decade (as it was during the corresponding decade of the last century) is how the authorities in Moscow are going to respond to the growing challenge of a multifarious opposition movement both in the metropolis and in the borderlands. All the signs are that, like their tsarist predecessors, they will answer only with police repression and prison camps. Leaving aside moral considerations, to which the Soviet rulers are totally impervious, one can only point out the practical un wisdom of such a course. The test of the viability of any social structure is the extent to which it is able to come to terms with internal opposition. If this is true of the comparatively homogeneous societies of Western Europe and America, how much truer is it of the Soviet Union, a grotesque conglomerate for which the main *raison d'être* is a concept of imperial defence that has been inherited from the Tsars. Since Marxist ideology has long ago lost whatever cohesive force it may have had, there is no earthly reason why Ukrainians, Georgians, Estonians (let alone Poles, Hungarians and Czechs) should look to Moscow as the centre of a supranational 'world movement'. Regional patriotism inevitably fills the vacuum left by the collapse of a 'universal' idea. Unfortunately, the autonomy that the Scots and the Welsh may obtain through the ballot-box, if they wish it, will not easily be won by the Ukrainians or any other ethnic group in the Soviet Union. Even so, during the coming decade, unrest among the nations comprising the Soviet Union will certainly be an increasingly important element in Soviet internal politics, and the present volume is essential to an understanding of its direction and potential.

ACKNOWLEDGMENTS

The following sources are acknowledged with thanks:

Suchasnist' Publishers (London, Ont., and Munich) (Docs. 1-6, 11, 13-15, 18, 30, 31); PIUF (7-10, 12, 24); 'Daily Telegraph' (London) (16); Ligue des Droits de l'Homme (Paris) (19); 'Sunday Telegraph' (London) (20); 'Novoye Russkoye Slovo' (New York) (25).

The editor's gratitude is due to Mr Martin Dewhirst, by whose comments, suggestions and information the present volume was greatly benefited. Needless to say, Mr Dewhirst is not responsible for any errors of fact that may have been committed, nor does he necessarily associate himself with the editor's opinions or interpretations. The editor is also grateful to Mr Gerald Brooke for advice on the relative position of the Dubrovlag camps, as indicated on the map on p. 120.



ABBREVIATIONS

AS UkSSR	Academy of Sciences of the Ukrainian Soviet Socialist Republic
ASSR	Autonomous Soviet Socialist Republic
CC	Central Committee
CDSP	'Current Digest of the Soviet Press' (Ann Arbor, Mich.)
ChP	'The Chornovil Papers' (McGraw-Hill, 1968)
CPSU	Communist Party of the Soviet Union
CPU	Communist Party of the Ukraine
FCL	Fundamental Principles of Correctional Labour Legislation of the USSR and the Union Republics ('Pravda', 12 July 1969; CDSP, xxi 29 (13 Aug. 1969) 3-10)
IorR	Ivan Dzyuba, 'Internationalism or Russification?', 2nd ed. (Weidenfeld & Nicolson, 1970)
KGB	Committee for State Security (Komitet Gosudarstvennoy Bezopasnosti)
Komsomol	Communist Youth League (Kommunisticheskiy Soyuz Molodezhi) (= VLKSM)
NKVD	People's Commissariat for Internal Affairs (Narodny Komissariat Vnutrennikh Del)
OUN	Organisation of Ukrainian Nationalists
RCC	Criminal Code of the RSFSR
RCCP	Code of Criminal Procedure of the RSFSR
	For their texts in English, see H. J. Berman, 'Soviet Criminal Law and Procedure: The RSFSR Codes' (Cambridge, Mass., 1966)
RSFSR	Russian Soviet Federative Socialist Republic
SSR	Soviet Socialist Republic
UCC	Criminal Code of the Ukrainian SSR
UCCP	Code of Criminal Procedure of the Ukrainian SSR
UI	'Ukrains'ka inteligentsiya pid sudom KGB. Materialy z protsesiv V. Chornovola, M. Masyutka, M. Ozernoho ta in.' (Munich, Suchasnist' Publishers, 1970)
UWPU	Ukrainian Workers' and Peasants' Union
VLKSM	Lenin Communist Youth League of the USSR (Vsesoyuzny Leninskiy Kommunisticheskiy Soyuz Molodezhi) (= Komsomol)

NOTE ON SOURCES, TRANSLATIONS AND TRANSLITERATION

All documents included in this volume can, on the whole, be divided into (a) those which had circulated first in MS. or typewritten copies in the USSR and have only subsequently been published in the West; and (b) those first published in the Western and Soviet press.

Documents under (a) were available to the editor in copies which are at various removes from the authors' originals: two-thirds of the material in copies originating in the USSR; about another 5 per cent in copies retyped in Eastern Europe and 10 per cent in the West from earlier copies originating in the USSR; the rest of the material was available to the editor only in published form.

The original language of most documents is Ukrainian, except Docs. 2, 5 and 25 which were first written in Russian; Doc. 9 may have also been initially written in Russian, but is in Ukrainian in the copy available from the USSR. All translations are from the original language.

First publication (in Ukrainian except where otherwise stated) of the documents not initially published in the press (see (a) above) was as follows: Doc. 6 and (abridged) Doc. 4 in 'Suchasnist', no. 12 (1967) and no. 1 (1968) respectively; Docs. 1-6 in full (Docs. 2 and 5 in translation from Russian into Ukrainian made in the West) in 'Ukrains'ki yurysty pid sudom KGB' (Suchasnist' Publishers, Munich, 1968). Docs. 7-10 (abridged) in 'Ukrains'ke slovo' ('La Parole Ukrainienne', published by PIUF), 4 Feb, 10, 24, 31 Mar 1968 respectively; the same Docs. 7-10 in full in 'U pivstolit'tya radyans'koyi vlady. Dokumenty II' (PIUF, Paris, 1968). Doc. 11 in 'Suchasnist', nos. 3-6 (1968) and in translation from Ukrainian into Russian made in the USSR in 'Novy Zhurnal' (New York), no. 93 (Dec 1968) (abridged). Docs. 12 and 24 in 'La Parole Ukrainienne', 4 Aug 1968. Docs. 13-15, 30 and 31 in 'Suchasnist', nos. 9 and 11 (two documents) (1968) and nos. 2 and 10 (1969) respectively. Doc. 25 in translation from Russian into Ukrainian made in the West in 'Svoboda' (New York), 11 Oct 1968, and then in the original Russian in 'Novoye Russkoye Slovo' (New York), 17 Nov 1968.

Documents under (b) are reproduced from original publications in English (Docs. 16, 17, 20, 21 and 23) and French (19) or translated into English from the original publications in Ukrainian (26-29); the source of each of these documents is mentioned in the footnotes. Doc. 22 has been checked against the original letter received by the 'Sunday Telegraph'; Doc. 23 has been compared with the original publication and broadcast recording (both in Ukrainian), and discrepancies pointed out in footnotes.

Two documents do not fall under either (a) or (b). Doc. 18 has been translated from a tape recording of Ivan Drach's statement in Ukrainian, and is published in full for the first time in the present volume (an abridged version appeared in 'Suchasnist', no. 12 (1966) 67). Doc. 22 was not published in the original Ukrainian, and the present translation is from the holograph letter; a less accurate English version appeared in 'Amnesty Action', ii 3 (New York, Aug 1968).

All references to 'The Chornovil Papers' (McGraw-Hill, 1968) (=ChP) and I. Dzyuba's 'Internationalism or Russification?' (Weidenfeld & Nicolson, 2nd ed., 1970) (=IorR) quote these English editions, but have been checked against their respective Ukrainian originals; where necessary, they are given in new translation direct from these originals, published as follows: V. Chornovil, 'Ya nichoho u Vas ne proshu', in 'Novy shlyakh' (Winnipeg-Toronto), 11 Nov 1967, also separately (New Pathway Publishers, Toronto, 1968), corresponding to ChP, Part I, 'The

Petition of V. Chornovil' (pp. 1-73); his letter to Shelest, in 'Suchasnist' ', no. 10 (1967) 87-8, corresponding to ChP, 73-5; his 'Lykho z rozumu (portrety dvadtsyaty "zlochyntsyv")' (PIUF, 1967), abridged in ChP, Part II, 'The Misfortune of Intellect:* Portraits of Twenty "Criminals"', 77-246; and I. Dzyuba, 'Internatsionalizm chy rusyfikatsiya?' (Suchasnist' Publishers, 1968).

Russian and Ukrainian proper names, titles of publications, etc., are transliterated according to the system used for Russian and Ukrainian respectively in journals in the field of Slavonic studies published in Britain.

Place names are rendered as in 'The Times Index-Gazetteer', i.e. in the forms used by the power now controlling the area concerned; thus, all names of places in the USSR are transliterated from Russian; those now in Poland are given in their Polish spelling, etc.

* Also rendered as 'Woe from Wit'.



All regional centres are shown on the above map, but only those other cities, towns and townships which are mentioned in the book.

INTRODUCTION

Late in 1965 it became known in the West that two Moscow writers, A. Sinyavsky and Yu. Daniel, identified as the authors of works published since 1959 in the West under the names of Tertz and Arzhak, had been arrested and were being held by the Soviet authorities. This was admitted soon afterwards semi-officially by Soviet spokesmen and then by the Soviet press some four months after their arrest [1]. They were ostensibly tried in public; in fact, admittance to the courtroom was very strictly controlled. The trial held on 10–14 February 1966 was unusual, and even paradoxical, in several respects. Khrushchev had declared seven years earlier that there were no longer any political prisoners and political trials in the Soviet Union [2], yet this was a manifestly political trial of two people arrested a mere eleven months after Khrushchev's fall. Public opinion both in the USSR and in the West was alarmed by this fact, as well as by a number of ways in which ordinary standards of justice appeared to be violated: biased pre-trial publicity in the Soviet press; similarly biased, garbled and incomplete reports from the courtroom; the fact that the latter had been packed with individuals chosen to uphold the prosecution, while those likely to be impartial or to sympathise with the accused were virtually excluded, together with all foreign correspondents, even communist ones. The harsh sentences for actions which were not indictable under any civilised standards evoked protests from intellectuals throughout the world, as well as from leading British, French, Italian and other communists [3]. These facts are now well known [4], but some aspects of the case acquire a different complexion in the light of information that has since become available.

As we now know, political arrests and trials continued to take place in the USSR before and after Khrushchev's assurance to the contrary, and the number of political prisoners in Soviet places of detention runs into thousands, or tens of thousands [5]. It also transpires that practically all political trials before that of Sinyavsky and Daniel, and most of those that followed it, were held in camera [6].

[1] 'Izvestia', 13 Jan 1966.

[2] 'Pravda', 28 Jan 1959; cf. also p. 70, fn. 2 below.

[3] 'Daily Worker', 15 Apr; 'L'Humanité', 'L'Unità', 16 Apr 1966.

[4] For a full account, cf. L. Labedz and Max Hayward (eds), 'On Trial' (1967).

[5] '... Several thousands of political prisoners, about whom almost no one knows, are in camps and prisons' (Open Letter of A. Kosterin, L. Bogoraz, P. Litvinov and nine others to world communist leaders of 24 February 1968, 'Problems of Communism', xvii 4 (July–Aug 1968) 69). 'No one yet has enough information to make even a rough estimate of the total number of Soviet political and religious prisoners (although the relevant units would seem likely to be tens of thousands) ...' (P. Reddaway, in C. Hill (ed.), 'Rights and Wrongs' (Harmondsworth, 1969) p. 98). The Soviet nuclear physicist A. Sakharov states that most political prisoners are now kept in the Dubrovlag group of camps in Mordovia, 'where the total number of prisoners, including [ordinary] criminals, is about 50,000' (his 'Progress, Coexistence and Intellectual Freedom' (1968) pp. 63–4, and the Russian ed. (Frankfurt a.M.) p. 32; the latter gives the figure as 'about 30,000'). Early in 1966 there were 4,000 prisoners in Mordovian political camp No. 11 alone (A. Marchenko, 'My Testimony' (1969) p. 383); in early 1967 there were altogether six camps for political prisoners in the group of camps mentioned (p. 97, fn. 2 below).

[6] Cf. Marchenko, op. cit., p. 367. In this context, the concept of 'political trials' does not include trials for war crimes and for spying; these often receive considerable publicity (cf. ChP, p. 38). The category of 'political crimes' (although this term itself has never been used in Soviet Criminal Codes) is taken to embrace, from the point of view of Soviet law, primarily the 'counter-revolutionary crimes' of the old Codes (Art. 58 old RCC and Art. 54 old UCC) in force in 1927–58, reclassified for the most part as 'especially dangerous

2 Introduction

Ironically, therefore, the public outcry for greater publicity was occasioned by that very trial which was allowed by the Soviet authorities to be, relatively, much more public than the countless other political trials of the post-Stalin period. Furthermore, Sinyavsky and Daniel were arrested within days of numerous arrests of intellectuals in the Ukraine [1], who were tried in January–April 1966. The trials of the Ukrainian intellectuals, unlike that of the two Moscow writers, were shrouded in secrecy, and nothing at all was known about them in the West until early April of that year. Even then, the first reports were very fragmentary, and it was only late in 1967 that the Chornovil documents [2] supplied a wealth of accurate information about the arrests and trials in the Ukraine in 1965–6. Even so, no complete transcripts of most of these trials are available, and little is known, in particular, about those trials which were conducted in camera.

The first report about these events in the Ukraine appeared in the Swiss 'Neue Zürcher Zeitung' of 2 April 1966. It originated from Kiev (the source was not named) and disclosed that two prominent literary critics belonging to the younger generation, Ivan Svitlychny and Ivan Dzyuba, had been detained in Kiev at the time of Sinyavsky's and Daniel's arrest (i.e. early September 1965). The pretext for their detention had been the allegation that they had sent to the West a diary of the deceased young poet Vasyli' Symonenko, where it had been published together with several poems banned in the Soviet Union. Twelve intellectuals were said to have been arrested in Kiev and L'vov, and secret trials, not reported in the Soviet press, were stated to have taken place. Svitlychny was said to have been sentenced to several years of hard labour and taken to Siberia, while Dzyuba had been released on account of acute tuberculosis. 'The Times' and the 'New York Times' followed on 7 April with a report from a different source and diverging in some respects: the two critics were stated to have been arrested only 'several weeks ago', following the Sinyavsky–Daniel trial (February 1966), Symonenko's smuggled poetry was described as 'Ukrainian nationalist and anti-Soviet', and there was no mention of other arrests.

Svitlychny's arrest was not entirely unexpected. Symonenko's diary and several of his unpublished poems appeared in the Ukrainian émigré journal 'Suchasnist' (Munich) of January 1965 and were soon after broadcast by Radio Liberty, a privately US-sponsored station broadcasting from Munich to the Soviet Union. In April 1965 a Soviet Ukrainian paper published a letter which Symonenko's mother, Hanna Shcherban', had written to the Central Committee of the Communist Party of the Ukraine (CC CPU) declaring that Ivan Svitlychny, Anatoliy

crimes against the state' after 1958 and covered now by Arts. 64–73 RCC, 56–65 UCC (cf. H. J. Berman, 'Soviet Criminal Law and Procedure: The RSFSR Codes' (Cambridge, Mass., 1966) pp. 26, 32, 51). The term 'political trial', although similarly absent from Soviet legal terminology, is used here to refer to trials of persons accused of 'political crimes' as just defined. (It may be noted here that, as it appears from the documents in this book, many of the prisoners mentioned in these documents and sentenced for 'political crimes' were punished for activities compatible with the Universal Declaration of Human Rights, the International Covenants on Human Rights and the USSR Constitution.) Similar reservations apply, mutatis mutandis, to the term 'political prisoner'. These terms are used by critics of the regime (including moderates like A. Sakharov), prisoners themselves (who are, according to a number of reports, additionally penalised if they call themselves 'political prisoners') and occasionally by apologists for the regime (cf. p. 24 below and Khrushchev's declaration above).

[1] Cf. p. 3 below and the list of prisoners at the end of the book.

[2] ChP; cf. p. xvii above.

Perepadya [1] and other friends of her son from Kiev and L'vov had taken her son's MSS. soon after his death in December 1963 and failed to hand them over to the Writers' Union [2]. Within a few days, late in April, they were denounced, without being actually named, by two senior members of the Executive of the Writers' Union of the Ukraine for appropriating Symonenko's diary, though not expressly for sending it abroad [3].

It is now known that Svitlychny was in fact arrested four months later, together with at least twenty-five other intellectuals [4] in several cities and towns throughout the Ukraine, most of them apparently in a synchronised swoop between 24 and 28 August [5]. Not a word about these arrests appeared in the Soviet press, but the names of those arrested began to be expunged from bibliographies and annual indexes of periodicals [6], an ominous and well-established procedure of Stalinist times [7]. In addition to the arrests, dozens of homes were searched, books, letters, diaries and notebooks were confiscated and hundreds of individuals were interrogated [8].

There is, of course, nothing unusual about political arrests in the Soviet Union, even during Khrushchev's 'de-Stalinisation'; in so far as the state security agencies were concerned, the series in question was, no doubt, as much of a routine job as any during past decades. 'People are as ever thrown behind bars and as ever transported to the East. But this time,' notes the young historian Valentyn Moroz from his labour camp, 'they have not sunk into the unknown. To the great surprise of the KGB men, *public opinion* has risen up for the first time in recent decades' [9]. A number of factors have combined to create a public opinion which refuses to accept as inevitable acts of arbitrary repression, even on a smaller scale than in the 1930s. The newly grown-up generation lacks direct experience of the paralysing fear that afflicted the whole previous generation when Stalin's Great Terror blanketed the entire country, claiming millions of victims. This new generation is also better equipped as a whole to think for itself and more educated than was the

[1] A young Soviet Ukrainian critic and translator.

[2] 'Radyans'ka Ukraina', 15 Apr 1965.

[3] V. Kozachenko and P. Panch, 'Tobi, narode!', in 'Literaturna Ukraina', 27 Apr 1965.

[4] ChP, pp. 52-3. A. Perepadya was apparently not arrested or otherwise persecuted.

[5] ChP, pp. 98-161 *passim*.

[6] There are no references to Svitlychny's articles or reviews in vol. v of the bibliography 'Ukrains'ki pys'mennyky: bio-bibliografichny slovnyk' (Kiev, 1965) which was signed for printing on 23 September 1965, one month after the arrests (there are at least three references to him in vol. iv, passed for printing on 21 April 1965); annual indexes to 'Ukrains'ka mova i literatura v shkoli' and 'Dnipro' (both Kiev) appearing in their December issues (signed for printing in November) failed to record Svitlychny's reviews which had appeared in their May and March 1965 issues respectively. M. Kosiv's review published in the March 1965 issue of 'Zhovten' (L'vov) received similar treatment in this journal's annual index in December. (Kosiv, a L'vov University lecturer, was released without trial after five months, possibly owing to a coronary thrombosis attack developed in prison. He was unemployed for six months after his release, then took up teaching in a village school; cf. ChP, p. 53, UI, p. 192.)

[7] By way of comparison, Sinyavsky's name was dropped from the list of the Writers' Union members several months before his conviction or formal expulsion from the Union ('Spravochnik Soyuzu pisateley SSSR, 1966 (po dannym na 1 noyabrya 1965 g.)' (Moscow, 1966) p. 496; cf. Labeledz and Hayward, 'On Trial', p. 289 fn.), but the editor of 'Novy mir', Tvardovsky, kept Sinyavsky's name in his journal's 1965 annual index.

[8] ChP, p. 53. Searches and interrogations were still under way at the time when Chornovil was writing (May 1966) (ChP, pp. 2, 53).

[9] p. 145 below.

case even fifteen years ago [1], and less prepared to take things for granted. The education explosion caused by the technological revolution of the mid-twentieth century must be allowed to proceed if the Soviet Union is to hold its place in the modern world, yet it inevitably produces people capable of independent judgment, a quality highly unwelcome to the present rulers of the Soviet Union. Furthermore, the dramatic expansion of means of communication and the information explosion, both within the USSR and from outside it, provide an immense variety of stimuli for independent thought; the Soviet leaders' monopoly in the interpretation and implementation of Marxism is no longer taken for granted. Dzyuba [2] notes 'the Soviet reader's growing interest in, and acquaintance with, living world communist theory, the theoretical works and ideas of Marxists-Leninists from all over the world – works and ideas which turn out to be much more profound, humane and attractive [3] than the stuff that our present [Soviet] newspapers keep chewing over'. Finally, the very existence in Eastern Europe of communist countries independent to varying degrees but incomparably more so in every case than a Soviet Union Republic such as the Ukraine could not fail to prompt the younger generation to 'the elementary comparison, which imposes itself, between their position and that of the Ukraine', and to 'desire to see the socialist Ukraine as truly existing and genuinely equal among the socialist family of nations', to see it 'as a national reality and not simply as an administrative geographical term' [4]. Such feelings are all the more understandable if one remembers that the Ukraine is as economically viable as, and perhaps more so than, any of its East European neighbours, since 'it ranks among the world's ten leading countries in economic development' [5]. (Analogous feelings exist in other Soviet Republics, such as those of the Baltic and the Caucasian areas.) Given all these factors – some of which are universally valid, while others apply to the Soviet Union as a whole and others still are peculiar to the non-Russian Republics – as well as certain other facts of Ukrainian culture and history [6], the rise of an independent public opinion in Russia and in other Republics becomes much less surprising.

The arrests of August–September 1965 in the Ukraine and Moscow, though carried out, as usual, in secret, soon evoked protests within the Soviet Union. On 4 September, within days of the arrests in the Ukraine, Dzyuba appealed to an audience in the 'Ukraina' cinema in Kiev to protest against the arrests and searches [7]. Still in the same year, a query about these arrests was addressed to the CC CPU by three very prominent personalities, all of them members of the generation in its early fifties: M. Stel'makh, a deputy chairman of the Council of the Union, USSR Supreme Soviet [8]; A. Malysenko, a deputy of the Ukrainian

[1] Cf. Dzyuba, *IorR*, p. 205.

[2] *Ibid.*, p. 206.

[3] Note that this was written two years before the Prague spring.

[4] *Loc. cit.*

[5] According to a Soviet authority, Dmitri Prilyuk, writing in 'The Times', 7 Nov 1969, p. viii.

[6] See Bibliography at the end of the book. It should be remembered that Kiev did not become dependent on Moscow until 1654, and even after that date enjoyed a good deal of autonomy for about a century; and that the Ukraine was independent from Russia for some two years after the dissolution of the Russian Empire in 1917.

[7] Chornovil's letter to the CC of the Komsomol of the Ukraine and the CC CPU of 15 September 1965 ('Suchasnist', No. 11 (1969) 90–1, UI, pp. 15–17).

[8] Born in 1912; Soviet Ukrainian writer and research worker in ethnography with the AS UkrSSR. Twice wounded in the war; awarded a Stalin Prize, and more recently a

SSR Supreme Soviet and member of the governing body of the Writers' Union of the Ukraine [1]; and H. Mayboroda, a deputy of the same Supreme Soviet and Chairman of the Composers' Union of the Ukraine [2]. Towards the end of October, seven Kiev intellectuals applied to the CC CPU and to the Ukrainian SSR Council of Ministers for an explanation of the nature of the arrests and the fate of the detainees, and also appealed for publicity and an open judicial examination. Among the signatories were the famous Chief Aircraft Designer O. Antonov [3], the film director S. Paradzhanov [4], the composers P. Mayboroda [5] and V. Kyreyko [6], and the writers L. Serpilin [7], Lina Kostenko [8] and Ivan Drach [9]. Early in 1966, seventy-eight writers, scholars, students and workers applied to the Ukrainian SSR Procurator and to the Chairman of the KGB with a request to be admitted to the trials of their friends, comrades and acquaintances [10].

It is noteworthy that, while in Moscow, in the period prior to the official denunciations of Sinyavsky and Daniel in the Soviet press, overt expressions of sympathy with the arrested came chiefly from students and young people [11], there were quite a few prominent members of the Soviet 'establishment' among those who showed concern about the arrests in the Ukraine: Party members, deputies of the Supreme Soviets, including one high official, holders of the highest decorations, and even a member of one of the highest bodies in the Soviet Union – the CC CPSU. In fact, there are representatives of all age-groups, and a variety of social groups, ranging from the 'establishment' and the intelligentsia to students and ordinary workers, among the signatories of the three documents mentioned above.

In Moscow, the case for the 'literary prosecution' – which, however biased and unfairly presented, at least contained some fragments of fact – was stated before the trial in two lengthy articles, followed by three letters to the papers supporting

Lenin Prize, in literature; holder of three orders, including one for war service and the Order of Lenin (1967).

[1] (1912–70); Soviet Ukrainian poet; awarded two Stalin Prizes and a Shevchenko Prize in literature; five decorations, including two Orders of Lenin; was a Party member.

[2] Born in 1913; a well-known Soviet Ukrainian composer; awarded a Shevchenko Prize in fine arts.

[3] Born in 1906; an alternate member of the CC CPSU, deputy of the USSR Supreme Soviet, corresponding member of the AS UkrSSR; awarded the title of Hero of Socialist Labour and a Lenin Prize.

[4] Born in 1924; he also signed the 'Letter of the 139' (cf. p. 192, fn. 3 below).

[5] Born in 1918; brother of H. Mayboroda (fn. 2 above).

[6] Born in 1926; awarded the title of Honoured Artist in 1966; Party member.

[7] Born in 1912.

[8] Born in 1930; one of the most prominent Soviet Ukrainian poets. She later attended the reading of the verdict after the secret trial of Ye. Kuznetsova, O. Martynenko and I. Rusyn on 25 March 1966 in Kiev and threw flowers to the prisoners (ChP, p. 41); also attended Chornovil's trial and signed Docs. 14, 25 and 30 (cf. pp. 168, 193 and 207 below).

[9] Born in 1936; Soviet Ukrainian poet, one of the most prominent members of the so-called 'Sixties Group' of young Ukrainian writers. He also apparently applied personally to 'certain Party and state agencies' for an explanation of the arrests (as he said later in New York: cf. p. 178 below), attempted to gain admission to the trials in camera in L'viv in March or April 1966 (ChP, p. 72), and signed Doc. 25 (cf. p. 195 below), for which he was expelled from the Party.

[10] The three documents are known from ChP, pp. 2, 4, and the first two also from *IorR*, p. 2; the last two are published in full in the original Ukrainian in UI, pp. 185–8. Among the signatories of the last document were Z. Franko, M. Kotsyubyn'ska, H. Kochur, Drach, Dzyuba, F. Zhylko, and B. Antonenko-Davydovych.

[11] Labedz and Hayward, 'On Trial', pp. 83–8.

the denunciation of the two writers (as well as a number of letters protesting against 'trial by the press' which remained unpublished [1]). In the Ukraine, on the other hand, no direct use was made of the press to publicise the prosecution's case; instead, false information began to be spread soon after the arrests by high to middling official sources about the discovery of alleged underground nationalist organisations, complete with American dollars, printing presses and even arms; when the absurdity of such stories became too obvious, they were replaced by stories about 'massive anti-Soviet agitation and propaganda' [2].

The efforts of the authorities to denigrate those arrested thus produced a contrary effect – expressions of sympathy with the arrested and protests against their continued detention. Among the most significant documents of this period is the book 'Internationalism or Russification?' by Ivan Dzyuba, a prominent Soviet Ukrainian literary critic of the younger generation (born in 1931), a research graduate of the Institute of Literature of the AS UkrSSR and a Writers' Union member. In this book, written in the wake of the 1965 arrests and presented late in December 1965 in the form of a memorandum to P. Shelest, the First Secretary of the CC CPU, and V. Shcherbyts'ky, the Chairman of the Ukrainian SSR Council of Ministers, and a month later also to the CC CPSU, he examines the Soviet Government's nationalities policy in its present, past and future aspects from a Marxist-Leninist point of view, and convincingly shows that in actual fact this policy, which purports to be based on 'internationalism' [3], is one of unbridled Russification [4], in which Russian 'great-power chauvinism' – the very force to which 'internationalism' is opposed – holds unlimited sway and strives to engulf all other nationalities. Dzyuba also shows that the policy of suppressing Ukrainian resistance to the forces of chauvinism – which has taken a variety of forms and culminated in the arrests in 1965 – is anti-Leninist, goes against the trend of history, and must be reversed if disaster is to be avoided [5].

The Central Committee of the CPU did, in a way, take notice of Dzyuba's memorandum [6]: it was distributed to twenty-five regional Party secretaries in the Ukraine for comment (these comments, if any, have remained unpublished). Copies soon began circulating fairly widely in the Ukraine [7] and percolated abroad; one copy even made its way through the barbed wire of the Mordovian labour camps [8].

Meanwhile, the investigation of the prisoners was grinding on. The petitions

[1] *Ibid.*, pp. 89–127.

[2] ChP, pp. 71–2; IorR, pp. 3–5; Doc. 18 below. Similar methods have been employed in a campaign of slander waged against Solzhenitsyn since 1964 'at activist meetings and at seminars', 'in secret instructions and meetings by people holding official positions', among them 'Pravda's' editor-in-chief (cf. Solzhenitsyn's letters to the Writers' Union of 16 May, 12 September and 25 November 1967, 'Problems of Communism', xvii 5 (Sep-Oct 1968) 39, 40, 49).

[3] The Russian dictionary definition of 'internationalism' is: 'The defence of the liberty and equality of all peoples, and the struggle against chauvinism.'

[4] The Soviet rulers, of course, take every opportunity to deny the existence of such a policy; cf., e.g., Doc. 20 below.

[5] For publication details cf. p. xvii above.

[6] It is said that a high Party official met Dzyuba's verbal criticism of the Soviet nationalities policy and his indignation over the arrests with the suggestion that he could, if he wished, put all his ideas and proposals on the subject in writing and submit them to the appropriate authorities. Dzyuba took him at his word, and the memorandum was the result.

[7] IorR, p. xvi.

[8] p. 148 below.

mentioned above, carrying nearly one hundred signatures, went unanswered; so did Dzyuba's memorandum to the Party and the Government. In November 1965, however, Shelest, in an interview secured somehow or other by the wife of one of the accused, I. Rusyn, promised that no one would be unjustly punished, that the guilty would be tried in open court with maximum publicity, and that the press would report on their guilt [1]. This could have been an epoch-making promise in the light of Soviet practice over the last three or four decades, whereby millions had perished at the hands of the authorities without due process of law. In fact, it meant no more than a promise to adhere to the standards laid down by Soviet law [2]; but had it been fulfilled it would have represented a decisive step towards justice in the Soviet Union. Procedural standards were, however, ominously disregarded as the investigations continued [3].

After five months, the first 'open' trial was at last held late in January 1966 in the Volyn' Regional Court at Lutsk. In the dock were two lecturers of the Lutsk Pedagogical Institute: a lecturer in Ukrainian literature, D. Ivashchenko, and a twenty-nine-year-old historian, Valentyn Moroz, who had just finished his doctoral ('candidate's') thesis before arrest [4]. The trial was not altogether public, since of all those students and lecturers who wished to hear the accusations against their teachers and colleagues only very few were lucky enough to be admitted [5]. No detailed transcript of the trial is available, but it is known that the indictment was for 'propaganda directed at separating the Ukraine from the USSR' [6], and that Moroz in his defence spoke of Russification and of the unequal status of the 'sovereign' Ukrainian SSR. He declared that he was no bourgeois nationalist, that he wanted neither a bourgeoisie nor nationalism, but the same rights for the Ukraine as her socialist sisters – Russia, Poland, Czechoslovakia – enjoy. Students of the Institute spoke with enthusiasm of their lecturers, now in the dock [7], and one of them, as a witness, joined the accused in condemning Russian chauvinism [8]. All this, together with the defendants' refusal to plead guilty, obviously nullified the 'educational' [9] effect hoped for, even given a limited audience. As a Soviet political show trial of sorts, the first for nearly three decades, it was unique in that the prosecution failed to procure a confession of guilt. This did not prevent the court from passing, on 20 January, sentences prescribed in advance [10]: two and four years of labour camp respectively for

[1] ChP, p. 72.

[2] Cf. pp. 84–5, 64, fn. 1, p. 65, fns 1–4, p. 66, fns 1–2 below.

[3] To take one of the cases reported in detail: a prisoner was continuously interrogated for some twenty-two hours except for one meal break, in breach of Art. 143 UCCP: 'Interrogation of the accused, apart from exceptional circumstances, must take place by day' (RCCP 150 is similar) (ChP, p. 22). Many other instances of irregularities are recorded in ChP, pp. 20–31 and *passim*.

[4] Moroz lectured in Lutsk from February to August 1964, then at the Ivano-Frankovsk Pedagogical Institute from September 1964. Ironically enough, the title of his thesis was 'The 1934 Lutsk Trial' (of fifty-seven communists in inter-war Poland). For his publications, cf. ChP, pp. 150, 232.

[5] ChP, p. 32. Such restrictions seem to be unwarranted. As Professor D. Karev, LL.D. of Moscow, puts the meaning of Art. 18 (i) RCCP (p. 84, fn. 2 below) for the benefit of Western students of Soviet law: 'All persons wishing to attend a trial may do so...' (P. Romashkin (ed.), 'Fundamentals of Soviet Law' (Moscow, n.d.) p. 449).

[6] p. 124 below. This is an implicitly constitutional activity. (Cf. also pp. 60 and 88–90 below.)

[7] ChP, pp. 30–1.

[8] p. 144 below.

[9] p. 64, fn. 1 below.

[10] It is common knowledge that they are so prescribed.

8 Introduction

Ivashchenko and Moroz. As for the press reports promised by Shelest, none appeared, since there clearly was nothing to report to the credit of the regime.

The next trial, on 4–7 February, involved M. Ozerny, a teacher, in Ivano-Frankovsk. Perhaps owing to the Lutsk trial fiasco, the courtroom this time was filled mainly with stooges – ‘men from the hotel’ [1] with admission passes. The defendant was apparently also ‘better conditioned’, since he readily ‘admitted his guilt’ at the trial. However, a member of the staff of ‘Soviet Ukraine’ [2] (an official Party and government paper in the Ukraine), P. Skochok, recorded the trial proceedings and enclosed a transcript with a letter to Shelest [3]. This transcript shows the prosecution in an unattractive light, while Ozerny conducted himself with dignity and proved greatly superior to the judges and prosecution witnesses, both morally and intellectually. On 7 February, despite his full repentance, he still received the predetermined term of six years, which was halved on appeal. After several months in the camp he was removed to an unknown destination [4] and now may be presumed to be free.

Although more successful for the prosecution, Ozerny’s trial was also not considered fit for press publicity. The trial of Sinyavsky and Daniel was held within a week, on 10–14 February, another attempt at a ‘show’ trial which failed, just as in Lutsk, since the prisoners refused to admit their guilt. Unlike the two preceding trials in the Ukraine, the Moscow trial was reported in the press, though in a scanty and biased manner.

In retrospect, these three trials appear to represent a half-hearted, belated and brief attempt to implement with regard to political trials the requirement of Soviet law that all trials [5] must be held in public. It was half-hearted because admission to the trials was more or less heavily restricted; belated because it came over twelve years after Stalin while, as we now know, the numerous political trials during these years had all been held in secret. It would seem that the authorities came to the conclusion that this brief experiment at a return to the rule of law had largely been a failure, as all subsequent political trials, except that of Chornovil, were again held in camera.

The first of the secret trials in the Ukraine in 1966 was that of I. Hereta, deputy director of the Ternopol’ Museum, and M. Chubaty, a student, who were given suspended sentences in Ternopol’ on 25 February [6]. The same Ivano-Frankovsk Regional Court which tried Ozerny ‘in public’ in February, sentenced P. Zalyvakha, a prominent painter, in camera in the following month to five years’ labour camp [7]. Very little is known about his trial. He writes that he was accused of having, ‘as a morally unstable person . . . , fallen under the influence of hostile nationalist propaganda’, read books not passed by Soviet censorship,

[1] Description used in the petition of the 78 (UI, p. 186) and then by Chornovil (cf. ChP, p. 32), implying that there were not enough local ‘trustworthy’ stooges, so that they had to be brought in from elsewhere.

[2] ‘Radyans’ka Ukraina’ (Kiev).

[3] Full text in Ukrainian in UI, pp. 118–160; the letter alone, dated 10 March 1966, in ‘Suchasnist’’, no. 11 (1969) 92–4; and some extracts from the transcript in ChP, pp. 5–56 *passim*. The following month Skochok was dismissed from the staff of the paper.

[4] ChP, p. 153.

[5] With certain exceptions well defined in the law as it stands published; see p. 7, fn. 2 above and p. 20, fn. 5 below.

[6] ChP, pp. 102, 161–2. In these two sections, the trial of the two men is not expressly described as ‘closed’, but this is done with regard to Hereta on p. 37, and to the Ternopol’ trial on p. 39.

[7] ChP, pp. 39, 117–18.

expressed his own thoughts, etc. Among books and manuscripts confiscated from him was a copy of Taras Shevchenko's poem 'Dolya' ('Fate'), but without the author's name. Zalyvakha writes that 'learned' experts in L'vov classified it as an anti-Soviet nationalist poem by an unknown author [1]. The irony of this is that officially Shevchenko (1814–61) is described as 'one of the classics of world literature', an 'implacable revolutionary' who was 'close to... the Russian revolutionary democrats Chernyshevsky and Dobrolyubov' [2]. This poem was included in the English edition of his 'Selected Works' published in Moscow a year earlier [3], which shows that it is neither anti-Soviet (apart from everything else, it was written in 1858) nor nationalist even in the eyes of the Moscow authorities [4].

All the Kiev trials were held in March 1966. That of a medical student, Ya. Hevrych, took place on 9–11 March; a laboratory assistant, Yevheniya Kuznetsova [5]; a geologist, O. Martynenko; and a geodesist, I. Rusyn, were sentenced on 25 March; and a geophysicist, M. Hryn', some time during the same month [6]. Although these trials were secret – without any legal justification – the actual sentences were declared 'in public', since Soviet law admits no exceptions to this procedure, even for secret trials [7]. Even so, stooges packed the courtroom, and only a few genuine members of the public – three on 25 March [8] – managed to penetrate into it. In the first of these trials someone just managed to jot down the verdict, but at the second the vigilant 'others present' tore the notes from the hands of the two Writers' Union members [9]. In L'vov, the illegality of the procedure was taken a step further and reverted to the pre-1966 practice: even verdicts were announced in camera, and it is not known whether the authorities even bothered about the formality of packing the courtroom [10].

The first to be tried in L'vov was M. Masyutko, a retired teacher. Even the date of the trial was kept secret and no particular care was therefore taken to guard the courtroom door at all times. On the first day, someone managed to take notes of a part of the proceedings as heard through the keyhole, until a guard appeared and drove off the eavesdropper. These notes, as well as scraps of information from other sources, depict a travesty of justice worthy of Yezhov's and Beria's ablest pupils. The conduct of the case is somewhat reminiscent of that of Sinyavsky and Daniel, but compared with the judges in L'vov those in Moscow appear as paragons of justice and fairness. Masyutko was accused of having written some 'anti-Soviet' stories and being the author or co-author of several anonymous

[1] Zalyvakha's statement to the President of the Supreme Court of the Ukrainian SSR of 5 April 1967, ChP, pp. 127, 129–30.

[2] Shevchenko, 'Selected Works' (Moscow, 1964) pp. 11, 15, 16.

[3] *Ibid.*, p. 245.

[4] It is noteworthy that Ivan Drach, while in New York as a member of the Ukrainian SSR delegation at the UN General Assembly, expressed the view that Zalyvakha (who, with A. Shevchuk, received the second highest sentence) was among those who had 'taken part in these [propaganda] activities to the smallest extent', and promised to 'do everything so that... they will be released in the nearest future' (11 November 1966, p. 178 below).

[5] Cf. p. 183, fn. 1 below.

[6] For source references and further details, cf. the list of prisoners at the end of the book.

[7] Cf. p. 65, fn. 4, p. 66, fn. 1 below.

[8] Among them, two members of the Writers' Union, Lyubov Zabashta (a Party member) and Lina Kostenko (cf. p. 193, fn. 8 below and fn. 8 to p. 5 above).

[9] Named in fn. 8 above. ChP, pp. 40–1.

[10] ChP, pp. 41–2.

'anti-Soviet' articles, including 'On the Trial of Pogruzhal'sky' [1], 'On the Present and the Future of the Ukrainian People', 'A Reply to V. Symonenko's Mother, H. F. Shcherban'" [2], 'Twelve Questions to the Student of Social Sciences' [3], 'Contemporary Imperialism' [4], 'Ukrainian Education in the Russian Chauvinist Stranglehold' and some others [5]. While Sinyavsky and Daniel were confronted with conclusive evidence and had to admit authorship of the pseudonymous works, no proof or witness of Masyutko's authorship was produced. Instead, a commission of experts asserted that Masyutko was the author of the articles in question, on the basis of several very tenuous lexical and stylistic features [6]. When the commission definitely attributed all the items submitted by the prosecution to Masyutko (although, as he pointed out, some of them lacked several or even all of the features listed), the real author of one of the articles owned up. The second and third commissions of experts therefore had one item less to consider: this did not stop them from being just as definite in their mutually contradictory findings [7]. Unlike the Sinyavsky-Daniel trial, there was no evidence that Masyutko had disseminated the anonymous articles (or even his own works). Secrecy made up for lack of proof at the trial, and Masyutko was sentenced to three years' prison and three years' severe regime camps on 23 March [8].

Two days later, sentence was passed in L'vov on I. Hel' and Yaroslava Menkush. It is only after this series of trials extending over more than two months that the first report hinting at the scope of the operation appeared in the West [9]. Finally, on 18 April, still in L'vov, sentences were passed on M. Osadchy [10], Myroslava Zvarychevs'ka and the brothers Horyn', Bohdan [11] and Mykhaylo. M. Horyn', thirty-six, an industrial psychologist, like Masyutko before him, received the longest sentence: six years. The text of his closing statement on 16 April [12] has reached the West. It is one of the few longish continuous records of part of a court session in this series of trials. This closing statement indicates that the charges against M. Horyn' were based on the fact that in the course of nearly one year he had read and given to read to one or two of his colleagues

[1] Published in 'Suchasnist', no. 2 (1965) 78-84, and, abridged, in English under the title 'There'll always be a Shevchenko' in 'Atlas', xi 1 (Jan 1966) 36-8. Cf. also p. 16, fn. 8 below.

[2] A rejoinder to the letter published over her name in April 1965 (pp. 2, 3, fn. 2 above).

[3] Zalyvakha quotes Question 6 in his statement (p. 9, fn. 1 above) (ChP, p. 128).

[4] Cf. a quotation from it on p. 105 below.

[5] ChP, p. 59.

[6] For instance, the use of antithesis, rhetorical questions, the words 'chauvinism' and 'imperialism' in 'hostile' contexts, the use of the colon and of the pluperfect.

[7] ChP, pp. 58-63.

[8] Masyutko's own defence at his trial and his subsequent appeals are now fully documented in UI, pp. 63-117, where the names and positions of the ten academics who made up the first two commissions are also given in full (pp. 63, 71; cf. ChP, p. 60). On appeal, the Ukrainian SSR Supreme Court declared all three commissions' findings groundless and, upholding the other charges (writing the stories, keeping and, presumably, circulating the anonymous articles), commuted his sentence to six years' severe regime camps (UI, pp. 115-16). Even so, he was administratively transferred to the Vladimir prison in August 1967 for three years (see List of Prisoners below). Cf. also ChP, pp. 138-149, 232, and p. 147, fns 3, 4 below.

[9] Cf. p. 2 above.

[10] Cf. p. 189, fn. 1 below.

[11] Cf. pp. 177, 178, fn. 2 below.

[12] ChP, pp. 105-12. The intervening day between the closing statement and the sentence was a Sunday.

four Ukrainian books published abroad, and that he also had in his possession four manuscript articles (including the first and the last one of those mentioned in the Masyutko case [1]). Horyn' remarked: 'If my object had been to subvert Soviet authority [this object must always be present when Art. 62(i) UCC is applied, as it was applied to all the accused in this series of trials [2]], could these books not have been read, [even] without photocopying – merely by passing them from hand to hand – by fifty or a hundred of my close acquaintances?' [3] It would seem that the offence of reading and passing on similar matter among an equally narrow circle provided formal grounds for conviction in several other cases in this series [4]. It is clear, however, that M. Horyn's chief 'crime' was to have openly expressed the view that the Soviet regime's economic and nationalities policies were wrong and contrary to Marxism-Leninism [5].

This was the last trial of those arrested in August–September 1965. All the Ukrainian trials – unlike that in Moscow – had, so it seemed, successfully been concealed from the West, apart from the Swiss report, which quoted numbers of arrests, but no names of prisoners except for I. Svitlychny, nor was this report confirmed by any other paper. Svitlychny, however (the only one whose arrest had been foreshadowed by a denunciation in the press [6], and who was too prominent to disappear from Kiev without arousing comment), was also reported by several other papers early in April to have already been sentenced and exiled [7]. This was denied on 21 April in a statement by a Soviet official source, the first Soviet official statement about the arrests in the Ukraine ever to be published in the press – in the London 'Daily Telegraph', as it happens [8]. The statement, like several other subsequent official statements discussed below, conceals and misrepresents more than it clarifies: coming after the trials of eighteen intellectuals and students spread over the preceding three months, it managed to pass them over in silence; the length of Svitlychny's detention was played down; and 'defamatory' anti-Soviet activities – never since proved – were imputed to him, for which, the statement predicted, he would stand a 'Sinyavsky-type trial . . . in Kiev soon'. Barely a week passed, however, before he was released without an indictment or trial [9], while the CC CPU prepared a confidential letter to be read to the members of writers' and artists' organisations alleging contrition on the part of the prisoners. Isolated phrases taken from Svitlychny's evidence during his preliminary investigation in particular were quoted out of context to demonstrate his 'deep repentance' [10]. The news of his release, together with the story about 'repentance', reached foreign correspondents in the USSR within a month. They reported that he had 'confessed to assisting western Ukrainian nationalist groups and arranging for the publication of anti-Soviet literature in European émigré journals' and 'had been released with a warning against continuing his anti-Soviet activities' [11], or that 'he had confessed to having been in touch with sub-

[1] p. 10 above.

[2] Cf. p. 102, fn. 1 below.

[3] ChP, pp. 105–6; cf. also p. 57 fn.

[4] ChP, pp. 53–7 and *passim*.

[5] ChP, pp. 105–12 *passim*.

[6] Cf. pp. 2, 3, fns. 2, 3 above.

[7] Cf. p. 175, fn. 4 below.

[8] Doc. 16.

[9] Cf. p. 177 below.

[10] ChP, p. 74.

[11] P. Grose reporting from Kiev, 'New York Times', international edition (Paris) 2 June 1966, p. 4.

versive organisations and to have distributed anti-Soviet pamphlets' and 'had understood his mistakes' [1]. But the Soviet Embassy in Canada did even better: it managed to convey in a press release that Svitylchny was free while implying, without actually saying so, that he had never been arrested [2]. Without examining the records of Svitylchny's investigation and knowing the techniques used in it, it is, of course, impossible to tell whether there is any element of truth in the reports about his 'repentance' and 'confession'; that they are highly unlikely may be deduced from Svitylchny's own words written later in the same year about his experiences [3]. Whatever confidential letters were put about concerning Svitylchny inside the USSR, attempts were made to project a favourable image of him abroad, 'as though nothing had happened'. In this connection, 'News from Ukraine', a weekly published solely for Ukrainians abroad [4], printed Svitylchny's translation of a poem by Béranger at the end of June, followed by a review article dated 24 August 1966 [5]. The latter was accompanied by an editorial biographical note stating among other things that Svitylchny's work had 'attracted the attention of readers both in the Ukraine and abroad by interesting new ideas, outspokenness and originality'. The review dealt chiefly with V. Symonenko's 'Bereh chekan' ('Shore of Expectations'), a selection of his poetry and the diary published at the end of 1965 in New York by the Ukrainian émigré publishers 'Prolog'. This book apparently included those very items which Svitylchny was to be charged with smuggling abroad and which had been deemed anti-Soviet for the purpose [6]. Predictably, there is not a word about 'smuggling'; the delicate question of the diary is avoided altogether; and all Symonenko's poems, including those not yet published in the Soviet Union, are described as definitely not anti-Soviet [7].

The secret – and therefore unlawful – trials were over. Unlawful sentences had been passed. The prisoners had been transported to the north-east, into another Republic. The normal pattern prevailed, as it had done for decades. It should have been completed by the equally normal blanket of silence. Yet, while the truth about the Moscow trial was revealed in A. Ginzburg's typewritten 'White Book', a formidable dossier was also compiled by Vyacheslav Chornovil in Kiev, in which he indicted the investigating and judiciary agencies of several regions in the Ukraine for serious crimes against justice, with full references to the chapter and verse of Soviet law. Three weeks after the last trial he sent this 55-page

[1] AFP dispatch from Moscow, 28 May; 'Neue Zürcher Zeitung', 3 June 1966, p. 3. A shortened version of the same dispatch about his release, but not mentioning his 'confession', appeared first in 'Le Monde', 29–30 May 1966, p. 3.

[2] p. 176 below. The misleading nature of the press release is illustrated by the Toronto 'Globe and Mail's' (30 May 1966, p. 4) paraphrase: 'A release from the Soviet Embassy on Friday denied that the men had been arrested...'

[3] p. 31 below.

[4] Cf. p. 185, fn. 1 below, and ChP, p. 13.

[5] 'Visti z Ukrainy', no. 26 (412) (June) and no. 35 (421) (Aug 1966).

[6] Such, at least, is the conclusion to be drawn from the documents quoted on p. 3, fns. 2, 3 above, and p. 175 below.

[7] In view of the character of the paper in which the review was published and of Svitylchny's status after his release, it would be reasonable to assume that he was directed to write this review, and was probably assisted by the authorities concerned in writing it. A detailed textual analysis would be necessary to establish the extent of any such assistance. In the years since his release, Svitylchny has been permitted to work as a translator of Western poetry, but not as a critic.

document [1], together with supporting evidence running into another hundred and fifty pages of typescript [2], to the Procurator and the Chairman of the KGB of the Ukrainian SSR. The man responsible for this documentation, V. Chornovil, aged twenty-eight, a native of Cherkassy Region south of Kiev, had a blameless, even exemplary background as a young Soviet communist [3]. But even such an exemplary Young Communist may become suspect: on 30 September 1965 he too was served with a search warrant 'to discover and confiscate documents of anti-Soviet content duplicated by him' [4]. No such documents were found, and he was therefore not arrested, but the KGB agents nevertheless removed various personal and literary notes and 190 books and journals, nearly all published in 1919-44 in the Western Ukraine, hardly any of them 'anti-Soviet'. Chornovil protested against this unjustified action; eleven weeks later some books were returned, while fifty-five others were retained for unknown reasons [5]. He also spoke in the 'Ukraine' cinema in support of Dzyuba's appeal [6], for which he was dismissed (told to hand in his 'voluntary' resignation) from his editorial work on 12 November 1965 and was refused admission to post-graduate work at Kiev Pedagogical Institute, although he had meanwhile passed the qualifying examination for a candidate's degree (approximately equivalent to a Ph.D.) with excellent results. In the following year he was forced to undertake a variety of jobs: to work for another Kiev paper ('Druh chytacha'); to join a meteorological expedition in the Carpathian Mountains; to return to Kiev as advertising inspector for a book trade organisation. He was finally forced to leave Kiev and go to L'vov, where he found work with the Nature Protection Society. Official sources were spreading false rumours in the meantime about those arrested [7]. On 15 September, Chornovil protested about them to the CC of the Komsomol of the Ukraine and to the CC CPU [8], and began to collect factual information about the individuals arrested and the trials. He was himself summoned as a witness to the last trial in L'vov and duly appeared on 15 April, but refused to testify at a trial in camera because he 'did not wish to take part in a flagrant violation of socialist legality'. He was immediately attacked by the procurator as 'an enemy who had no right to speak of socialist legality' and charged with refusal to testify

[1] ChP, pp. 1-73 (cf. p. xvii above).

[2] It is listed in ChP, pp. 4-6 (16 items). Of this, only parts have been published in English so far: excerpts from item no. 9 (cf. p. 8, fn. 3 above), no. 11 (notes of the first day of Masyutko's trial: cf. p. 9 above and ChP, pp. 61-2) and most of no. 14 (S. Karavans'ky case documentation: ChP, pp. 170-80, 186-96); items no. 2-4, 6-13 and parts of no. 16 are available in Ukrainian in UI, pp. 15-39, 63-163, 176-191.

[3] In 1955 he finished secondary school with a gold medal and entered the Faculty of Journalism of Kiev University. In 1958, mid-way through his course, he took a year's leave to work as a volunteer on the construction of the Communist Youth League (Komsomol) blast furnace in Zhdanov. He graduated with distinction in 1960, and worked until 1963 first as an editor, then as chief editor of youth programmes for L'vov Television, and later as secretary of the Komsomol committee at the administration of the Kiev Hydro-electric Power Station's right-bank construction site. From January 1964 he was a radio newsreel editor at this site, and in September of the same year became head of a department in the editorial office of the daily 'Moloda gvardiya', the organ of the CC of the Komsomol of the Ukraine. Komsomol member since 1952.

[4] ChP, p. 5, item, and cf. p. 18. The text of the warrant is in Russian (cf. UI, p. 19) - just one more example which casts doubt on Maria Kikh's (p. 180 below) assertion that in the Ukraine 'Ukrainian is an official language . . .'

[5] ChP, pp. 5, 11. For very revealing lists of confiscated matter see UI, pp. 19-36.

[6] Cf. p. 4 and fn. 7 above.

[7] Cf. p. 6 above.

[8] ChP, p. 5, item 7, and the letter referred to in fn. 7, p. 4 above.

[1]. But this charge was dropped within three days, and the court decided to prosecute Chornovil under the flexible and much harsher Art. 62 UCC which had been used for indictment in all the preceding cases [2]. The Ukrainian SSR Supreme Court, however, reversed the court's decision on 17 May, and on 8 July he was indicted on the original charge and awarded the maximum penalty of three months' correctional labour provided for by Art. 179 UCC [3].

As we have seen, Chornovil had, in the meantime, submitted to the Procuracy and the KGB his dossier of crimes against justice committed by the courts themselves; a fortnight later, he delivered another copy, with a separate covering letter [4], to the First Secretary of the CC CPU, P. Shelest, and a further copy to the President of the Ukrainian SSR Supreme Court, V. Zaychuk, in December. It was a formidable list of violations of the law, supported by many actual instances (it is clear that many more facts could have been quoted if most trials had not been held in secret). Some of these violations have been described above, the most flagrant being the holding of trials in camera; among others were: unjustifiably protracted detention before trial; length of interrogation exceeding permitted limits; unjustifiable bias in selection of evidence; failure to notify the next of kin of arrest, trial, or even sentence; confiscation of objects not related to the case; falsification of the record resulting from refusal to accept depositions in the prisoner's own hand or his amendments to the record; failure to examine, or to announce the contents of, documents in court on which the indictment rested; and many others [5]. On receiving a dossier containing such serious and well-documented accusations, the authorities might have been expected to institute an inquiry and make amends for the violations of the law [6]. Yet no more was heard of the matter and a whole year went by before Chornovil was at last summoned to the L'vov Procuracy in May 1967 and told, somewhat incongruously: 'The stuff you sent to Kiev has been passed to us, but we will not prosecute you because at the time when you sent it the new Article of the UCC, according to which such activity is also a matter of criminal responsibility [7], had not yet been adopted.' Chornovil is reported to have replied: 'You will probably have to prosecute me after all because I have prepared another similar document [8] and I already posted it

[1] Under UCC 179 (corresponding in part to RCC 182) which provides *inter alia* for 'the refusal by a witness to give testimony' to be punished 'by correctional labour for a term not exceeding three months, or by a fine not exceeding twenty roubles, or by social censure' ('correctional labour' does not here involve deprivation of freedom; it consists of a 20 per cent deduction from the individual's earnings while he either keeps his previous employment or is sent to a different one within the same district). There is no provision in Soviet law expressly permitting a witness to refuse to testify at a trial at which substantial violations of the law are committed by the judges, but it is explicitly stated that if such violations of criminal procedure law take place (including infringements of the provision for open judicial examination of a case), the judgments passed must be voided (UCCP 370 (ii); cf. p. 66, fn. 2 below).

[2] Cf. p. 11, fn. 2 above.

[3] ChP, pp. 8-9, 35-6, 75, and Epilogue below. For full details of the trial, see UI, pp. 40-60.

[4] ChP, pp. 73-5.

[5] ChP, pp. 2-73 *passim*.

[6] This would be regarded as normal in any country with civilised legal standards, and in fact happens - though not always - in the Soviet Union when abuses by the judiciary are discovered in connection with prosecution for non-political crimes. Indeed, special regulations on the procedure for examining citizens' petitions and complaints exist (cf. p. 161, fn. 1 below).

[7] *Viz.* Art. 187-1 (cf. p. 162, fn. 1 below).

[8] i. e. 'Lykho z rozumu', abridged in ChP, pt ii (cf. p. xvii above).

last week.' [1] This came true within a few weeks: KGB men searched his flat for six hours, confiscated yet more old books and some manuscripts, including copies of various protests and documentation sent by him to the authorities over the preceding two years. No 'subversive' manuscripts were found, except some text recorded on film which may well have been planted. Chornovil was arrested on 3 August at the end of the search and sentenced on 15 November 1967 to the maximum term provided for by the new Article to which the L'vov Procuracy referred in May [2]. The trial was held in public, and was attended by Dzyuba, Svitlychny and his sister Nadiya, Lina Kostenko [3], Chornovil's wife, one of the advocates who acted for the defence at the Sinyavsky and Daniel trial [4], and a number of L'vov University students. The positions taken up by the opposing sides at Chornovil's trial, and the issues involved, can be pieced together from various documents. The prosecution's attitude can be gathered from an interview with a spokesman of the Ukrainian SSR Procuracy [5] and O. Poltorats'ky's article [6], while the case for Chornovil is outlined in his own closing statement at the trial, his letters, and appeals on his behalf by members of the public [7]. All the evidence suggests that Chornovil was wrongly convicted. Art. 187-1 UCC which was invoked in his case covers the circulation of '*known falsehoods*' [8] derogatory to the Soviet state and social system', the essential prerequisite without which the Article cannot be applied; yet from the evidence available it appears that the prosecution made no attempt to isolate assertions in the documentation sent by Chornovil to official personalities and prove that they were in fact '*known falsehoods*' [9]. The only definite statement on this subject is Poltorats'ky's assertion, published after the trial, that 'Chornovil lies shamelessly . . . alleging that Karavans'ky "was persecuted by the Rumanian security police"' [10]; this may or may not be true, but cannot in either case be considered '*derogatory to the Soviet* [11] state and social system' [12].

One shock – the unexpected appearance for the first time in many decades of a public protest against the arbitrary actions of the authorities – was followed by another – the exposure of these actions in minute detail by Chornovil. A third shock was still in store for the Soviet authorities: the dissidents who had seemed so securely muzzled through secret trials and deportation far from their homeland suddenly made themselves heard from the remote and closely guarded Mordovian camps. Copies of their protests addressed to various authorities spread far and

[1] The four official personalities to whom it was posted are named on p. 167 below. For a different – hardly more reliable – account of this interview, cf. pp. 186-7 below.

[2] Cf. p. 187, fns 6, 9 below.

[3] Cf. Doc. 14 below.

[4] Probably Kisenishsky (the other defence counsel was Kogan).

[5] pp. 186-7 below.

[6] p. 201 below.

[7] Docs. 12-15, Doc. 25, p. 192, and two replies to Poltorats'ky's article: Doc. 30, pp. 205-6 below, and an open letter from Vasyl' Stus (a young Kiev poet and critic) to the Presidium of the Writers' Union of the Ukraine ('Suchasnist', no. 4 (1969) 76-81).

[8] Editor's italics.

[9] Cf. p. 164, and an account of those present at the trial, pp. 167-8 below.

[10] pp. 202-3 below.

[11] Editor's italics.

[12] Chornovil's term of detention, served in a labour camp in the Ukraine, was due to end on 3 February 1969. He has since been reported as living in L'vov relatively free from police harassment.

wide through the Ukraine and the USSR. They reached the outside world [1], instead of remaining safely in the filing cabinets of the higher authorities or even in the camp offices. Some of the documents were posted direct to the official addresses and reached the general public from there thanks to sympathetic interest shown by some official or employee in the office concerned, while others were sent through intermediaries, such as Chornovil [2] and Svitlychny [3]. The deportees of 1966 set the ball rolling [4], but they were soon joined by prisoners of longer standing [5].

The most remarkable and best-documented account produced by the latter covers the so-called 'Jurists' Case' in 1961 [6]. Typically for the pre-1966 period, this trial in L'vov was held – quite illegally – in complete secrecy, and the very fact, including the sentences, was concealed from the public at large. However, in order to account for the sudden disappearance of at least one of those concerned, rumours – utterly devoid of foundation, as it now transpires – were spread around the immediate neighbourhood alleging the discovery at the time of arrest of espionage equipment: a radio transmitter, American dollars, American-printed anti-Soviet literature, etc. [7] Nevertheless, elements of the truth somehow seeped out, and, apparently somewhat distorted in the course of transmission, reached Kiev, where the first known written reference to the case occurs in 1964 in the manuscript pamphlet 'On the Trial of Pogruzhal'sky' [8]. The pamphlet

[1] There must be a variety of channels by which protests may be sent out of the camps, apart from the ordinary postal service where they are liable to be intercepted (cf. p. 161, fn. 1 below); one can think of visitors, free labour from outside employed in the camps, and prisoners leaving the camps after completing their term. The authorities must have imposed more stringent checks now, for the number of documents coming from the camps dropped considerably in 1968.

[2] This applies to Doc. 11 (cf. pp. 153, 161 and 167 below), apparently to some documents reproduced in ChP, pp. 91–221 *passim*, and possibly to some others.

[3] Notably Docs. 2–6 (cf. p. 31 below).

[4] Docs. in ChP, loc. cit., and, of more recent dates, Docs. 8–11 below.

[5] Such as Dr V. Horbovy, sentenced to twenty-five years in 1949 without trial (cf. p. 71 below, and ChP, pp. 207–8), and Yu. Shukhevych-Berezyn'sky, unlawfully imprisoned in 1948 for ten years and given another ten years on expiry of the first term (ChP, p. 208); he is now free. Their two documents are published in Ukrainian in 'U pivstolit'tya radyans'koyi vlady' (Paris, 1968) pp. 47–62.

[6] Docs. 2–7 below.

[7] This happened in the case of the main defendant, L. Lukyanenko (p. 83 below). It is not known whether similar rumours were also spread about the other six prisoners. Rumour-mongering was also attempted in 1965 (cf. p. 6 above).

[8] Cf. p. 10, fn. 1 above. The main subject of this anonymous pamphlet is the trial in August 1964 of a senior librarian, V. Pogruzhal'sky, who set fire on 24 May 1964 to the greatest library in the Ukrainian SSR, the State Public Library (now Central Scientific Library) of the Academy of Sciences in Kiev. The official version blamed the fire on an act of private revenge against the Library administration (I. Bilodid's article in 'Visti z Ukrainy', no. 23 (June 1965) 5). The pamphlet maintains that this crime, which led to the destruction of some 600,000 books and archives relating to Ukrainian history and culture, was a deliberate act of Russian chauvinism aimed at the spirit of the Ukraine. It quotes facts suggesting that Pogruzhal'sky did not operate single-handed, and that the court hushed this up. The pamphlet also points to similar fires in two national libraries in Central Asia, at Ashkhabad and Samarkand, about which nothing is so far known from other sources. (For an eyewitness report of the Kiev fire, cf. 'Problems of Communism', xvii 4 (July-Aug 1968) 15.) Two further recent library fires, both of which occurred on 26 November 1968, can be added to this list. In the Vydubetsky Monastery in Kiev, 150,000 volumes of Hebraic collections as well as Ukrainian archives saved from the Academy Library fire in 1964 were gutted. The other fire destroyed the Great Synagogue in Odessa with its library of Jewish documents. (P. Grose, 'Archive Fires in Ukraine Stirring Suspicions of a Plot', 'New York Times', 20 Feb 1969.) (According to 'Prolog' of New

stated that 'a few years ago, a group of Kiev and L'vov jurists, who wanted to raise before the Supreme Soviet and the United Nations the question of colonial oppression in the Ukraine and the disregard of even the limited Stalinist Constitution, were savagely dealt with: a secret "trial" and firing squad were the answer to an attempt to speak up for the rights of an enslaved nation. In order to prevent posterity from learning about this, all records of the investigation and trial were destroyed. . . . If the gagging and secret liquidation of political opponents is democracy, then what is fascism?'

It is now known from the documents available that the one death sentence passed was in fact commuted to fifteen years; parts of the trial documentation, which ran into as many as ten volumes, have been preserved by the prisoners, who quote from them [1]; and there is no confirmation that the court records of the case have actually been destroyed.

The case can be briefly outlined as follows: the seven men, all of working-class or peasant origin and utterly impeccable Soviet backgrounds [2], planned to form an organisation, provisionally called the 'Ukrainian Workers' and Peasants' Union'. Its aim was to conduct propaganda by peaceful means in favour of the secession of the Ukrainian SSR from the USSR, as provided for in both their Constitutions, 'until such time as the expediency of the secession of the Ukrainian SSR from the USSR was put for decision before the Supreme Soviet of the Ukrainian SSR or to the citizens of the Ukrainian SSR by a referendum' [3]. They were denounced by a KGB agent, and indicted for treason on the allegation that their aims were 'to struggle against the Soviet state system', to struggle against 'the CPSU and its Marxist-Leninist theory' and to struggle 'for severing the Ukrainian SSR from the USSR and the creation of a so-called "Independent Ukraine"'. There was no evidence for either of the first two allegations, and the second is not even an indictable offence under Soviet law. The last allegation alone contains an element of truth: the UWPU draft programme did advocate secession (though even this was abandoned after further discussion). The right to secession is, however, explicitly written into the Soviet Constitution, and Soviet constitutional lawyers often stress the reality of this right in terms such as these:

The Ukraine, like each [Union] Republic, has at all times the right to secede at its own wish from the USSR. The right of secession of a Union Republic, which cannot be annulled or altered by Union authority, gives the people of a Union Republic the opportunity to express their will regarding the most important issue – the form of the Republic's statehood [4].

York, there were another three fires in the Vydubsky Monastery, two in mid-December 1968 and one in January 1969.) It is said that Pogruzhal'sky, sentenced for arson to the maximum term of ten years' deprivation of freedom under UCC 89 (ii) (corresponding to RCC 98 (ii)), five years to be served in prison and five in an intensified regime (cf. fn. 2 on p. 46 below) camp, is in fact not serving this punishment, and this strengthens the suspicion of the role played by the authorities in the Academy Library fire.

[1] Particularly the Judgment in Doc. 6, pp. 55–8, and Docs. 2–7 *passim* below.

[2] Four Party members, one Komsomol member; of the former, one was a graduate of a Higher Party School, two worked as Party propagandists, one as a Procuracy investigator, one as a lawyer; of the two non-Party members, one was a lawyer and the other belonged to the militia.

[3] p. 36, fn. 2, and p. 37, fns 1, 2 below.

[4] Editorial in the official Soviet Ukrainian law journal 'Radyans'ke pravo', no. 1 (1966) 4.

This right implies freedom to advocate its implementation, and, as the prisoners pointed out, peaceful, constitutional [1] agitation to implement such a right cannot be deemed in any way criminal. 'Severing', however, implies violence, and was inserted into the indictment (although the group had never accepted violence as a method of action) to enable the prosecution to bring this aim of the group within the provision of the last item in the article on treason, 'conspiracy for the purpose of *seizing power*' [2]. In order to justify the insertion of 'severing' – a crucial word with all its implications – 'evidence' had to be manufactured. For this purpose, a member of the group, V. Luts'kiv, was bribed with promises and terrorised into knowingly signing false testimony that he had urged the others to armed struggle against Soviet rule, and that Lukyanenko had also spoken in favour of it; in return, Luts'kiv was promised his freedom. The court recorded in its judgment on the strength of his testimony that 'Speaking at the gathering . . . Luts'kiv called . . . for armed struggle against the Soviet order', although three of the other four present at the meeting testified that Luts'kiv had not spoken at all on that occasion (the fifth man was the KGB agent, M. Vashchuk). Luts'kiv had no inkling that he was signing his own sentence and not his freedom warrant: he received a sentence practically as harsh as those of the others. It became quite clear to him after three years that this was no sentence 'for show'. He began to write to various authorities revealing that his whole testimony was false, as well as how and by whom it had been obtained from him [3]. This should have led directly to a review of the case [4] which would have meant an admission of criminal malpractices on the part of the KGB investigators who had forced Luts'kiv to sign testimony which they themselves had fabricated. It is hardly surprising that the KGB arranged that this should not happen; its investigators prefer that the innocent should remain in their labour camps rather than allow themselves to be prosecuted [5].

This is the most important aspect of the jurists' case from a legal point of view, but the documents reproduced in this book contain a wealth of other detail, ranging from particulars of other illegalities committed by the prosecution and the basic denial of justice involved in secret trials to the conditions of camp life. These documents throw light on the ideas held by the accused, on what led them to believe that the Ukraine, in its subordinate position within the USSR, was as ripe for independence as other colonial territories, and on the chauvinism of the KGB investigators, so frankly expressed behind the locked doors of an investigation prison. The contempt of these investigators for the provisions of the Soviet Constitution is particularly memorable: in reply to Lukyanenko's statement that his aim was to settle the secession question by a referendum among the Ukrainian SSR population, one of the KGB officers blandly asserted that, if mass demonstrations were organised in the cities after a referendum to demand secession, the Govern-

[1] Thus the UWPU draft programme: pp. 42, 60 and 62 below.

[2] Editor's italics; cf. p. 41, fn. 2 below.

[3] Cf. p. 64, and Docs. 3 and 5 below.

[4] 'Judgments . . . of a court which have taken legal effect may be voided on the basis of newly discovered circumstances. The following shall be considered newly discovered circumstances: (1) . . . incorrectness of the testimony of a witness . . . ; (2) . . . abuses by . . . an investigator or a person who has conducted the inquiry into the case . . . ' (UCCP 397; cf. RCCP 384).

[5] 'Abuses by . . . investigators [or] persons who have conducted the inquiry . . . shall constitute grounds for reviewing a case only in the event that these abuses have been established by a court judgment which has taken legal effect . . . ' (ibid.).

ment would not hesitate to crush them with troops stationed in the cities for this very purpose [1]. August 1968 has amply shown that the Soviet authorities are ready to do this and more to crush even an independent nation's legitimate expression of its will.

Even less had been known until the arrival of these documents from the Mordovian camps about the great number of other Ukrainian political prisoners sentenced throughout the post-Stalin period, both in groups and individually. Kandyba lists two organisations, a 'United Party for the Liberation of the Ukraine' and a 'Ukrainian National Committee', the aim of both having been to demand the secession of the Ukrainian SSR. Their members were almost all workers, seven in one case and twenty in the other. At their trials in 1959 and 1961 several death sentences were passed, of which two were in fact carried out; all other members were sentenced to long terms of detention [2]. There have been many more political group cases, though mostly with fewer members in each, and Kandyba estimates that individual cases from all parts of the Ukraine are numbered in hundreds; the names and sometimes particulars of some of them are found in the documents below [3].

The extent of the ferment and discontent in the Ukraine, and the degree to which the central regime in Moscow regards this ferment as a danger to the integrity of its empire, may be gauged from the scale of repressive actions against the dissidents. A Ukrainian prisoner, Masyutko, estimates that Ukrainians comprise 60 or even 70 per cent of all political prisoners in Mordovia [4]; a Russian prisoner, A. Marchenko, confirms that among political prisoners in Mordovia 'there are particularly many Ukrainians and people from the Baltic republics – Lithuanians, Latvians and Estonians' [5]; while Andrey Amal'rik told a Western correspondent in Moscow that 'more than half the prisoners [6] in our camps these days are so-called bourgeois nationalists – Latvians, Lithuanians, Georgians, Ukrainians and the rest' [7]. In absolute figures, the numbers of Ukrainian political prisoners in the Soviet Union may be of the order of thousands [8].

This prevalence of nationalities other than Russian, and of Ukrainians in particular, in present-day Soviet labour camps prompts a question about the legitimacy of the attitude of the Soviet authorities towards manifestations of national feeling among their non-Russian subjects, however reprehensible their methods may be. No strongly unitary state, such as the Soviet Union is in practice, can welcome disruptive movements in its midst, particularly in an area which it rightly or wrongly regards as so vital to the prosperity and integrity of the country as the Ukraine. It is, however, characteristic of the USSR in this field, as in so many others, that practice is diametrically opposed to the theory on which the regime depends for its legitimacy. Lenin's policy of equality for all nationalities of the former Russian Empire, including even the right to secede if they so desired, is part of the official Soviet gospel and is embodied in the Constitution. Any

[1] p. 89 below.

✓ [2] pp. 69–70 below.

[3] Chiefly pp. 80–1, 100–1 below.

[4] p. 97 below. Another prisoner estimated that Ukrainians comprised 50 per cent of the total Mordovian camp population (UI, p. 170).

[5] 'My Testimony', p. 321.

[6] Apparently political prisoners alone are meant.

[7] A. Shub writing in the 'International Herald Tribune', 31 Mar 1969.

[8] Cf. p. 1, fn. 5 above.

dissatisfaction among the population which comes to centre on national identity therefore places the authorities in an impossible situation, the easiest – and most unjust – answer to which is to suppress it by force. One might also ask whether some at least of these political prisoners [1] have not in fact deserved their punishment, however hard it may be, under the Soviet ‘*dura lex, sed lex*’. It might be said that the present account is based almost entirely on the prisoners’ own writings and states only one side of the case [2]. The prisoners’ statements have, however, been corroborated by Svitlychny [3], who was exonerated by the authorities [4], and thus provides independent support to the evidence. Moreover, because secret trials are *prima facie* unjust [5], whatever the regime under which they are held, their victims must in all fairness be presumed to be innocent; the very secrecy of a trial creates a strong and sufficient presumption that injustice is being perpetrated. Indeed, sentences passed at such trials are invalid under Soviet law [6]. Thus, since it is known that virtually all political prisoners in the Soviet Union are sentenced in secret, it follows that those detained in their thousands in camps and prisons are not only presumably innocent but are also serving sentences which are not valid in law.

Nevertheless, the opposing point of view has not been excluded from the present collection of documents. While the present volume does not contain all known documents for the prisoners [7], *all* known documents ‘for the prosecution’ which relate to the 1961–7 arrests in the Ukraine, or protests against them, have been included. The innumerable official speeches and articles calling for increased ideological vigilance and a struggle against ‘bourgeois influences’, though partly occasioned by the present ferment, have been excluded if they contain no specific references to the arrests or protests.

So far, there has been no official Soviet allusion to the jurists’ case (nor, for that matter, to any pre-1966 political trials), though, of course, the prisoners themselves quote their investigators’ opinions as expressed during the investigations, the prosecution’s accusations and the final indictment. Much can indeed be learnt about the attitude of the prosecution and the KGB, before and during the trials, as well as in the camp, from ‘The Chornovil Papers’ and all the prisoners’ writings [8].

The first official statements in April–May 1966 referred solely to Svitlychny and Dzyuba and were intended only for the foreign press; their misleading nature has been discussed above [9]. Late in September 1966 there appeared the first

[1] The concept ‘political prisoners’ should be understood in the same narrow sense as that of ‘political trials’ (p. 1, fn. 6 above).

[2] Cf. a similar complaint by a spokesman for the prosecution, pp. 185–6 below.

[3] Doc. 1 below.

[4] p. 12 above.

[5] Excluding trials held in camera for fair and legal reasons, such as defined in RCCP 18, UCCP 20 (cf. p. 84, fn. 2 and p. 85 below).

[6] UCCP 370 (ii) (9) (cf. p. 66, fn. 2 below).

[7] Among those excluded are ChP, documents from or concerning prisoners arrested before 1961 or after 1967, documents published in the original after March 1969, ‘subversive’ documents for the possession of which the prisoners were indicted (see pp. 9–10 above), and documents relating to discrimination and persecution other than imprisonment. They are, however, listed in the Bibliography at the end of the book, under the subheading ‘“Unpublished” Writings’.

[8] Cf. particularly Doc. 11, p. 127, and *passim*.

[9] Docs. 16 and 17 below: cf. pp. 11–12 above.

– and for nearly two years the only – reaction in Soviet print to the arrests, or rather to Western reports about them. Following the reports early in April in Zürich, London and New York [1], some Ukrainian émigré papers, fearing the worst, wrongly assumed that Dzyuba had not been released after interrogation. They coupled his name with Svitlychny's in their expression of indignation at the 'arrest and exile to Siberia' of the two critics. The Kiev satirical paper 'Perets' (the opposite number to the Moscow 'Krokodil') used this as a pretext for a scurrilous lampoon on Dzyuba, in which it was pointed out among other things that the reports of his arrest and deportation were completely without foundation. 'Perets' summoned him to 'express his attitude to the anti-Soviet campaign conducted [abroad] around him'. Svitlychny's name or the existence of the 1965–6 arrests and trials of other Ukrainian intellectuals were not even hinted at [2].

A reflection of the official version of the arrests is apparently contained in parts of Ivan Drach's statement in New York on 11 November 1966 [3]. The reference there to alleged former connections with militant nationalist organisations and the Gestapo (this latter allegation was dropped in Docs. 23 and 29) would seem groundless, except in the case of S. Karavans'ky (cf. below) who did belong to a Ukrainian nationalist organisation. The justification of the arrests as a preventive measure against a possible formation of 'underground nationalist organisations' [4] is significant.

As more news seeped out about the trials, the names of the prisoners and details of indictment and defence, further reports began to appear in the West from October 1966 onwards. Among the last of these was a report in the 'Sunday Telegraph' of 8 January 1967 – a paper most unlikely to be read by Maria Kikh, the director of the Ivan Franko Literary Memorial Museum in L'vov. Yet she was apparently sufficiently moved by this report to address a letter to the Editor [5]. The original report which quoted some names and terms of imprisonment spoke of the arrest, trial and deportation of Ukrainian intellectuals who had protested against Russification and demanded equality for the Ukraine and official status for the Ukrainian language; it also quoted Drach's confirmation in New York that the trials were held and that there was discontent in the country. Maria Kikh ignored all this and flatly asserted that there was no Russification in the Ukraine, supporting this by statements hardly any of which turn out to be true on examination [6]. (For some reason, she also forgot to mention that she was a member of the standing committee on learning and culture of the Ukrainian SSR Supreme Soviet.)

There are good reasons for classifying as a reflection of the official point of view a holograph letter of December 1967 from a former prisoner, the late Yevheniya Kuznetsova [7], to two Swedish scientists who had interceded on her behalf with the Soviet authorities, since it was undoubtedly dictated by the appropriate authorities, probably either the KGB or the Procuracy [8]. This assumption rests on the general tone of the letter, the stress laid on the admission of 'errors' (it

[1] Cf. p. 2 above.

[2] Vasyl' Osadchy's article, 'Perets', no. 17 (747) (Sept 1966) 5.

[3] Doc. 18 below.

[4] p. 178 below.

[5] Doc. 20 below.

[6] Cf. footnotes to Doc. 20.

[7] Cf. p. 9 above and Doc. 22 below.

[8] The letter was quoted from four months later by a departmental head in the Ukrainian SSR Procuracy: p. 187 below.

is an established fact that extracting an admission of guilt from a sentenced prisoner is one of the KGB's prime objectives), and also on the attempt to conceal Kuznetsova's detention outside the Ukrainian SSR, contrary to the 1956 decree that a prisoner must be detained in a camp within the boundaries of his native Republic [1].

Meanwhile, the Chornovil documents reached the West, and reports about the facts disclosed in them, and in the Kandyba document from the jurists' case, began to appear, notably in 'The Times' of 7 February and the 'New York Times' of 8–10 February 1968. In order to combat the effect created by these disclosures, the Ukrainian SSR Procuracy put out a statement by H. Maly, one of its departmental heads, about the arrests, the longest and most significant statement so far. It was included in a Ukrainian-language broadcast beamed abroad on 12 April; it was then reprinted in Ukrainian, and then in an inaccurate English translation, in publications produced for Ukrainians abroad [2].

Very significantly, Maly does not deny the authenticity of the prisoners' letters published in Ukrainian before April 1968 and now appearing in English; he merely complains that they give 'only one side of the story'. But for all its length – some 1400 words – Maly's statement manages to say very little for 'the other side of the story', and what it does say is mostly irrelevant, misleading or even defamatory. Only three of the many prisoners are actually named: Chornovil, a central figure who cannot be passed over in silence; Kuznetsova, who 'repented' and was now free; and Karavans'ky, with a conveniently 'deplorable' past. Apart from this, an unspecified number of people are stated to be guilty of unspecified 'anti-Soviet activities', 'serious crimes against their homeland, their Government and people'. Kuznetsova's 'guilt' is likewise described as 'anti-State activities', while Karavans'ky is 'an inveterate enemy . . . paying for his great crimes against the people'. Neither does the background of all these individuals, as described by Maly, give any clue to the exact nature of their 'crimes': 'The persons concerned were ordinary people, of a type many of which can be found in any country, people who are excessively ambitious and sometimes lack the elementary virtues of a citizen.' The repeated insistence that 'no "eminent intellectuals"' were involved, that they were all 'ordinary people', sounds very much like an admission that intellectual eminence would have kept them all out of courts and labour camps.

According to Maly, 'trials were held – on general grounds', but he overlooks the law specifying the grounds on which trials may be held in camera. The Chornovil documents were already available in the West to anybody interested in the subject and known to many in the USSR, yet Maly describes them as 'slandorous letters which distorted the facts beyond recognition', in which Chornovil based 'his arguments on a conglomeration of fiction and gossip'. There is not the slightest hint at the subject of the documents or a single example of how Chornovil had 'distorted the facts'. One quotation from Chornovil does appear, but without acknowledgment so that it could easily be taken as coming from a foreign source: it refers to the fuss made abroad about Karavans'ky, 'who, naturally,' as Maly ironically remarks, 'was convicted "without an investigation and a trial, without interrogations and confrontations, without a lawyer, witness or procurator"' [3]. Maly then very conveniently goes on to expatiate on Karavans'ky's 'deplorable' war-time past, forgetting all about his irony and the fact that Karavans'ky was indeed convicted and deported without trial or defence in more recent times. The task of finding distortions in the Chornovil documents clearly proved too hard and was not even

[1] Cf. p. 183, fn. 5 below. [2] Doc. 23 below. [3] Corresponds to ChP, p. 64.

attempted. To make up for this, Maly undertakes some distortion of his own concerning Chornovil personally, as though the value of a collection of hard facts depended on the personal attributes of the editor of such a collection. He omits to mention facts favourable to Chornovil in his life story [1], but does not forget to assure all concerned that Chornovil's sentence 'was a light one' – it was, in reality, the maximum sentence under the new Art. 187-1 UCC! [2] He actually himself commits an indictable offence by saying that, during 1966–7, Chornovil had 'indulged in activities directed at undermining the Soviet state system', a clear case of defamation since Chornovil was neither accused nor sentenced under this heading in 1967 [3].

An even more curious example of the distortion of facts occurs in Maly's treatment of Kuznetsova's letter to the Swedish scientists in which he actually uses quotation marks. Hardly a line is accurately quoted, and he freely adapts and distorts a document which, as we have suggested, one of his own colleagues must have helped to create. But even the faking is incompetent. Kuznetsova had written in her own hand, 'I understood my *errors*, condemned *them* of my own accord'. Maly obviously thought this was too weak and altered it in his version broadcast and first printed in Ukrainian to 'I acknowledged my *guilt before my people and the state*, condemned *them* of my own accord'. In the second Ukrainian printing the 'bad grammar' was spotted and 'them' was changed to 'it'. If Maly and his colleagues are capable of distorting to such an extent a document the original of which they *know* to be in the West, can one really believe anything they say when they imagine that they alone hold the relevant documentation?

In April 1968 [4] another appeal was signed by 139 citizens of Kiev from all walks of life, ranging from academicians and well-known writers to unskilled workers, and belonging to all age-groups from seventeen to seventy [5]. It was addressed to Brezhnev, Kosygin and Podgorny and expressed alarm about violations of legal standards committed in the 1966 trials as well as in the Chornovil trial. The appeal also referred to similar illegalities in the Moscow trials which had become known through the open letters of Litvinov, Kim and others. This provoked further repressive measures, this time against the signatories, a number of whom were dismissed from their employment or expelled from the Party [6]. Several artists were expelled from their Union [7]. Although there seem to have been no expulsions from the Writers' Union, it was reported that a dozen writers had come 'under threat of disciplinary action' for signing [8]. Some articles and reports which appeared in the Writers' Union paper, 'Literary Ukraine' [9] illustrate the pressures applied by the ideological boss of the Union's Party organisation, V. Kozachenko, to the members, while the journalist O. Poltorats'ky

[1] Cf. p. 13, fn. 3 above.

[2] Cf. p. 162, fn. 3 below.

[3] 'Defamation . . . combined with an accusation of commission of an especially dangerous crime against the state . . . shall be punished by deprivation of freedom for a term not exceeding five years' (UCC 125 (ii); cf. RCC 130 (iii)).

[4] The first known dated reference to this appeal was in the Moscow underground journal, 'Chronicle of Current Events' ('Khronika tekushchikh sobyitiy'), no. 1, 30 Apr 1968. A Western correspondent in Moscow reported the appeal on 3 May ('New York Times', 4 May 1968).

[5] Doc. 25 below.

[6] Cf. footnotes to Doc. 25.

[7] Cf. p. 195, fn. 2 below.

[8] 'New York Times', *ibid*.

[9] Docs. 26, 27, and p. 198, fn. 3 below.

seems to have been assigned the task of once again reproving all the writers and scholars who had signed the appeal, and of producing something resembling Maly's article, this time for home consumption [1]. As customary on these occasions, both Kozachenko and Poltorats'ky carefully concealed the actual contents of the appeal from their audience, while swamping it with descriptions like 'that dirty piece of paper', "'skilfully" fabricated fake', etc. The results achieved by all these efforts at Party meetings and in print seem to have been meagre in so far as the writers were concerned: only two of the lesser-known writers withdrew their signatures, while the leading Russian writer Viktor Nekrasov, whom Poltorats'ky had singled out for admonition, together with four of his Ukrainian colleagues penned a strongly-worded rebuttal of Poltorats'ky's piece of calumny [2].

Poltorats'ky's article remains so far the last major public contribution from the prosecution's side in the Ukrainian ferment. Apart from the 'purple' passages in which abuse is heaped on radio stations abroad for raising 'a mad squawk', it is largely based on Maly's statement. A number of noteworthy new points, however, appear in this article. Maly and his like, for instance, still hold to the official line, first propounded by Khrushchev, that there are no longer any political prisoners in the USSR, a fiction much resented by the genuine political prisoners [3]; Poltorats'ky, however, abandons this line and writes of '*political* [4] provocations and *crimes*'; so does Kozachenko, the Party committee secretary, in speaking about '*political* renegades, [and] criminals' [5]. Poltorats'ky, unlike Maly, provides the Soviet reader with a pretty extensive description of Chornovil's 'Woe from Wit', which is much more to the point (apart from the usual epithets, such as 'stinking', 'slandorous', etc.) than an earlier allusion by a Party propagandist who did his best to conceal that the book dealt with those arrested in a synchronised swoop all over the Ukraine in the autumn of 1965 by a vague reference to 'various individuals who had *at various times* been criminally prosecuted' [6].

Poltorats'ky's article also throws further light on the Karavans'ky case and its implications. If the details about Karavansky's war-time accomplice Gdeshyns'ky quoted in the article are at all correct, it would appear that both were more or less equally guilty of joining the Rumanian intelligence service towards the end of the war [7]. Both seem to have been punished with equal severity – twenty-five years of labour camps – and Gdeshyns'ky was presumably released under circumstances similar to those in the case of Karavans'ky, who had written a letter of repentance [8] and was released in 1960 after sixteen years and five months

[1] Doc. 29 below.

[2] Doc. 30 below. V. Stus wrote another reply to Poltorats'ky (cf. p. 15, fn. 7 above).

[3] Cf. p. 70 below.

[4] Editor's italics here and in the next two lines.

[5] p. 198 below.

[6] Doc. 28 below. (Editor's italics.)

[7] The authenticity of the 'evidence' quoted by Poltorats'ky, viz. Gdeshyns'ky's letter, has been put in serious doubt by the publication, thirteen months later, of a different version of the same letter, in which, significantly, the phrases 'we got into Rumanian intelligence' and 'Contact had been made by the nationalist leaders with Rumanian intelligence' are absent, so that they may be presumed to be Poltorats'ky's own fabrications (see Gdeshyns'ky's letter on p. 202 below and footnotes to it).

[8] Poltorats'ky quotes this letter (p. 203 below), in which Karavans'ky repents his nationalism, but – significantly – does not mention his intelligence activity. This casts doubt on the substance of Maly's and Poltorats'ky's allegations in this respect. Moreover, it must be remembered that the vast majority of war-time espionage charges – resulting in long labour-camp terms – were patently spurious (cf. for instance A. Solzhe-

of detention. The exact degree of both men's war-time guilt is by no means made clear [1]; it is not this, despite the heavy weather made by Poltorats'ky and Maly about Karavans'ky's past, which caused Karavans'ky's reimprisonment late in 1965, while Gdeshyns'ky remained free.

The key to the treatment of these two men by the penal agencies obviously lies in the difference between their recent behaviour. Gdeshyns'ky, who had become a priest, is left in peace to 'spread the opiate of the people', while Karavans'ky is arrested, tortured [2] and thrown into a camp for another eight years and seven months without even the formality of a secret trial. Thus Karavans'ky's activity was assessed by the authorities as much more dangerous than the mere 'poisoning of people's minds with religion'. According to Poltorats'ky this activity consisted in having supplied 'anti-Soviet documents' to John Kolasky [3] and having 'written, duplicated and secretly disseminated numerous slanderous anti-Soviet documents in the Ukraine and beyond her borders'. Most of these documents are, in fact, available in the West, though one wonders whether they were actually available to Poltorats'ky when he wrote his attack. Kolasky's book, partly based on documents supplied by Karavans'ky (if Poltorats'ky is to be believed) shows in great detail, with the help of information from official Soviet publications, the constant growth of the Russification of education in the Ukraine [4]. Of Karavans'ky's own documents written before his reimprisonment in 1965 the most important are: a petition to have the Minister for Higher Education arraigned for conniving at, and fostering, national discrimination; an article protesting against the abolition of Ukrainian as a compulsory subject in all schools in the Ukraine; and a letter on the nationalities issue and on the 1965 wave of arrests addressed to Gomulka, the Polish leader [5]. His petition was based on the Soviet Constitution and supported by references to Lenin, but even that did not save him [6].

The documentation collected in this volume and discussed above illustrates the ferment in the Ukraine during the last decade and, in particular, both the secessionist tendencies apparently at work in all strata of Ukrainian society and the drastic reactions of the Moscow authorities to any manifestation of these tendencies.

nitsyn's testimony in his 'One Day in the Life of Ivan Denisovich', transl. Max Hayward and R. Hingley (New York, 1963) pp. 137-8).

[1] Cf. ChP, pp. 166-7.

[2] According to 'a reliable account' quoted in J. Kolasky, 'Education in Soviet Ukraine' (Toronto, 1968) p. 201.

[3] Cf. p. 203, fn. 6 below.

[4] See fn. 2 above.

[5] ChP, pp. 170-86.

[6] More on the Karavans'ky case in ChP, pp. 64-7, and UI, pp. 176-81. Dzyuba quoted the essential data from Karavans'ky's petition in his book (IorR, p. 124), which itself is a much more powerful and extensively documented indictment of the anti-Leninist Russification policy of the present Soviet rulers; so far he has not shared Karavans'ky's fate, although one year after the publication of IorR in the West a smear campaign was mounted against him in Soviet print (L. Dmyterko, 'Position in Battle', in 'Literaturna Ukraina', 5 Aug 1969; a letter from B. Chaly and others in 'Molod' Ukrainy' ('Youth of the Ukraine'), 10 Sep 1969; and - for readers abroad only - a 196-page pamphlet by B. Stenchuk, 'Shcho i yak obstoyuye I. Dzyuba' (Kiev, 1969) in Ukrainian, followed by an English version, 'What I. Dzyuba Stands for, and How He Does It' (Kiev, 1970)). This culminated in his expulsion from the Writers' Union followed by reinstatement before the end of 1969. (For full details, cf. Postscript to the 2nd ed. of IorR.) But Karavans'ky's position is different: a prisoner released before the end of a twenty-five-year term can, according to the Decree of 19 April 1960, be reimprisoned virtually at will (cf. ChP, pp. 65, 193).

This ferment is expressed in much the same way as the liberalising aspirations of young intellectuals in the Soviet Union at large: demands for the observance of human rights, for the practical implementation of rights guaranteed by the Soviet Constitution and for a return to the Leninist standards of communist democracy. In addition to these, the specifically Ukrainian demands aim at converting a Union Republic's constitutional right to secede without impediment from empty fiction into reality; and at a return to such Marxist-Leninist principles as the self-determination of nations, the combating of chauvinism, and the fostering of every nation's free and unimpeded development.

A trend towards secessionism is clear in the jurists' group and in the other two large workers' groups of 1959-61, but it continues to recur in later cases. Moroz writes: 'I and my comrades were convicted for "propaganda directed at separating the Ukraine from the USSR" ', while Masyutko confirms that 'all the documents which the KGB investigation agencies confiscated from us are of clearly national character and deal with the struggle for the right of nations to secession' [1]. Karavans'ky speculates whether 'perhaps under the present conditions of the development of the communist movement it would be expedient for the Ukrainian socialist nation to be a separate socialist unit in the common socialist camp' [2]. And while Dzyuba writes that 'nobody in the Ukraine advances the slogan of "independence" today', he nevertheless points out that 'the Constitution of the USSR guarantees the Republics the right to secede from the Union, which means that it recognises every citizen's right to advance the idea of such a secession and to argue the case for it', and (somewhat naïvely, as seen from the West) expresses the wish that the Government of the Soviet Ukraine would safeguard the interests of its people in the same way as the Governments of Poland, Hungary, Bulgaria, etc. [3]

To what extent does the Ukrainian population at large share the views of the active, nationally conscious minority? Some form of free poll would be needed to find a firm answer to this question, but reliable evidence suggests that, at least among the thinking part of the population, similar views are widespread. The ratio between the considerable number of signatories of letters and petitions supporting the Ukrainian prisoners and the very small number of individuals attacking them in the press provides some indication of the extent of sympathy for them and therefore at least to some degree with their ideas; the press did not succeed in publishing any readers' letters condemning the prisoners.

There seems to be a growing realisation among liberals in Russia itself that the Soviet nationalities policy has failed. Thus Sakharov, the Soviet scientist whose views have wide currency in intellectual circles in the USSR, writes, in striking agreement with Dzyuba (possibly without direct knowledge of the latter's opinions), that 'nationality problems will continue to be a reason for unrest and dissatisfaction unless *all* departures from Leninist principles are acknowledged and analysed and firm steps are taken to correct [all] mistakes' [4]; and Andrey Amal'rik told Anatol Shub when he was a foreign correspondent in Moscow that the present policy was the best way to lose friends, and was afraid that in case of war with China, 'unless there is a radical change of policy, and we go back to Lenin's principles (permitting independence for the Finns, the Balts, etc.), all these people

[1] pp. 124 and 105 below.

[2] ChP, p. 184.

[3] IorR, pp. 56, 197-201.

[4] Sakharov, 'Progress, Coexistence and Intellectual Freedom', p. 66. (Sakharov's *italics* and '[all]' are from the Russian edition, p. 34.)

will see the war with China as a signal to rise against what they consider Russian colonialism . . . ' [1]. Understanding in Russia proper for the aspirations of the Ukraine and other national Republics, as well as a realisation of the disastrous nature of the present regime's nationalities policy, have also been promoted by the numerous Russian translations of Ukrainian documents circulating there. Among the most recent examples of the co-operation of Russian liberal and Ukrainian nationally conscious forces is an appeal from the 'Action Group for the Defence of Civil Rights in the USSR' dated Moscow, May 1969, and addressed to the United Nations Committee for Human Rights in protest 'against the increasing political persecutions in the Soviet Union' and 'the trials of persons upholding national equality and the preservation of their national cultures'; this appeal was signed by fifty-four Russians, Ukrainians (including Chornovil) and others [2]. A similar letter, the third in this series, bearing forty-six signatures, was reported to have reached the United Nations headquarters in New York in October, and another, the fifth, with the same number of signatures, complaining that the persecution was continuing, was mailed to the United Nations Human Rights Commission on 17 January 1970 [3].

More recently, a very significant new document has reached the West. Entitled 'The Programme of the Democratic Movement of the Soviet Union' and signed 'Democrats of Russia, the Ukraine and the Baltic Republics', it discusses the economic, social and political situation in the Soviet Union as well as in the rest of the world, and devotes two sections, running to some two thousand words, to the national liberation movement and to the nationalities question [4]. Judging from internal evidence, this document is the work of democratic dissidents who are mainly Russians and, as such, show a quite remarkable degree of understanding of the nationalities problem in the Soviet Union. In their opinion, the former colonial powers, when they granted independence to the colonial peoples, were guided by their own principles of democracy and freedom, and have thereby enhanced their moral prestige; the Soviet Union, which is now the greatest colonial power, should follow their example. The authors of the 'Programme' point out that the aspirations of many peoples, chiefly the Ukrainians, the Jews, the Tartars, the peoples of the Baltic Republics, of the Caucasus and Central Asia, towards political, cultural and economic self-determination have so far been repressed by great-power violence, and they believe that these peoples should steadfastly carry on a bloodless struggle for national liberation. They express their conviction that 'the sacred historical mission of the Russian people lies in their renunciation of violence, the removal of past wrongs and the granting to all peoples forcibly tied to them of basic national freedoms and inalienable rights'. The 'Programme' envisages that the self-determination of the nations of the Soviet Union must be

[1] 'International Herald Tribune', 31 Mar 1969.

[2] 'Observer', 15 June 1969, p. 6.

[3] 'The Times', 19 Jan 1970. An account of the Action Group and of the arrests and other repressions inflicted upon it has been given by P. Reddaway, 'A place in history for Russia's "rebels"', in 'The Times', 28 Aug 1970. It is indicative of the repressions against the Group that the number of its members' signatures under successive appeals has dwindled from fifteen to seven (the signatures under these appeals are divided into those of the Group members proper and those, more numerous, of supporters who are not members of the Group; Chornovil's name appears among the latter). Texts of the fourth and fifth appeals have not reached the West at the time of writing.

[4] 'Programma Demokraticheskogo dvizheniya Sovetskogo Soyuza' (written some time between May and October 1969; published by the Alexander Herzen Foundation, Amsterdam, 1970).

28 *Introduction*

guaranteed by their right to apply to the United Nations for a free referendum which must be held under direct United Nations supervision.

The authors of 'The Programme of the Democratic Movement of the Soviet Union' assert that the 'Russian progressive intelligentsia', for which they claim to speak, 'understands and realises that without freedom for nations there can be no freedom for the individual nor a complete and genuine democratisation of society'. It may even be that the meaning of the Marxist principle, now so widely accepted in the West and, indeed, echoed by the Russian progressives, will one day be grasped throughout Russia:

No nation can be free if it oppresses other nations [1].

[1] K. Marx and F. Engels, 'Sochineniya', xv (Moscow, 1935) 223.

PART ONE

The Jurists' Case

7

[*Introduction by I. Svitlychny*] [1]

Documents concerning the court case of political prisoners L. H. Lukyanenko, I. O. Kandyba, S. M. Virun, O. S. Libovych, V. S. Luts'kiv, Y. Yu. Borovnyts'ky and I. Z. Kipysh have reached me by chance. These are letters and statements by the prisoners to various government, civic and cultural personalities written in the prisoners' own hands and dispatched from the camp this year [2].

I know nothing at all about the case of L. H. Lukyanenko and his comrades from any source apart from those [documents] quoted below, but even these are sufficient to show by what illegal methods their case was conducted, to what falsifications the investigating and judiciary agencies resorted, and what a mistake it would be to consider that the Beria traditions were all [a matter] of the past.

I believe [the statements of] the prisoners all the more readily since, having been under investigation this year [3], I myself had the misfortune of making the acquaintance of those mentioned in the documents of the L. H. Lukyanenko case (the chief of the investigation department Sergadeyev [4], the investigator Klimenko, the deputy procurator Starikov, etc.). Some of them behaved so brutally, cynically and coarsely that, despite my constant desire to act properly, I was forced, for instance, to tell Sergadeyev to his face that his behaviour was ill-mannered, and therefore to refuse to have any further conversation with him.

Similar use was made (chiefly in L'vov) of intimidation, threats, promises and blackmail in the case in which I and my comrades were involved [5]. This moral and psychological pressure was such that some of the prisoners gave in to it and said many things about themselves and their comrades which did not even remotely resemble what had actually happened, but was unremittingly and persistently demanded by the investigation. The same methods were used in L'vov when witnesses were interrogated: individuals were called Bandera-ite [6] rabble, cursed in unprintable language, irrespective of sex or age, threatened, blackmailed, etc. As a result, people innocent not only in the spirit but also in the letter of the law (M. Osadchy, M. Masyutko, etc.) found themselves before the court and in camp.

I therefore find it easy to believe that the affair of Lukyanenko and his comrades could also have been precisely such as is shown by the documents quoted below, all the more so since the case of L. H. Lukyanenko and his comrades was conducted – just like the 1966 trials – behind closed doors [and] in secret from the community. And, as past experience shows, any injustice [and] any arbitrary actions are possible under such conditions.

[1] Here, and throughout the documents below, all footnotes, as well as all interpolations and additions within square brackets inserted in order to clarify the translation, are the Editor's.

[2] 1966 (cf. fn. 3 below).

[3] Svitlychny was under investigation from September 1965 to April 1966 (cf. Doc. 18 below; more on him in the Introduction, pp. 2–3, 11–12, 16, 20–1 above). Svitlychny's Introduction can thus be dated October–December 1966. Chornovil refers to it ('Svitlychny's introductory remarks to the documents presented by him on the case of the group of Lukyanenko and others') in the preface, dated 20 April 1967, to his MS. 'Woe from Wit' ('Lykho z rozumu' (Paris, 1967) p. 14; the reference is omitted in ChP – cf. p. xvii above).

[4] For all names, cf. index.

[5] The 1965–6 arrests and trials which are the subject of ChP.

[6] Cf. p. 35 fn. 4 below.

That is why, without knowing the actual purpose which prompted the dispatch of these documents from the camp, I still consider it my civic duty to forward them (without correcting any roughnesses, even grammatical or stylistic ones) not only to the addresses given on the letters and statements but also to other civic and cultural personalities, so that the matter should finally receive publicity and not be reviewed yet again by the same instigators of the case. These [will wish] to preserve the good repute of their uniform, their comfort and their position in society [and] will naturally not wish to throw doubt on their own rightness. They will not be in a hurry to review the case for the benefit of the prisoners.

It is not merely the fate of a number of men which is at stake, however, but equally the affirmation of Soviet legality, our civic conscience, [and] our ideals – for which we must fight with word and deed. Who knows whether these people, who disposed so cruelly of L. H. Lukyanenko and his comrades yesterday, are not today doing the same to others? Every injustice and every [kind of] arbitrary action is possible behind closed doors, out of sight of society.

Ivan Svitlychny

*To the Procurator-General of the USSR, Councillor of Jurisprudence,
Rudenko [1]*

*From prisoner Lev Hryhorovych Lukyanenko [2] held in the correctional labour colony at:
Mordovian ASSR, station Pot'ma, P.O. Yavas, P.O. Box 3H 385/7*

APPEAL [3] (for supervision) [4]

On 20 May 1961 the Judicial Division for Criminal Cases of the L'vov Regional Court sentenced me to death on the strength of Arts. 56(i), 64 UCC [5].

On 20 July 1961 the Judicial Division of the Supreme Court of the Ukrainian SSR reviewed the case on cassational appeal and commuted the death sentence to 15 years' imprisonment, but left the classification of my acts unchanged.

The descriptive part of the judgment states that the Judicial Division

ESTABLISHED THAT:

The prisoner L. H. Lukyanenko, being of a hostile anti-Soviet disposition, has since 1957 nurtured the idea of severing the Ukrainian SSR from the USSR, [and] undermining the authority of the CPSU, and has defamed the theory of Marxism-Leninism.

Being aware that the Ukrainian bourgeois nationalists, and the Organisation of Ukrainian Nationalists (OUN) [6] in particular, had been routed in the western regions of the Ukrainian SSR after the Great Patriotic War, and hoping to find a favourable environment for his hostile activities, L. H. Lukyanenko succeeded in getting (illegible) [7]

[1] R. A. Rudenko (1907-): joined the procuracy agencies in 1929; during Stalin's purges rose to the post of Procurator of the Stalino (now Donetsk) Region (1938-40); Procurator of the Ukrainian SSR (1944-53); chief USSR prosecutor at the Nuremberg Trials (1945-6); USSR Procurator-General (1953-) (cf. ChP, pp. 214-19).

[2] For his and other members' of the 'Jurists' Group' personal data cf. pp. 55-6 below. The 'Jurists' Case' is discussed on pp. 16-18 above.

[3] Written in 1964, if identical with the appeal mentioned on p. 89, fn. 2 below.

[4] Review 'by way of judicial supervision of a judgment, ruling or decree of a court which has taken legal effect' can be initiated, in a case such as this, i.e. by the USSR Procurator-General (or his Deputies) bringing in a protest (Art. 384 UCCP; cf. Art. 371 RCCP) if he finds grounds for doing so after receiving a petition from an interested party (Arts. 386 UCCP, 376 RCCP). Lukyanenko's present appeal was to serve as such a petition. It is distinct from the 'cassational appeal', mentioned in the second para. of this document, which must be made within seven days of the judgment (Arts. 347, 350 UCCP, 325, 328 RCCP).

[5] For the wording of Art. 56 (i) see p. 41, fn. 2 below. Art. 64 UCC equals Art. 72 RCC and says: 'Organisational activity directed towards the preparation or commission of especially dangerous crimes against the state, or the creation of an organisation which has as its purpose the commission of such crimes, or participation in an anti-Soviet organisation, shall be punished in accordance with Arts. 56-63 [RCC: 64-71] of the present Code.'

[6] Cf. p. 35, fn. 4 below.

[7] The word in brackets is Svitlychny's note. More extensive extracts from the case documentation are quoted in Doc. 6, pp. 55-8, 67-8 below.

I consider that the above judgment passed by the regional court, as well as the ruling of the Judicial Division for Criminal Cases of the Supreme Court of the Ukrainian SSR which left the classification of my acts unchanged, are illegal for the following reasons:

1. The standards of criminal procedure were violated during both the preliminary and the judicial investigation.

The agencies conducting the preliminary investigation and the court did not aim at an objective investigation of the case, at establishing my actual intent, but formulated it themselves and made every effort to impose [their formulation] on me.

For four months (from the day of my arrest up to the trial) a representative of the KGB Administration for the L'vov Region shared my cell. By telling me all sorts of horror stories about Chekist activities he tried to make me believe that I had left my civil rights at the door and that here – in the investigation isolator [1] – the Chekists [2] could do with me as they liked. [It was suggested to me that] the best way for me to behave under these circumstances, therefore, was not to insist on the truth, but to convince the investigation agencies of my repentance; in order to substantiate this, I would have to sign any testimony presented to me by the investigator. This KGB representative constantly expressed his acute dissatisfaction with Soviet reality, and identified the shortcomings in the work of certain individuals and institutions with the essence of Soviet rule. He tried to sow in my mind the seeds of hatred for the security agencies and Soviet rule in general. Attempts were later made in the investigator's office to show up such hatred on my part. There was none; I tried to maintain the truth even when they insulted me with unprintable abuse, intimidated me and threatened me. As though to confirm (as I had been told in my cell) that I had no rights, the chief of the KGB Administration for the L'vov Region, Colonel Shevchenko, said to me: 'Go on holding out. We're in no hurry. The Code allows us two months for investigation, but if this proves too little, we will keep you for five, [or even] eight months and in the end we will get our way, and you will testify to what we want.'

After being subjected to the double impact of the same force – in the investigator's office and the prison cell – for four months round the clock (except when I was asleep) I was finally compelled to give evidence which did not correspond to reality but met the wishes of the security agencies.

Strange, but true, the KGB Administration for the L'vov Region did everything first to educate me in an anti-Soviet spirit, and then to punish me. Although they failed in respect of the first, the latter was meted out in abundance.

The L'vov Regional Court was no more objective in the matter. For example, during the court session I stated that, while I recognised that I was guilty of acting wrongly, I also considered that the classification of the acts as given in the indictment was incorrect and that they should not be classified under Arts. 56(i) and 64, but under Arts. 62 [3] and 64 UCC. The court, however, recorded that I had not denied the correctness of the classification of my acts.

In its judgment (page 3) the court recorded that:

Speaking at the gathering . . . the prisoner Luts'kiv called for the intensification of activity in the Army and for armed struggle against the Soviet order.

[1] A post-1917 euphemism for 'prison'.

[2] Originally 'Cheka men' (the Cheka, 1917–22, was the first of the forerunners of today's KGB), in loose usage now synonymous with 'KGB men'.

[3] See p. 102, fn. 1 below.

And on page 6 of the judgment:

As can be seen from prisoner Lukyanenko's 'Notes' (vol. 7, case ref. 79-90), Luts'kiv called for armed struggle against the Soviet regime at the gathering of 6 November 1960.

At the court session Virun, Kandyba (both convicted in this case) and I testified that not only did Luts'kiv not call upon anyone to do anything, but that he did not even speak at the meeting at all.

As far as the 'Notes' are concerned, I did indeed also touch upon armed struggle in discussing form of struggle in order to stress that it was inadmissible. The court unjustifiably rejected my testimony in this respect.

The entire judicial investigation was dominated throughout neither by [the intention of] establishing the truth in this case, nor of [ensuring] an objective investigation, but by a spirit of condemnation at any price, a spirit of revenge. The trial resulted in the death sentence for me. This was so monstrous in relation to what I had actually done, so incompatible with the picture of the Soviet legal order which I had formed at the university, that I allowed myself to doubt the existence of any kind of objective criteria when it was a matter of protecting [the interests of] the state.

In this highly confused spiritual condition I wrote a cassational [1] appeal (it is a cassational appeal only in outward form and is in substance a statement [2]) in which I did not analyse the trial documents but merely asked that the death sentence should be voided.

The cassational [appellate] court commuted the death sentence to 15 years of imprisonment but left the classification of my acts unaltered, thus sanctioning the unmotivated and illegal judgment of the L'vov Regional Court.

2. The judgment asserts that:

Being aware that . . . the Organisation of Ukrainian Nationalists (OUN) had been routed [. . .] [3], and hoping to find a favourable environment for his [. . .] activities, Lukyanenko succeeded in getting himself appointed to work in the L'vov Region.

Firstly, I knew nothing whatsoever about the OUN prior to my arrest. Neither before 1958 nor later did I chance to meet people who could tell me anything definite about this party. The entire nationalist struggle in the Western Ukraine was summed up in my mind by the concept of 'Bandera-ism', and I believed that its chief organisational centre was the Ukrainian Insurgent Army (UPA), and not the OUN [4]. (That is why the UWPU draft programme mentions the UPA and

[1] Cf. p. 33, fn. 4 above.

[2] Russian 'zayavleniye', Ukrainian 'zayava'; this word is used as a heading for formal communications from individuals to authorities and may mean 'statement', 'declaration', 'application', 'petition'. Docs. 3, 7, 10 and 12 are all headed 'zayava' in the original.

[3] The leader within square brackets [. . .] indicates here, and passim below, that the author (or perhaps the copyist) of the document made an omission in his quotation from another source but failed to mark the omission in any way. The unbracketed leader . . . represents a cut made, and thus indicated, by the author himself.

[4] The OUN was established in 1929 in the Western Ukraine, then under Polish rule. It united nearly all Ukrainian elements and groupings politically active since 1918 except those adhering to the moderate legal parties. Its character was totalitarian; its aim was to struggle against oppressive Polish chauvinism as well as communism, and its methods were both political and violent. A faction led by Stephen Bandera (1909-59) split off from the OUN in 1940. The OUN shared with the Germans the aim of struggling against

not the OUN.) I got my first more or less solid picture of the OUN from the State Security agent in the investigation isolator cell of the L'vov Region KGB Administration. The assertion that I knew about the OUN is surprising from a procedural point of view because I was not asked about this in court. Quite clearly, the court violated the principle of directness embodied in Soviet criminal procedure [1]. Since I gave no testimony on this point at the preliminary investigation, the only source for the invention of this assertion could have been fabricated reports by agents.

Secondly, the fact that I asked to be sent to work in the L'vov Region is true in itself, but it has also acquired an inaccurate tenor because of the one-sided manner [in which it was presented] and the way in which it was formulated in the judgment. Before I went to L'vov to apply for an appointment, I looked for work in Gorodok in the Khmel'nitskiy Region where my wife was working and where I had done the preliminary work for my degree. Having failed to obtain work in Gorodok, I applied to the Khmel'nitskiy Party Regional Committee, but I was offered nothing definite there either. Only then did I go to L'vov.

Thus my immediate reason for going to L'vov was not a wish to begin acting for greater democratic freedom and the secession of the Ukrainian SSR from the USSR, but a wish to find work in the Ukraine.

3. The statement in the judgment that in 1959 S. M. Virun and I 'came to an agreement concerning the formation of a nationalist organisation — the Ukrainian Workers' and Peasants' Union (UWPU)' is groundless and distorts the truth in two ways.

For one thing, it distorts the very nature of our agreement, and for another it does not mention the change in our orientation during 1960, which resulted in our rejection of the draft programme on 6 November 1960.

It is true that in 1959 I spoke with Virun about the desirability of forming an organisation, which would, however, not be nationalist but directed at agitating against illegal limitations on democratic freedoms and for the secession of the Ukrainian SSR from the USSR on the basis of Article 17 of the USSR Constitution [2]. And taking advantage of a constitutional right can hardly be regarded as nationalism.

At Moscow University, from which I had recently graduated, we students were

Russian communism, but its paramount objective — an independent Ukraine — was completely at variance with Hitler's plans to reduce the Slavs to the level of an inferior and expendable race. In the wake of the German armies which had attacked the USSR the OUN-B (as the faction had meanwhile become known) proclaimed an ephemeral sovereign Ukrainian State and Government in L'vov on 30 June 1941; the Germans placed the OUN-B leaders under house arrest within some ten days, soon transferring them to a prison, and in 1943 incarcerating them in Sachsenhausen concentration camp along with many other OUN leaders and prominent members until late 1944. The UPA originated in 1942 from Ukrainian guerrilla forces of diverse political allegiances who both defied German authority and fought the Soviet guerrillas. From 1943 the movement came to be fully dominated by the OUN-B; it went on resisting Soviet rule in the Western Ukraine after the end of the war until 1950 when the UPA was finally suppressed. (Cf. John A. Armstrong, 'Ukrainian Nationalism', 2nd ed. (1963) *passim*.)

[1] 'In considering a case, a court of first instance shall be obliged to analyse the evidence directly: to interrogate prisoners, victims and witnesses, hear opinions of experts, view real evidence, and publicly disclose records and other documents' (Arts. 257 UCCP, 240 RCCP).

[2] 'The right freely to secede from the USSR is reserved to every Union Republic' ('Constitution (Fundamental Law) of the Union of Soviet Socialist Republics' (Moscow, 1967) p. 23).

constantly told – and I learnt this thoroughly – that in the Soviet State law is real, not fictitious. Everything permitted by law may therefore be put into practice. The existence of a Republic's right to secede from the USSR is simply unthinkable without the authorisation of activity directed to that end. To assume the opposite – that the right of a Union Republic to secede from the USSR does not imply the right to agitate for such secession – is tantamount to admitting that Articles 17 and 14 of the Constitutions of the USSR and the Ukrainian SSR [1] [respectively] are legal fictions, empty words and nothing else. But I have never accepted such an interpretation and have been firmly convinced that agitation for the secession of the Ukrainian SSR from the USSR does not contradict the Constitution or the Criminal Code of the Ukrainian SSR and therefore cannot be punishable under criminal law.

At the time when I compiled the UWPU draft programme (the second half of 1959) I regarded the independence of the Ukrainian Republic as the chief requirement for the improvement of the living standards of the population of the Ukrainian SSR. However, neither I nor my comrades considered imposing our will on the people, and we therefore saw our task as consisting only of agitation, which we intended to carry on until such time as the expediency of the secession of the Ukrainian SSR from the USSR was put for decision before the Supreme Soviet of the Ukrainian SSR or to the citizens of the Ukrainian SSR by a referendum [2].

If the Supreme Soviet or a majority of the citizens expressed their opposition to secession, the UWPU organisation would stop its activity and disband (quoted from the UWPU draft programme).

The following fact is important to the political group to which the people convicted in this case belong, and to me personally:

As a result of studying Soviet reality, in 1960 I came to revise the earlier conclusion embodied in the draft programme and began to think that it was not the independence of the Ukrainian SSR that was essential for an improvement in the life of the people but the liquidation of bureaucracy. And it seemed to me that bureaucracy could be liquidated only by giving greater scope to socialist democracy. I discussed this question with Virun and Kandyba, even before the meeting on 6 November 1960, and as a result the UWPU draft programme was rejected on 6 November 1960. We then turned to the formation of a lawful organisation, the purpose of which would be to remove illegal limitations on citizens' rights. In compiling the new draft programme it was proposed to use from the rejected draft only the paragraph dealing with democratisation. The main ideas for the new draft programme were outlined in the 'Notes'.

4. The judgment states that (page 3):

Being members of the UWPU and accepting its programme, prisoners Lukyanenko, Virun, Kandyba, Luts'kiv and Libovych discussed anti-Soviet themes; picked [people] for recruitment into the UWPU from among unstable individuals and former OUN members; and expounded the UWPU programme [to them] and the means of carrying it out.

[1] 'The Ukrainian Soviet Socialist Republic reserves its right to secede from the Union of Soviet Socialist Republics.'

[2] Referendums are conducted by the Presidium of the Supreme Soviet of the Ukrainian SSR (Art. 30 (d) of the Ukrainian SSR Constitution).

It follows from this assertion in the judgment:

- (a) that an organisation called UWPU already existed;
- (b) that an organisation called UWPU had a programme; and
- (c) that members of the UWPU took practical steps to implement this programme.

This assertion, however, does not reflect what really happened. Such [a state of] ideological definition and organisational perfection is the creation of the investigation agencies of the KGB in the L'vov investigation isolator; when we were free, they did not exist. When we were free, we were five comrades who thought that the standard of living was not sufficiently high for certain categories of citizens and looked for ways of hastening its improvement; and who, faced with the realities of bureaucracy and the manifestations of Great Russian chauvinism, looked for ways of combating them.

The organisation (which did not yet exist) was designated UWPU while the draft programme was being written. At the meeting of 6 November 1960 the draft was found to be unsatisfactory and was rejected (as containing a series of unjustified assertions about Soviet reality and providing a possible weapon for anti-Soviet agitation [1]). The designation of UWPU disappeared together with the draft. Since the plan to create an organisation was in its initial stage, we – the group – did not adopt any new name at this meeting. In the 'Notes' I therefore wrote of a meeting of members of a 'Union for the Struggle for Democracy', as I considered that such a name reflected more precisely the essence and aim of the organisation being formed. In fact the group had no name at all.

The draft programme had never formed the theoretical basis for the activity of our group because in 1959 it contained only Virun's and my ideas, while in 1960 even we rejected a whole series of the draft programme's propositions. (We rejected the incorrect description of the Ukrainian SSR as a colony, we rejected the idea of secession of the Ukrainian SSR from the USSR as the ultimate aim, etc.) By May 1960, when Libovych introduced me to Koltun, the idea of separating the Ukrainian SSR from the USSR was no longer mentioned in any form. On this point Koltun testified as follows:

Libovych or Lukyanenko told me that the struggle could be carried on by writing letters to central governing authorities and by voting for demands that democratic freedoms should be given greater scope in our country (vol. 8, p. 111).

This testimony points, not to the implementation of the draft programme, but – on the contrary – to the abandonment of its chief aim: the secession of the Ukrainian SSR from the USSR by constitutional means.

The failure to implement the draft is attested by yet another fact. In order to strengthen the organisation, the draft programme required from future members of the UWPU 'the vetting of comrades, secrecy and yet more secrecy'. But since we rejected the erroneous propositions in the draft programme during the course of 1960 and turned to forming an organisation which could be registered with the Soviet authorities under existing conditions, we took no steps to keep our activities secret. During the conversation on 6 November there was even an individual present (Vashchuk) who had no connection with our group.

This confirms once more that the draft never represented the theoretical basis of our group's activities.

[1] The interpolation in brackets is in Ukrainian (the whole document being in Russian) and was probably not in the original appeal as sent to the Procurator-General.

5. The judgment states that I and other members of the UWPU set ourselves the task 'of struggling against the Soviet state and social system' (p. 4).

Even if one assumed that I upheld the principles of the UWPU draft programme right up to the moment of my arrest (January 1961), this accusation is still unfounded.

I never made it my aim to replace the soviets of workers' deputies – the political manifestation of the dictatorship of the working class – by any other regime either before or after a secession of the Ukrainian SSR from the USSR. At the court session, Kandyba, Virun and I testified that we had no intention of combating the Soviet regime. In this respect our programme consisted of proposals for a series of organisational changes which in our opinion had to result in giving greater vitality and strength to the soviets of workers' deputies [1]. (After I had been sentenced, some of our ideas were presented to the public by the newspaper 'Izvestia'; for example, the proposal that the same person should not be elected as deputy to several soviets.) We regarded it as our duty to combat bureaucracy and illegal limitations on the democratic freedoms of the population; we described these limitations as a yoke and promised to remove it. I thought that a limitation such as, for example, the ban on collective farmers moving to a different locality without permission from the collective farm administration contravened Art. 10 of the Civil Code of the Ukrainian SSR [2] and the fundamental law of the Republic [3]; and an urge to remove this limitation can therefore in no way be classified as anti-Soviet.

Taking my stand on historical materialism, I have been and am a supporter of a socialist economy at present and of a communist one in the future. The introduction to the draft programme states:

We are struggling for an independent Ukraine such that, while providing to a high degree for the material and spiritual needs of her citizens on the basis of a socialised economy, she would develop towards communism (vol. 10, draft programme, p. 3).

Thus the very document which provided direct evidence in our case clearly states that we stood for a socialist economy, and, secondly, that even if the Ukraine was not part of the USSR, she would still move towards communism and therefore remain in the socialist camp. Given such an intention – and nothing was proved in the court to the contrary – the assertion purporting to show that I and our entire group meant to fight against the social order of the Ukrainian SSR is groundless.

The judgment states that I and the other members of the group 'set themselves as their aim a struggle against . . . the CPSU and its Marxist-Leninist theory' (p. 3). It says not that we struggled, but merely that we 'set ourselves as our aim a struggle . . .'. But the judgment does not indicate what shape our struggle against the CPSU was supposed to take. Nor does it indicate in what way we thought of struggling against Marxist-Leninist theory. In any case, both the first and second assertions are illegally included in the verdict.

[1] In 1968, Anton Koval' (p. 246 below) made a similar proposal in his open letter.

[2] 'Citizens can, in accordance with the law, . . . choose . . . the[ir] place of residence . . .' (corresponding to Art. 10 of the RSFSR Civil Code). On administrative limitations of this right see p. 135, fn. 1 below.

[3] The 'fundamental law', i.e. the Constitution of the Ukrainian SSR, contrary to what Lukyanenko seems to believe, contains no guarantee of the citizens' freedom of movement.

We had no practical possibility of combating Marxist-Leninist theory. There was nobody among us adequately trained to do this; [and] we did not dispose of a printed publication of our own.

And we did not even think of setting ourselves the aim of combating Marxist-Leninist theory.

During the conversation among members of the group on 6 November 1960 the question of what theory we intended to use as the basis of our work was discussed. This question was raised in order to focus attention on the importance of theory, and not because there might have proved to be among us supporters of some other (theory) [or] philosophy. We had all been brought up in the spirit of Marxism-Leninism and therefore we unanimously agreed in the course of our conversation that it was by Marxist-Leninist theory that we must be guided when working for the elimination of illegal limitations on democratic liberties.

The main thing, however, is less that we did not think of combating Marxism-Leninism, than that a struggle against Marxist-Leninist theory in the realm of ideas does not constitute a crime of any kind at all. Marxist-Leninist theory has not been proclaimed by law as the ideology compulsory for all citizens; it is in itself not law, which would involve legal penalties for the infringement of certain of its theses. Marxist-Leninist outlook is compulsory for a member of the CPSU. If one holds a different outlook one cannot be a communist, but one can be a Soviet citizen and have a non-Marxist outlook. The State does not make the granting of political, labour and other rights depend on whether a person holds a Marxist-Leninist or any other outlook.

Thus, firstly, the assertion that the group, and I personally, *thought* of struggling against Marxist-Leninist theory is unfounded; secondly, the mere intention of struggling against Marxist-Leninist theory does not in any way constitute a criminal act and must, therefore, not be used to incriminate [someone].

I have briefly examined above the judgment in terms of the extent to which the actions imputed to me have been established.

This analysis shows that the preliminary investigation agencies and the court did not endeavour to ascertain the real nature of the intention of the group, or my own intention. They did not endeavour to establish the objective truth in the case. On the contrary, they constantly endeavoured to distort the substance of the case and to present us in as strong an anti-Soviet light as possible, using every possible means: deceit, promises, threats, direct distortion of the content of documents, concealment of facts, etc. It was this which brought about an unfounded judgment that directly contradicts the facts and the basic evidence in the case: the UWPU draft programme, and the 'Notes' and lectures.

But even with such an extremely subjective approach, the court could not make the formulation of the indictment fit the text of the provisions of Art. 56(i) UCC.

This is the concluding statement of the indictment:

As can be seen from the testimony of prisoners Lukyanenko, Virun, Kandyba, Luts'kiv and Libovych, the text of the UWPU programme and the 'Notes', the prisoner Lukyanenko and other members of the UWPU had set themselves the aim of struggling against the Soviet state and social system; against the CPSU and Marxist-Leninist theory; for severing the Ukrainian SSR from the USSR; for the creation of a so-called 'Independent Ukraine'; and [of committing] other hostile anti-Soviet acts (p. 4).

Do the acts quoted contain indications of a crime such as treason?

The object at which this crime is directly aimed is the external security of the USSR. The law defines the concept of external security which includes: the independence, inviolability, and the military power of the USSR (p. 24, 'Handbook of Soviet Criminal Law', edited by Yakubovich and Vladimirov [1]).

The objective aspect of treason is described in detail in the law itself.

Art. 56 UCC contains an exhaustive list of acts which make up the elements of treason. These are the following acts committed by citizens of the USSR

[...] to the detriment of the independence, territorial inviolability, or the military power of the USSR:

going over to the side of the enemy;

espionage;

transmission of a state or military secret to a foreign state;

flight abroad or refusal to return from abroad to the USSR;

rendering aid to a foreign state in carrying on hostile activity against the USSR;

and

conspiracy for the purpose of seizing power [2].

The subjective side of treason is characterised by criminal intent.

In treason there can only be direct intent: the traitor not only foresees the possibility of doing harm to the external security of the Soviet State when committing the crime, but he also desires to cause such harm ('Handbook', p. 31).

The same handbook later notes with complete justification that 'the acknowledgment that treason could be committed with indirect intent led to the groundless extension of the concept of treason in the past' (p. 31).

What acts, then, did I commit to earn punishment as a traitor?

I did not go over to the enemy. I did not engage in espionage. I did not commit a single one of the acts listed in the provision of Art. 56 UCC. Despite all its subjectivity the L'vov Regional Court could not point in its judgment to even one of the acts provided for by Art. 56 (i) UCC and aimed directly at the external security of the USSR as the object of treason.

The UWPU draft programme, the 'Notes', the testimony of the witnesses, and even the forced testimony given by those convicted, contradicting both the UWPU draft programme and the 'Notes' – all the evidence indicates that neither my thoughts, nor my actions (nor the thoughts or actions of the others convicted) were directed against the security of the USSR, that is, against the independence, territorial inviolability, or the military power of the USSR.

As can be seen from the concluding statement of the indictment, it is held against me that I allegedly had the aim of struggling against the Soviet state and social system, the CPSU and Marxist-Leninist theory; for the severing of the Ukrainian SSR from the USSR; and for the formation of a so-called 'Independent' Ukraine; and [of committing] other hostile anti-Soviet acts.

It has been shown above that the allegation that I intended to struggle against the Soviet state and social system is groundless and conflicts with the UWPU draft programme, the 'Notes' and the lectures, which are documents composed [when I was] at liberty rather than in the investigator's office, and which objectively

[1] M. I. Yakubovich, V. A. Vladimirov (eds), 'Gosudarstvennyye prestupleniya. Uchebnoye posobiye po sovetskomu ugolovnomu pravu' (Moscow, 1961).

[2] The wording of Art. 56 (i) UCC (equal to 64 (a) RCC) in the 1961 edition was 'Treason, that is, an act intentionally committed by a citizen of the USSR [etc. as quoted in the text] shall be punished by deprivation of freedom for a term of ten to fifteen years with confiscation of property, or by death with confiscation of property.'

reflect my thought at various times. Because the above allegation is groundless, it should not be brought against me.

The allegation about the supposed existence of an intention to combat the CPSU and Marxist-Leninist theory is groundless and does not constitute a crime of any sort against the state.

When dealing with the intention present until mid-1960 to take advantage of Article 17 of the Constitution of the USSR for the secession of the Ukrainian SSR from the USSR, the court used the expressions 'breaking away' and 'severing'. In common usage these words imply separation by means of force, a violent, rather than peaceable, act.

The introduction to the draft programme states that: 'The question of creating an independent Ukraine will be decided in the final reckoning not only by the party, but by the entire Ukrainian nation.'

And a paragraph later: 'The methods to achieve this end are peaceful, [and] constitutional.'

These proposals give no scope for an ambiguous interpretation of the methods [to be used] in securing this aim. However, by using such expressions as 'breaking away' and 'severing' the court imparted a directly opposite content to those methods of action which we thought of using.

In itself, the intention to use a Union Republic's right to secede from the USSR cannot be a crime, no more than Soviet law could be anti-Soviet.

And finally, 'other hostile anti-Soviet acts' were imputed to me in the judgment.

What are these 'other hostile acts'? Why did the court not at least condescend to enumerate them? What is the evidence for these 'other hostile acts'? In general, is an allegation of this kind admissible at all in a document such as a judgment?

To the Central Committee of the Communist Party of the Ukraine

*From a former member of the VLKSM [Communist Youth League of the USSR] and member of the CPSU, Vasyl' Stepanovych Luts'kiv, born in 1936 [1] in Parlov village, Radekhov District, L'vov Region, convicted by the L'vov Regional Court on 20 May 1961 in accordance with Arts. 56 (i) and 64 UCC for a term of ten years of correctional labour colony
Mordovian ASSR, st. Pot'ma, P.O. Yavas, P.O. Box JH 385/11*

PETITION [2]

In January 1961 the L'vov Region KGB Administration arrested me in connection with the arrests of L. H. Lukyanenko and others [3] and imprisoned me in an investigation isolator.

I regarded myself as innocent, and believed the officials of the KGB Administration [when they told me] that I had been arrested in order that I might help to disclose the alleged criminal activities of Lukyanenko, after which they promised to release me.

During this conversation, a man in the office next door [4] being beaten up beyond endurance by someone in the KGB Administration [5] was begging [to be let off]. I was clearly given to understand that if I refused [to co-operate] the same torture would await me. I became frightened and agreed to present handwritten testimony which the KGB Administration supposedly needed because they lacked sufficient [proofs for their] charges against Lukyanenko[. This testimony] which is contained in the dossier was later rewritten under the dictation of investigator Denisov. I agreed to sign records containing the testimony needed by the KGB Administration officials.

Thus, contrary to the facts, on the orders of investigator Denisov, I put myself down as a member of a supposedly existing organisation, the UWPU, the name of which was taken from the title of the brochure written by Lukyanenko [but] was no longer regarded as valid in November [6] 1960, and I signed a record containing this statement [7] in writing.

Moreover, I signed records fabricated by the same investigator with similar statements in writing [to the effect] that an organisation existed, that its leader

[1] '1935' on p. 56 below.

[2] This document is given here from a copy made by Kandyba and enclosed with his letter to Shelest (Doc. 6, p. 64 below). Virun (Doc. 4, p. 51 below) also quotes this petition by Luts'kiv, but without the preliminaries and the final two paragraphs, and so does Lukyanenko (Doc. 7, p. 84 below), omitting the preliminaries, paras 4 and 5 ('Thus . . .', 'Moreover . . .'), the part 'I was astonished . . . the will of the KGB Administration officials', and the final four paras. Discrepancies between the copies are noted below.

[3] 'L.H.', 'and others' not in Doc. 7.

[4] Doc. 7: 'in the investigating office'.

[5] Doc. 7: 'one of the KGB officials'.

[6] Doc. 4: 'on 6 November'.

[7] Doc. 4: 'these statements'.

was Lukyanenko, that this organisation was anti-Soviet, nationalist, and [operated] underground, although in reality I did not see anything like this.

Later, investigator Denisov forced me to sign records in which he had written that on 6 November 1960 I supposedly urged Lukyanenko, Virun, Kandyba, and Vashchuk to an armed struggle against Soviet rule and to activity in the Army [1], and that supposedly Lukyanenko had also spoken in favour of an armed struggle, which in reality neither I nor Lukyanenko had done.

The KGB Administration investigators, whom I trusted as representatives of my Government, deceived me systematically; at first they persuaded me that I was needed in prison merely to unmask Lukyanenko [and] only until the trial (that is, to sign the records). Just before the trial they persuaded me that I ought to help to expose Lukyanenko at the trial (that is, repeat everything which had been entered into the records) and told me that I too would possibly get a couple of years, but if I refused to obey the KGB Administration officials I would receive a much longer term with the help of some article [used] in aggravation.

I was astonished: why and what for?

Then the investigator calmed me down and told me that I would perhaps still be released, but [that] if I got this short sentence this was necessary and I should not resist it because it would be done for the sake of appearances and I would be released after the trial. To my immense astonishment, the L'vov Regional Court sentenced me to ten years' deprivation of freedom.

I could only weep and surrender to the will of the KGB Administration officials. After the trial the KGB Administration officials assured me that I had no need to worry about the term [of the sentence] because I had been given it only for appearances – to give the KGB Administration officials a little help in their work. At this point they requested a formal signed declaration of co-operation under the pseudonym of Havrylyak (because they used to send me to obtain information even before the trial).

Some time later I was told to go to the camp in order to track down the activities of anti-Soviet, nationalist organisations which supposedly existed there. As I refused to go to the camp, I was left in the investigation isolator to inform on citizens [who had been] arrested. Trusting me, these people in their simplicity told me about their thoughts, or about facts, and I gave written or verbal reports about this to KGB Administration officials – Palyarush [2], Dudnik, Goryun, Denisov, Sergadeyev, Gal'sky, and others.

Later, instead of releasing me from detention, they forced me to go to the camp to inform on Lukyanenko and Virun, who were supposedly carrying on subversive activity in the camp, and on others [3].

When I arrived in the camp I did not see any subversive activities there, so I did not write any reports, although I had been directed to do so by the camp's KGB official, Capt. Litvin.

I have already written appeals and petitions to various authorities about all this disregard of the law, asking that the judgment should be annulled or that there should be a review of the case that had been made up owing to my trusting the L'vov Region KGB Administration officials [and also] owing to such a brazen fabrication of the case and the grossest violations of procedural standards in the preliminary and judicial investigations; but no reply has been received as a result.

And therefore I ask the Central Committee of the Communist Party of the

[1] Doc. 7: 'to subversive activity in the ranks of the Army'.

[2] Doc. 7: 'Palyarush'.

[3] Doc. 4: 'activity, etc., in the camp'

Ukraine to turn its attention to this disregard of the law and to help me to secure release from arrest. And I also ask you to review (to help to review) the case of Lukyanenko, Virun, Kandyba and others convicted in this case, since I was made use of by the L'vov Region KGB Administration officials, as I have already described.

V. Luts'kiv

October 1965

To Oles' Honchar, Deputy of the Supreme Soviet of the USSR and writer [1]

From Stepan Martynovych Virun, convicted on political grounds

Mordovian ASSR, station Pot'ma, P.O. Yavas, P.O. Box 385/11-8

I appeal to you as a civic and cultural personality of the Ukraine. I see in you a representative of the progressive community of our country who has the fate of our society and its members close to his heart. I am one of those who has been unjustly branded as a traitor to the people and deported to the remote swamps of Mordovia. It is impossible for me to leave this place without the [aid of] wide public [support].

On 20 May 1961 the L'vov Regional Court sentenced seven members of the Soviet intelligentsia under Arts. 56 (i) and 64 UCC to various degrees of punishment: from the death penalty by shooting to ten years' imprisonment. The Supreme Court of the Ukraine, after examining the case on appeal and without dwelling on the substance of the indictment, introduced partial changes in the nature and terms of the punishment: L. H. Lukyanenko's death sentence was commuted to 15 years [imprisonment], I. Z. Kipysh's and Y. Yu. Borovnyts'ky's terms were reduced from 10 to 7 years each; the terms of I. O. Kandyba – 15 years, S. M. Virun – 11 years, O. S. Libovych and V. S. Luts'kiv – 10 years each, were left unchanged. Thus 7 persons were sentenced to 75 years of imprisonment in severe regime [2] camps.

We come from workers' and peasants' families. We are graduates of secondary and higher educational establishments: Lukyanenko, of the law faculty of the Moscow Lomonosov University; Kandyba and Borovnyts'ky, of the law faculty of L'vov University; Virun, of a Party School; Libovych, of an agricultural institute.

Lukyanenko and Virun were members of the CPSU, Borovnyts'ky and Luts'kiv were candidate members of the CPSU, Libovych was a member of the VLKSM. Working [as we did] in Party and legal agencies, we could not remain indifferent to whatever hindered our social development, whatever caused the people sorrow. We wrote about all this to newspapers and journals, to the highest Party and Soviet agencies. The absence of any response to our protests and the indifference of the above-mentioned agencies forced us (Lukyanenko and Virun) to write a pamphlet which examined the existing order in our country from a Marxist-Leninist point of view. It sharply criticised the years of famine and unjustified repressions – the years of what it has been the custom delicately to call the personality cult. The assessment of this period [in this pamphlet] did not diverge from the assessment given to it in official Party documents.

[1] O. T. Honchar (1918–): a prominent Soviet Ukrainian novelist, holder of several state prizes; Chairman of the Writers' Union of the Ukraine; decorated for war service; CPSU member. Cf. p. 144 below.

[2] 'Correctional labour colonies are divided into general regime, intensified regime, severe regime and special regime colonies and colony-settlements'; individuals 'convicted of especially dangerous crimes against the state . . . serve their sentences in severe regime colonies' (Art. 14 FCL). 'Especially dangerous crimes against the state' is the heading covering Arts. 56–65 UCC (corresponding to Arts. 64–73 RCC); nearly all prisoners mentioned in this book, with the notable exception of Chornovil (Part IV below), have been convicted under one or more of these Articles. (Cf. p. 1, fn. 6 above.)

Shortcomings of the post-cult period were criticised: the bureaucratic methods of administering the national economy; the centralised method of planning in industry and agriculture was condemned; the curtailment of the rights of trade union organisations, which in many cases had become the best tools of the managers in violating socialist legality, was pointed out, [as well as] the curtailments of democracy in the collective farms; the restrictions on the rights of collective farmers; and, in particular, the fact that their lot in so far as freedom to leave the collective farms is concerned had changed very little since the bygone days of serfdom.

The shortcomings in the nationalities policy in the Ukraine during the personality cult and after it were criticised: unjustified repressions accompanied by accusations of nationalism and the annihilation of hundreds of Party and cultural personalities of the Ukraine, the proscription of many Ukrainian writers and historians. The rights of the Ukraine as a Republic were curtailed. It was pointed out that even at this time (1958–9 was the period under review) certain classics of Ukrainian literature were not published, and the names of many personalities of Ukrainian culture were forgotten. The Ukrainian language had not become the official language [1]. It had been ousted from the agencies of the state, driven out of scholarship, establishments of higher education and trade schools [and], by and large, the sphere of industry and the cultural life of the nation.

We analysed the historical past of the Ukraine and its present condition, and pointed out in the pamphlet that on the basis of Article 14 of the Constitution of the Ukrainian SSR, the Ukraine had the right freely to secede from the USSR if the majority of the Ukrainian people desired this. It was pointed out that in order to achieve this effect it was necessary to form an organisation (the provisional name, 'Ukrainian Workers' and Peasants' Union' – UWPU – was suggested) which would – legally, [and] in accordance with Soviet laws – conduct agitation and propaganda among the Ukrainian population for the Ukraine's secession from the USSR, this question to be brought before the Supreme Soviet of the USSR [2] for a decision. If the population of the Ukraine did not support this initiative, the organisation would be disbanded. Should Article 14 of the Constitution of the Ukrainian SSR be put into effect, the political order in the Ukraine would remain Soviet, and the economic order, socialist. As a socialist state the Ukraine was to remain within the commonwealth of socialist countries.

Such were the contents of this pamphlet. Several copies of it were distributed legally and without any prejudice among ten or so members of the intelligentsia.

Is this a crime under Soviet law? Absolutely not, or Article 14 of the Constitution of the Ukrainian SSR would be a fiction. The investigation and judicial agencies understood this, but, steeped as they were to the very marrow in principles long since dead and condemned by the people, they were unable to overcome their own nature and fabricated criminal traitors in accordance with the methods of the thirties and forties.

The judgment states that:

As the programme shows, the UWPU set itself the task: of struggling against the Soviet state and social system; against the CPSU and the Soviet Government;

[1] Unlike the three Transcaucasian Republics (Georgia, Armenia, Azerbaijan), in which their respective languages are proclaimed in their Constitutions as their 'state languages'.

[2] Apparently a slip for 'the Ukrainian SSR'.

for the severing of the Ukrainian SSR from the USSR and for the creation of a so-called 'Independent Ukraine'; the programme slandered the CPSU and Marxist-Leninist theory, it grossly falsified the history of the Ukraine [. . .], and pointed to the deeply secret nature of all UWPU activities.

The court based its judgment on the above-mentioned pamphlet after distorting its contents beyond recognition.

First of all, the brochure in question (an expanded draft of the programme of the Ukrainian Workers' and Peasants' Union) had never been a binding document; that is, it was not a programme, but merely reflected the ideas of its author.

Secondly, the contention of the court that '... The UWPU set itself the task: of struggling against the Soviet state and social system ...' does not correspond to the facts.

The draft programme unambiguously states its author's social ideal. See page 3 of the brochure:

We are struggling for our perfect ideal – an independent Ukraine with a broadly developed socialist state system ... for an independent Ukraine such that, while providing to a high degree for the material and spiritual needs of her citizens on the basis of a socialised economy, she would develop towards communism.

A struggle against what kind of state system? Our ideal is indeed a Soviet state system. It seems that the functionaries of the L'vov KGB and the regional court regard bureaucracy, violations of socialist legality and other negative features as the foundations of Soviet power. Indeed, if that is so, everything falls into place.

Thirdly, the judgment states that: '... [the UWPU] set [itself the task] of struggling [. . .] for the severing of the Ukrainian SSR from the USSR'.

This also is a distortion of the facts. The pamphlet mentioned the possibility of a secession of the Ukrainian SSR from the USSR. But: 'the methods for achieving this end are peaceful, constitutional' (see page 3 of the pamphlet).

Thus, in its judgment, the court altered the statement referring to a constitutional secession to read 'severing', i.e. an act of violence. To aim at taking advantage of a Soviet constitutional right – a Union Republic's right to secede from the USSR – cannot be a crime, no more than Soviet law itself can be anti-Soviet.

The judgment says that we set ourselves the task of struggling against the CPSU, that we defamed Marxist-Leninist theory, and grossly falsified the history of the Ukraine. Do these acts make up the elements of a crime such as treason? The judgment does not indicate what form this struggle took. The court had no facts to confirm [that it took place]. People holding Marxist-Leninist views could not struggle against themselves. Nor did we have the physical means for this [struggle] – we had no printed publications, and no people for such activity. What is more, a struggle against Marxist-Leninist ideology in the realm of thought does not constitute any sort of crime. This ideology is compulsory for CPSU members, but other citizens need not share it.

Nor does the court's contention that there was a secret organisation correspond to the facts. No secret organisation existed. It was created by the investigators in the offices of the L'vov KGB Administration. When they were still at liberty the men arrested had simply been friends. Lukyanenko and I were bound by personal friendship. Kandyba, Borovnyts'ky and Lukyanenko had professional ties. The investigation agencies were consistent in their falsifications. Given an organisation, there must also be meetings. A simple get-together of friends on 6 November 1960, after the celebration of the October Revolution anniversary, was classified as a

meeting of the leaders of a non-existent organisation. The judgment states in this connection that:

With a view to working out the forms and methods of the struggle against the Soviet order [and] the intensification of hostile [. . .] activities, a gathering of the leading UWPU participants [. . .] was held on 6 November 1960 in prisoner Kandyba's L'vov flat.

At this gathering the programme of the UWPU, its aims and methods of struggle were discussed. . . . The witness Vashchuk testified that Virun deceitfully invited him to the gathering on 6 November 1960 at which the programme of the UWPU, its organisation and the tactics of its activities were discussed.

One must ask how citizen Vashchuk could have been invited if a secret organisation existed and its leaders held a council about the promotion of hostile activity against the Soviet Government. He would also have to have been a leader. Who would invite an outsider to a meeting of leaders of an anti-Soviet organisation? Secondly, if there are leaders, there should also be rank and file members. Otherwise, there would be leaders without subordinates. But the logic of the facts did not greatly trouble the investigators. Their main concern was to stretch the facts to fit the provisions of the requisite paragraph [in the criminal code].

These functionaries describe a criticism of the distortions of the Leninist nationalities policy as 'nationalism'.

The court discarded, twisted or completely ignored evidence which confirmed [that we held] Soviet views. In order to make short work of us as enemies and traitors to the Fatherland, the court did everything to present us only in a negative light.

The patent falsification of facts by the investigation and judicial agencies is easily shown up by comparing the text of the pamphlet with the documents in the case.

But even material deliberately falsified by the investigation agencies cannot be treated as the basis for indictment in accordance with Art. 56 (i) UCC.

The provision of Art. 56 (i) UCC quotes the actual list of acts regarded as treason by the legislator:

1. going over to the side of the enemy;
2. espionage;
3. transmission of a state or military secret to a foreign state;
4. flight abroad or refusal to return from abroad to the USSR;
5. rendering aid to a foreign state in carrying on hostile activity against the USSR; and
6. conspiracy for the purpose of seizing power.

It is clear from the provision of Art. 56 (i) UCC – and Yakubovich and Vladimirov, the authors of a manual [1], as well as Kurlyansky and Mikhaylov [2], also consider – that the object at which treason is aimed is the external security of the foundations of the Soviet political and economic order. The subjective aspect is the conscious intent to commit such a crime to the detriment of the external security of the USSR.

When he was reviewing our criminal case, an advocate of the Moscow legal consultation office, Candidate of Laws Polyak, came to the conclusion that our

[1] See p. 41, fn. 1 above.

[2] V. I. Kurlyansky, M. P. Mikhaylov (eds), 'Osobo opasnyye gosudarstvennyye prestupleniya' (Moscow, 1963) p. 90.

acts contained no elements of the crime provided for in Art. 56 (i) UCC. In his appeal to the Procurator-General of the USSR [1] and the President of the Supreme Court of the Ukrainian SSR he set out his reasons for [describing] this classification [of our acts under Art. 56 (i)] as incorrect. These appeals remained fruitless, probably only because they fell into the hands of people who to this day hold the views of the tsarist minister Valuyev [2]. Even simple mortals, let alone a learned man, can see from the verdict that not one of us went over to the enemy, was ever a spy, was ever abroad, or ever rendered aid to a foreign state. With all its bias the court could not in its judgment point to a single crime committed by us and covered by the provision of Art. 56 (i) UCC. If the judgment does not charge us with any of the crimes listed, how then could the court classify my acts under Art. 56 (i) UCC???

Let us start with this:

Why is it that, during a period when the Party has been combating the consequences of the personality cult, one finds people so brazenly and blatantly scorning Soviet laws and disregarding Party and government directives in the field of socialist justice?

From the very start the preliminary investigation was conducted by people who, in the course of many long years, had assimilated into their blood and bones methods of conducting investigations now condemned by the Party. The spirit of the new age had not reached them; they did not discard their infamous past experience. Having shut us up in jail, they began to work on us according to all the rules of their art, guided by the well-known adage: if ordered to get a conviction, getting it is merely a technical matter.

It would be naïve to expect objectivity from people who themselves hold chauvinistic views that are in fact anti-Soviet. So as not to make unsupported statements, I will mention the following facts:

After long periods of residence in the Ukraine they have not even bothered to learn the language of her people, as one might expect them to do out of the most elementary considerations of respect for the people of the country in which they live and work.

In violation of Art. 19 UCCP [3], the preliminary investigation in this case was conducted in Russian; the fact that the statute in question plainly required them to conduct the investigation in Ukrainian did not worry them in the slightest.

Starikov, the procurator supervising investigations in the state security agencies, boasted to the prisoner Borovnyts'ky that he did not know Ukrainian, thereby giving one to understand that Ukrainian could not, and did not deserve to be, the official language.

Throughout the entire preliminary investigation they consistently stuck to the idea that the Ukrainian people never had been and still were not capable of independent existence. That was why B. Khmel'nyts'ky [4] united [the country] with Russia, and [why] the Ukraine entered the USSR in 1922 [5]. What is this but a display of racist theories, so reminiscent of the ravings of Goebbels!!?

[1] Rudenko (cf. p. 33, fn. 1 above).

[2] See p. 111, fn. 5 below.

[3] 'Judicial proceedings shall be conducted in the Ukrainian language.'

[4] Bohdan Khmel'nyts'ky (1595–1657): Hetman, founder of the Ukrainian Cossack state which, after a successful revolt (1648–54), seceded from Poland and entered into an alliance with Muscovy.

[5] On 30 December 1922, the treaty of the creation of the USSR was signed by the RSFSR, the Ukraine, Byelorussia, and the Transcaucasian Federation.

Holding such beliefs, could they have directed the investigation into the proper channels, where questions of Ukrainian history, language and culture were of primary importance?

Small wonder that our concern for these questions drew only hatred from them and was interpreted as a manifestation of Ukrainian nationalism.

Netymenko, the Procurator of L'vov Region, who indicted us in court, resorted to various arguments to justify manifestations of [Russian] chauvinism in L'vov and indignantly described us as ferocious nationalists.

These people (Starikov, the chief of the investigation department Sergadeyev, senior investigator Denisov, Klimenko, Gal'sky and others) went so far in their chauvinistic fervour as to make the following statement:

Even if the majority of the Ukrainian people expresses the wish to leave the USSR by taking advantage of its constitutional right to do so, the Soviet Government will not stop short of using armed force in order to keep the Ukraine in the USSR.

How can this be interpreted otherwise than as a slander on the Soviet Government? What else is it but a perversion of the spirit of the Constitution?

The great-power chauvinism of these people is a complete denial of Soviet laws.

When Lukyanenko testified that he understood Art. 17 of the USSR Constitution [to state] the actual right of a Republic to secede from the USSR, Denisov, the senior investigator, replied:

Lukyanenko, you are a literate man, so why pretend to be a simple-minded dolt. You understand perfectly well that Article 17 of the Constitution only exists for [the delusion of] the outside world.

The other KGB officials maintained substantially the same position.

Naturally enough, people holding such views could not conduct an investigation in accordance with the law on procedure. In fact, they regarded themselves as not bound by any laws.

Forbidden methods were used in violation of Art. 22 UCCP [1] in the course of the preliminary investigation.

Thus, the Chief of the L'vov Region KGB Administration, having arrested Luts'kiv, persuaded him to give the testimony they required about the other prisoners, promising [Luts'kiv] in return to release him from custody. Luts'kiv, believing in these promises, signed the testimony compiled by the investigator, which was full of lies made up by the KGB agencies.

This is what Luts'kiv writes about this in his appeal to the CC CPU:

[Here Virun quotes Document 3 virtually complete.]

Luts'kiv paid a high price for his indiscretion – ten years of deprivation of freedom. And he is now held in a psychiatric isolator, with the status of a lunatic, for writing similar appeals.

In an attempt to condition us in a way favouring the investigation, KGB agencies placed their agents in our cells. Acting in accordance with KGB instructions these agents made a show for our benefit of being ardent nationalists and enemies of Soviet rule; they told all kinds of horror stories about the work of the KGB agencies, trying to convince us that all our assertions of innocence were senseless, that all our human and civil rights had been left on the far side of the

[1] See p. 82, fn. 3 below.

prison gates, and that here they could do with us whatever they liked. They quoted examples of how the KGB agencies forced even such men as Yakir, Tukhachevsky, Blyukher [1], and others to give testimony to their [the KGB's] advantage, 'and, as for you,' they said, 'there is no point in holding out; [you might as well] sign everything that is required of you.'

As if to confirm this, Shevchenko, the chief of the KGB, told Lukyanenko:

You can resist – the law gives us two months in which to conduct the preliminary investigation, but if necessary we will hold you 5–6 months – until we get you to sign what we need.

I will not dwell on the fact that the officials of the KGB *apparatus* constantly insulted us by using unprintable language and trampled on our human dignity. They tried to convince us by every means that we were nationalists and anti-Soviets.

We protested against all this but in the end we gradually grew accustomed to it, and it seemed to us at times that there was in fact something wrong with us.

This was our frame of mind when we faced the court. The spirit of the preliminary investigation also prevailed in the court. The court did not attempt to establish the objective truth in the case; on the contrary, it was guided by feelings of hatred and revenge, twisting facts in every possible way in order to impart a criminal content to them.

Our pleas and requests were rejected entirely without explanation. Our plea to call into court the experts who, during the investigation, had carried out an assessment to establish the ideological-political trend of the programme was rejected. Although the conclusions of the assessment were totally unscholarly and unobjective the court nevertheless adopted them as the basis for the indictment.

As a result of gross violations of socialist legality, the court achieved its object: it branded us – completely innocent Soviet citizens – with the infamy of being enemies of the people and our Fatherland.

The verdict – a manifestation of arbitrariness and injustice – has not destroyed my faith in, and fervent love for, [my] people. Even if the judges and procurators had been almighty deities they could not have convinced me that I was an enemy of the people.

At this moment I recall the words of our own Dovzhenko:

If there is no hatred on principle, no contempt, no ill-will towards any [other] nation in the world or towards its fate, or towards its happiness, or its dignity or welfare, can it then be that love for one's own nation is nationalism? [2]

[1] Army Commander I. Ye. Yakir (1896–1937), Marshals M. N. Tukhachevsky (1893–1937) and V. K. Blyukher (1889–1938) perished in Stalin's purge; rehabilitated after his death. Cf. R. Conquest, 'The Great Terror' (1968) pp. 201–26, 459–63.

[2] O. Dovzhenko (1894–1956): Soviet Ukrainian film director of international fame; banished from the Ukraine to Moscow in the early 1930s until Stalin's death. The complete diary entry on 27 July 1945:

My Comrade Stalin, even if you were a god I would even then not believe you that I am a nationalist who must be besmirched and ill-treated.

If there is no hatred on principle, no contempt, no ill-will towards any [other] nation in the world or towards its fate, or towards its happiness, or its dignity or welfare, can it then be that love for one's own nation is nationalism?

Does nationalism consist in not condoning the stupidity of people [endowed] with

In the places of imprisonment the KGB officials continue to persuade us that we really are traitors to the Ukrainian nation. 'You wanted to take advantage', they say, 'of your constitutional right to secede from the USSR.'

They try to persuade not only us, but higher party agencies as well.

Thus the representative of the Ukrainian SSR KGB in the camp, Harashchenko, in a conversation with prisoner I. O. Kandyba mentioned that the judgment gave us grounds for writing appeals; in other words, it gave insufficient grounds to incriminate us. 'But the KGB agencies hold documents which cannot be put on file (??). When your case was taken up by the CC CPU, Marusenko, our (L'viv KGB) representative, convinced the CC CPU that you were in fact enemies of the people on the strength of these documents. Your case was left unaltered.'

What are these documents which cannot be put on file? It seems that we are undergoing punishment not because of what was imputed to us in the judgment. Are these not the same 'documents' (fabricated denunciations, pure lies by KGB agents) on the basis of which hundreds of people were shot in the thirties and forties?

Stepan Virun

ranks, of cold men of business, or in an artist's inability to hold back his tears when his people are suffering?

Why have you turned my life into torment? Why have you taken away my joy, crushed my name with your boot?

Yet I forgive you. For I am a part of the people. I am still greater than you.

Tiny as I am, I forgive you your smallness and evil, for you too are imperfect, however much people may worship you. There is a god. But his name is Chance. ('Dnipro', no. 7 (Kiev, 1962) 131.)

(Copy) [1]

*To the Investigator of the L'vov KGB Administration,
Denisov*

Greetings!

I apologise for all the letters which I have written to the Party organisation of the Administration and to you personally.

I have been greatly injured because I am being kept inside for no reason at all and that is why I have been writing. What is more, they have expected me to work here like all the other prisoners.

Lukyanenko never advocated an armed struggle. I lied in both the first and second instance, having obeyed Gal'sky and you.

Nor did I conduct agitation with anybody or wish to recruit anyone.

I wrote all this testimony in my own hand because you had to investigate Lukyanenko whom you regard as a helper of bourgeois nationalists and enemy agents.

I was not incited to nationalism by Vasyl' Semenovych Rud'. I made this up because you demanded it; I did not have a nationalistic outlook at the time of my arrest, but you asked me for this and as I did not want to argue with you, I lied.

I showed the brochure to V. Pektsak, U. Chornomaz and V. Sikora with no thought of agitation.

Neither Chornomaz nor Sikora read it. I lied about V. Sikora advising me to take this brochure to the KGB; I did not want you to get angry with him.

He was very drunk and did not say anything to me. I did not want to conduct agitation with Petro Bey; I lied only so that you would leave me alone and not put me on trial, because you threatened to convict me on the strength of those documents which were concocted for the purpose of the so-called exposure of Lukyanenko.

I did not advocate an armed struggle; I deceived Lukyanenko and everybody.

I did not belong to any UWPU because from my observations there was none so far.

I followed Lukyanenko and also [looked for] a possible acquaintance [of his] [2] from abroad; if I had discovered one, I would have reported.

So far, I had discovered no contacts by Lukyanenko with persons in higher posts, and therefore did not report.

What was I imprisoned for? And how long shall I stay here?

If you do not release me this year, I will write about this to all the authorities, to the whole country. I have enough paper.

Please pass all this to Procurator Starikov and see to it that my judgment is annulled and my Party card and everything else are returned to me.

I have suffered long, covering up everything that you have done, and I almost went mad, but I do not want to suffer any longer.

(V. Luts'kiv)

20 July 1966

[1] A copy made by Kandyba (cf. p. 64 below).

[2] An obscure passage in the available copy of the original. The bracketed parts are conjectural additions in the translation.

To the First Secretary of the CC CPU, Petro Yukhymovych Shelest

*[From] political prisoner Ivan Oleksiyovych Kandyba,
Moldovian ASSR, P.O. Yavas, P.O. Box 385/11*

Secret
Case No. . . . 1961

JUDGMENT

In the name of the Ukrainian Soviet Socialist Republic.

On the 20th day of May 1961 the L'vov Regional Court Judicial Division for Criminal Cases consisting of:

Presiding: S. I. Rudyk

People's assessors: P. M. Lyuborets' and K. M. Hershunenکو

With the Secretary: V. H. Lyubashchenko

With the participation of Procurator: I. I. Netymenko

And advocates: S. M. Orhanovych, Ya. T. Koval', B. A. Bardyakov,

H. N. Tkachenko, V. V. Honcharov, A. F. Yurko,

T. A. Sapovych

in a closed [1] judicial session in L'vov considered the case of the indictment of:
(p. 1 of the Judgment – excerpt)

1. Lev Hryhorovych Lukyanenko, born in 1927 in the village of Khripovka, Gorodnya District, Chernigov Region, Ukrainian, citizen of the USSR, of peasant birth, member of the CPSU (expelled from the CPSU in connection with this case), married, higher legal education, graduated from the law faculty of Lomonosov State University of Moscow in 1957, after which he worked as a staff propagandist in the Radekhov and Gliniany Party District Committees, and since 1 February 1960 as an advocate with the Gliniany legal consultation office of L'vov Region;

2. Ivan Oleksiyovych Kandyba, born in 1930 in the village of Stulno, Włodawa District (Podlasie, now in Poland), Ukrainian, citizen of the USSR, of peasant birth, not a Party member, unmarried, higher legal education, graduated from the law faculty of the Ivan Franko State University of L'vov in 1953; since then has worked in the judicial agencies of L'vov and the L'vov Region: as notary in the Shevchenko district of L'vov, as advocate in the Gliniany legal consultation office, and, at the time of his arrest, as advocate in the Peremyslyany legal consultation office in L'vov Region, living in L'vov at Dekabristy Street, 57/37;

3. Stepan Martynovych Virun, born in 1932 in the village of Stremil'noye, Lopatin District (now Brody District), L'vov Region, Ukrainian, of peasant birth, citizen of the USSR, member of the CPSU (expelled from the CPSU in connection with this case), married, uncompleted higher education: finished the Higher Party School in L'vov in 1955, then held appointments in the Komsomol and the Party in the Ivano-Frankovsk Komsomol District Committee, the L'vov Komsomol Regional Committee, and, at the time of his arrest, [was working] as a staff propagandist in the Radekhov Party District Committee;

[1] This confirms that the trial was held not only actually but formally in camera, violating Soviet law as far as this case is concerned; cf. p. 64, fn. 1, p. 65, fns 1-4, and p. 66, fns 1-2 below.

4. Oleksandr Semenovych Libovych, born in 1935 in the village of Hłudno, Brzozów District (Lemkian Region, in Poland), Ukrainian, of peasant birth, citizen of the USSR, not a Party member, married, higher education, graduated from the L'vov Agricultural Institute in 1958 and worked as an engineer-geodesist in the L'vov Regional Agricultural Administration;

5. Vasyl' Stepanovych Luts'kiv, born in 1935 in the village of Pavlov, Radekhov District, L'vov Region, of peasant birth, Ukrainian, citizen of the USSR, member of the CPSU (expelled from the CPSU in connection with this case), unmarried, completed 9 classes of school, worked as manager of the village club in Pavlov until his arrest;

The [above] two persons being indicted under Arts. 19 [1], 56 (i) UCC.

6. Yosyp Yulianovych Borovnyts'ky, born in 1932 in Sanok (Lemkian Region, in Poland), of working-class parents, Ukrainian, citizen of the USSR, member of the CPSU (expelled from the CPSU in connection with this case), married, higher legal education, graduated from the law faculty of the Ivan Franko State University of L'vov in 1956 and worked as an investigator in the Peremyshlyany District, L'vov Region, procuracy until his arrest; and

7. Ivan Zakharovych Kipysh, born in 1923 in the village of Hłudno, Brzozów District (Lemkian Region, in Poland), Ukrainian, of peasant birth, citizen of the USSR, not a Party member, married, completed 8 classes of school, worked in the militia agencies of L'vov until his arrest;

The [above] two persons being indicted under Arts. 19 [1], 56 (i) UCC.

All of us were presented with an indictment [2] consisting of the following (a verbatim excerpt from the record is given below):

The prisoner L. H. Lukyanenko, being of a hostile anti-Soviet disposition, has since 1957 nurtured the idea of severing the Ukrainian SSR from the USSR, [and] undermining the authority of the CPSU, and has defamed the theory of Marxism-Leninism.

Being aware that the Ukrainian bourgeois nationalists, and the Organisation of Ukrainian Nationalists (OUN) in particular, had been routed in the western regions of the Ukraine after the Great Patriotic War, and hoping to find a favourable environment for his hostile activities, L. H. Lukyanenko succeeded in getting himself appointed to work in the L'vov Region. While working in the Radekhov District Lukyanenko made criminal contact with the prisoner S. M. Virun, who was also of an anti-Soviet disposition, with whom in 1959 he came to an agreement concerning the formation of a nationalist organisation – the Ukrainian Workers' and Peasants' Union (UWPU).

The programme of the UWPU was drafted later by L. H. Lukyanenko. As the programme shows, the UWPU set itself the task: of struggling against the Soviet state and social system, against the CPSU and the Soviet Government, for the severing of the Ukrainian SSR from the USSR, and for the creation of a so-called 'Independent Ukraine'; the programme [. . .] [3] falsified the history of the Ukraine, justified the activities of the former nationalist underground, and pointed to the deeply secret nature of all UWPU activities.

Prisoners L. H. Lukyanenko and S. M. Virun agreed the text of the UWPU programme between them. L. H. Lukyanenko typed the text of the programme,

[1] Arts. 19 UCC, 17 RCC deal with complicity in the commission of a crime.

[2] This is the 'motivating' (Art. 334 UCCP), or, as Lukyanenko (p. 33 above) calls it, 'descriptive' (Art. 314 RCCP) part of the judgment. Shorter passages from it are also quoted in Doc. 2, pp. 33–40, and Doc. 4, pp. 47–9 above.

[3] Virun has here: '... the programme slandered the CPSU and Marxist-Leninist theory, it grossly falsified the history ...' (p. 48 above).

and together with S. M. Virun engaged in organisational work [aimed] at enlarging the UWPU, and drew into it the prisoners I. O. Kandyba, V. S. Luts'kiv and O. S. Libovych.

Being members of the UWPU, and accepting its programme, prisoners Lukyanenko, Virun, Kandyba, Luts'kiv and Libovych discussed anti-Soviet themes; picked [people] for recruitment into the UWPU from among unstable individuals and former OUN members; and expounded [to them] the UWPU's programme and the means of carrying it out.

With a view to working out the forms and methods of the struggle against the Soviet order, [and] the intensification of hostile anti-Soviet nationalist activities, a gathering of the leading UWPU participants, in the work of which L. H. Lukyanenko, S. M. Virun, I. O. Kandyba and V. S. Luts'kiv took part, was held on 6 November 1960 in prisoner Kandyba's L'vov flat.

At this gathering the programme of the UWPU, its aims and methods of struggle were discussed.

Speaking at the gathering, Lukyanenko, Virun, Kandyba and Luts'kiv agreed that the final aim of the UWPU was the severing of the Ukrainian SSR from the USSR; defamation of the theory of Marxism-Leninism was committed at the gathering; at that stage those taking part in the gathering devoted special attention to organisational questions, to [the question of] enlarging the organisation and forming centres in enterprises, offices, districts and regions of the Ukrainian SSR; the prisoner Luts'kiv called for the intensification of activity in the Army and for armed struggle against the Soviet order.

A second gathering of the UWPU participants was set for 22 January 1961 but it did not take place owing to the arrest of its leaders.

In this way L. H. Lukyanenko, S. M. Virun, I. O. Kandyba, V. S. Luts'kiv and O. S. Libovych committed treason against the Fatherland, the USSR, created the hostile UWPU organisation, [and] set themselves as their aim a struggle against the Soviet state system, the CPSU and its Marxist-Leninist theory, for severing the Ukrainian SSR from the USSR and the creation of a so-called 'Independent Ukraine'.

The prisoners Kipysh and Borovnyts'ky received texts of the UWPU programme, [and,] knowing beforehand [that they were] of their essence anti-Soviet and directed against the Soviet state and the CPSU, read the programme and kept it to themselves as a means and instrument of committing a crime directed at treason against the Fatherland, the USSR, at severing the Ukrainian SSR from the USSR, and the creation of a so-called 'Independent Ukraine'. (pp. 2-3 of the Judgment) [1]

This is the conclusion of the Judgment:

In selecting measures of punishment, the Judicial Division takes into consideration that the prisoner Lukyanenko was a staff propagandist of the Radekhov District Committee of the CPU at the time when the UWPU was being organised, [as well as] his leading and organising role in the UWPU, and the exceptional cynicism with which he led the struggle against Soviet rule and the CPSU.

In selecting the measures of punishment for Virun, Kandyba, Luts'kiv, Libovych, Kipysh and Borovnyts'ky, the Judicial Division takes into consideration the personality of the prisoners, the degree of their guilt and the dangerousness of the crimes committed.

[1] There are three additional quotations from p. 3 (Doc. 4, p. 49), p. 4 (Doc. 2, p. 40, and Doc. 7, p. 88) and p. 6 (Doc. 2, p. 35) of the judgment.

Guided by Arts. 324, 333, 334, 335 UCCP [1], the Judicial Division of the L'vov Regional Court

HAS SENTENCED:

Lev Hryhorovych Lukyanenko, on the basis of Art. 56 (i) UCC, to the death penalty by shooting with confiscation of his property; on the basis of Art. 64 UCC, to 15 years' deprivation of freedom in correctional labour colonies; and on the aggregate of the crimes committed, on the basis of Art. 56 (i) UCC, to be regarded as sentenced to death by shooting with confiscation of his property;

Ivan Oleksiyovych Kandyba, on the basis of Art. 56 (i) UCC, to 15 years' deprivation of freedom in correctional labour colonies with confiscation of his property; on the basis of Art. 64 UCC, to 12 years' deprivation of freedom in correctional labour colonies; and on the aggregate of the crimes committed, on the basis of Art. 56 (i) UCC, to be regarded as sentenced to 15 (fifteen) years' deprivation of freedom in correctional labour colonies with confiscation of his property;

Stepan Martynovych Virun, on the basis of Art. 56 (i) UCC, to 11 years' deprivation of freedom in correctional labour colonies with confiscation of his property; on the basis of Art. 64 UCC, to 10 years' deprivation of freedom in correctional labour colonies; and on the aggregate of the crimes committed, on the basis of Art. 56 (i) UCC, to be regarded as sentenced to 11 (eleven) years' deprivation of freedom in correctional labour colonies with confiscation of his property;

Vasyl' Stepanovych Luts'kiv, separately on the basis of each of the Arts. 56 (i), 64 UCC, to 10 years' deprivation of freedom in correctional labour colonies with confiscation of his property, and on the aggregate of the crimes committed to be regarded as sentenced to 10 (ten) years' deprivation of freedom in correctional labour colonies with confiscation of his property;

Oleksandr Semenovych Libovych, separately on the basis of each of the Arts. 56 (i), 64 UCC, to 10 years' deprivation of freedom in correctional labour colonies with confiscation of his property, and on the aggregate of the crimes committed to be regarded as sentenced to 10 (ten) years' deprivation of freedom in correctional labour colonies with confiscation of his property.

The term of serving the measure of punishment is to be counted for S. M. Virun, I. O. Kandyba, V. S. Luts'kiv from 20 January 1961, for O. S. Libovych from 25 January 1961, for I. Z. Kipysh from 23 March 1961, and for Y. Yu. Borovnyts'ky from 24 March 1961.

To deduct from the properties of convict L. H. Lukyanenko, and convicts S. M. Virun, I. O. Kandyba, V. S. Luts'kiv, I. Z. Kipysh and Y. Yu. Borovnyts'ky 50 (fifty) roubles each of court costs for the benefit of the State.

The former measure of restraint – confinement under guard – is to be maintained in relation to all those convicted.

The judgment may be appealed against to the Ukrainian SSR Supreme Court within seven days from the day of being handed a copy of this judgment.

Presiding: Rudyk

People's assessors: Lyubarets', Hershunenکو

[This] agrees with the original: President of the L'vov Regional Court

Signature (S. Rudyk)

(pp. 7–8 of the Judgment)

As appears from the above, a very formidable indictment was put up against us, and in connection with it punishments of such severity were chosen for us. But this

[1] Art. 324 sets out the questions to be resolved by the court when decreeing judgment; Arts. 333–5 prescribe the contents of its introductory, motivatory and resolatory parts. They roughly correspond to Arts. 303, 313–17 RCCP. Extracts from the resolatory part follow.

indictment is not consistent with the actual circumstances of our case, for our acts were such that there were no grounds whatsoever for classifying them not merely as treason, but as crimes of any sort.

I do not deny the fact that we had in our possession, read, and gave many others to read a pamphlet provisionally entitled 'A Draft Programme of the UWPU', the author of which was Lukyanenko, but its contents are not as dangerous as is stated in the judgment.

The pamphlet 'A Draft Programme of the UWPU' examines the existing order from a Marxist-Leninist point of view. From the same point of view it sharply criticises the policy of the Party and the Government during the famine years in the Ukraine in 1933-4, [and during the period] of the mass repressions in the thirties in the eastern regions of the Ukraine: the period which it has been the custom delicately to call the 'personality cult'. The assessment of this period [in the pamphlet] scarcely diverged from the official assessment [made] by the Party and government leaders at the XXth Congress of the CPSU and afterwards.

Shortcomings of the post-cult period were criticised: bureaucratic methods of administering the national economy; the centralised method of planning in industry and agriculture was condemned; the curtailment of the rights of trade unions, whose leaders had become the best tools of the managers in violating socialist legality, was pointed out; policy with regard to peasants, who suffered social, political and cultural oppression and whose position did not differ at all from the position of the serfs from the seventeenth to the nineteenth century, was sharply criticised.

The nationalities policy in the Ukraine throughout the entire period of the Soviet regime's existence was particularly criticised: mass accusations of nationalism against millions of Ukrainians and their physical extermination, including that of thousands of people active in the political, academic and cultural life of the Ukraine; the proscription of hundreds of Ukrainian poets, writers, historians and people active in art and culture.

The curtailment of the Ukraine's political and economic rights was pointed out, [as were the facts] that the Ukraine is deprived of sovereignty and of the right to enter into political and economic relations with the other states on our planet [1]. The Ukrainian language has not become the official language; it has been ousted from the agencies of the state, from academic institutions, from establishments of secondary and higher education, from the sphere of industrial enterprises, from the social and cultural life of the nation. The Ukraine is [no more than] Russia's appendage for [the procurement of] raw materials, two-thirds of her products are exported outside her borders, and the policy of great-power Russian chauvinism weighs heavily on all branches of her economy.

Given this situation of the Ukraine, it was concluded that, within the USSR, the Ukraine lacked the opportunity for normal political, economic and cultural development, that in certain respects her position was much worse now than it had been under the tsarist regime, and that she was actually a colony of Moscow or, at best, had [only] cultural autonomy.

Under such circumstances, the author [of the pamphlet] concluded that, for the

[1] According to Art. 15 (b) of its Constitution, 'the Ukrainian SSR has the right to enter into direct relations with foreign states, conclude agreements with them and exchange diplomatic and consular representatives'. Apart from having a delegation at the United Nations, the Ukraine has never been allowed to exercise this right in the post-war period.

sake of a normal development of the Ukrainian nation and its statehood, the Ukraine should secede from the USSR on the basis of Articles 14 and 17 of the Constitutions of the Ukrainian SSR and the USSR [respectively] and become an absolutely independent state not subordinated to anyone.

It was pointed out that in order to accomplish this act it was necessary to form an organisation, provisionally named the UWPU, which could legally – in accordance with the Constitution – conduct agitation and propaganda among the Ukrainian people for the secession of the Ukrainian SSR from the USSR; this question to be brought before the highest agencies of government for implementation.

It was also pointed out that if the majority of the Ukrainian nation did not support this initiative, the organisation would have to disband.

Should this act [i.e. secession] be accomplished, the political order in the independent Ukraine must be Soviet, and the economic order, socialist.

As an independent and socialist state, the Ukraine would have to remain in the commonwealth of socialist states.

'The Draft Programme of the UWPU' is attached to the case file in Vol. 10.

Here are some excerpts from it [1]:

We are struggling for an independent Ukraine such that, while providing to a high degree for the material and spiritual needs of her citizens on the basis of a socialised economy, she would develop towards communism, and secondly, [a Ukraine] in which all citizens would truly enjoy their political freedoms and determine the direction of the economic and political development of the Ukraine – such is the purpose of the ultimate struggle of our 'party' (p. 3 of the 'Programme').

The means for our struggle, a struggle for our specific ideal, which is the independence of the Ukraine with a broadly developed socialist state system [...]. The question of creating an Independent Ukraine will be decided in the final reckoning not only by the party, but by the entire Ukrainian nation.

The aim of this first stage of our struggle thus consists in obtaining the democratic freedoms essential for the organisation of the entire Ukrainian nation in a struggle to create an independent national state. The methods to achieve this end are peaceful, [and] constitutional (p. 3 of the 'UWPU Draft Programme').

In its judgment the court falsified the 'UWPU Draft Programme' by calling it a programme of the UWPU. It would seem from the court judgment:

1. that an organisation under the name of UWPU had already come into existence;
2. that the organisation named UWPU had a programme, and members of the UWPU were carrying on actual work to implement it.

But all this does not correspond to reality. Such ideological definition and organisational perfection was created by the investigators of the L'vov Region KGB agencies in their offices, and finally formalised by the court in its so-called conference room while it compiled the judgment; nothing like this existed among us before our arrest.

We were a number of individuals who saw around them many different outrages – mass violations of socialist legality and of the political rights of citizens,

[1] In part repeated elsewhere: Doc. 2, pp. 39, 42, and Doc. 4, p. 48. An additional quotation occurs in Doc. 7, p. 93.

national oppression, great-power Russian chauvinism on the rampage, the ill-treatment of the peasants, and many, many other abnormalities.

There was thus no organisation and no programme; nobody took any oath, or paid any membership fees; there was no suitably devised discipline; there was no nucleus of leadership; each of us considered himself free in all respects.

On 6 November 1960, five of us met in order to create an organisation. Apart from the four mentioned in the verdict, there was also Mykola Vashchuk, born in the former Novyy Milyatin (now Kamenka-Bugskaya) District, L'vov Region, who was at that time studying in a Higher Party School. It was he who informed the KGB agencies about us, which led to our arrest and the present case. At this meeting – and not ‘gathering’ [1] as the court called it – we discussed the ‘Draft Programme of the UWPU’ and for a number of reasons decided to reject it, and to compile a new draft programme which would reflect the position in so far as the main struggle for Ukrainianisation was concerned, as well as for unlimited political rights of citizens, for democratisation in general, and other points. The question of the Ukraine’s secession from the USSR was not to come into the new draft programme. We decided to meet again when the new draft programme was completed, to discuss and approve it, after which it (the draft) would have become a programme document. Then an organisation would have been formed, the members of which would have been required to adhere to the principles elaborated in the programme and put them into practice so as to attain a certain aim. Only then would there have been an organisation and its programme.

We presented evidence for all of this both at the preliminary and the judicial investigation. In addition, there is in the files a document – Lukyanenko’s ‘Notes’ – which he compiled after our meeting of 6 November 1960, [and] before arrest. The course of our meeting is fully reflected in them – what questions were considered and what decisions adopted.

The investigation agencies and the court did not, however, take all this into consideration and suppressed it both in the indictment and in the judgment. They did so because this [kind of evidence] did not suit them, since there would then have been no grounds for prosecuting us on criminal charges, and even if one or two of us had been prosecuted, such actions could never have been classified as treason, but, at worst, only as anti-Soviet agitation and propaganda.

Thus, the investigation agencies and the court found it useful to make the ‘UWPU Draft Programme’ the basis for their charge in order to dispose of us. But, as stated above, even under those circumstances there can be no talk of classifying our acts as treason – even given such a complete falsification of the ‘UWPU Draft Programme’.

In its judgment, for instance, the court calls criticism of Party and Soviet agencies and their leaders in the ‘Draft’ a struggle against the Soviet state and social system, a struggle against the CPSU and its Marxist–Leninist theory. The court also changed the question of the Ukraine’s secession from the USSR, in accordance with Articles 14 and 17 of the Constitutions of the Ukrainian SSR and the USSR, into a ‘severing’ in order to give the practical accomplishment of this question a connotation of violence. It is in this that they see the alleged treason covered by Art. 56 (i) UCC. This they gave us to understand particularly in the course of conversations, while the procurator in his speech of indictment said that

[1] ‘Gathering’ renders here (as also on pp. 34–5, 49, 57 above) ‘zbornyshche’ of the original, which has a strongly pejorative flavour, while ‘zibrannya’, translated as ‘meeting’, is neutral.

our treason lay in that we had supposedly '*conspired for the purpose of seizing power*', that is, within the terms of the last point of the provision of Art. 56 (i) UCC. But there is nowhere any actual mention in writing of what constitutes this treason, nor is this stated in the judgment, while our unending appeals to various judicial, procuracy and Party institutions for an exact definition of the areas covered by our treason always produce answers which avoid the issue and contain only generalities such as: 'the court's classification of your criminal acts is correct, and there are therefore no grounds for changing the judgment'. We receive such answers endlessly; even high, higher, and the highest officials-cum-bureaucrats of the court and the procuracy achieve such barefaced replies as 'the classification of the crime is correct; the measure of punishment was selected after taking all mitigating (!?) circumstances into consideration'. It would seem that they did us a favour and that we should be grateful to them for being so humane.

In the 'Practical Learned Commentary on the Criminal Code of the RSFSR', published by the All-Union Institute for the Study of the Causes of Crimes and Means of Preventing Them, edited by Doctor of Laws Prof. B. S. Nikiforov, 1964 ed., it is stated in the chapter on 'Especially Dangerous Crimes against the State', paragraph 9, that 'a conspiracy for the purpose of seizing power takes the form of agreement by two or more persons to overthrow Soviet rule and set up a different state and social system in the USSR' [1]. Thus the attainment of some end, in this case the secession of the Ukraine from the USSR by means of conspiracy, must be carried out exclusively by violent means.

Where then, in our actions, is there 'a conspiracy for the purpose of seizing power, etc.' when the 'UWPU Draft Programme' intended that the question of the Ukraine's secession from the USSR should be put by peaceful means – by means of a national referendum with absolute adherence to Articles 14 and 17 of the Constitutions of the Ukrainian SSR and the USSR? Of what then does the treason consist?

According to para. 2 of the chapter on 'Especially Dangerous Crimes against the State' of the 'Commentary' just mentioned [2], it appears that 'treason' manifests itself in an act, or a failure to act, intentionally committed by a citizen of the USSR to the detriment of the independence, the territorial inviolability or the military power of the Soviet state, and consists of the commission of one or several definite acts which are listed in Art. 64 RCC (Art. 56 (i) UCC which deals with treason):

1. to go over to the side of the enemy (this was not imputed to us);
2. to engage in espionage (also not imputed);
3. to transmit some state or military secret to a foreign state (this was not imputed to us either);
4. to flee abroad or to refuse to return from abroad (also not imputed);
5. to render aid to a foreign state in carrying on hostile activity against the USSR (also not imputed);
6. to conspire for the purpose of seizing power (it is demonstrated above that we did not commit such criminal acts).

Again and again the question imposes itself: in what is our so-called 'treason' manifest?

But in order to betray a fatherland, one must [first] have one; yet we have no

[1] 'Nauchno-prakticheskiy kommentariy Ugolovnogo kodeksa RSFSR' (Moscow) 2nd ed., p. 156.

[2] *Ibid.*, pp. 154–5.

fatherland, because for centuries it has languished under the yoke of slavery; we have been deprived of a fatherland. None the less it is clear to us why we are [deemed to be] traitors to the Fatherland: solely because we raised the question of freeing it from the yoke. But that is another aspect of the matter.

So that it should appear more clearly why we were made out to be traitors, something must be said about the sort of people and the methods which they used in the preliminary and judicial investigation. Thus, Starikov, the deputy procurator of L'vov Region who supervises the investigation agencies of the L'vov KGB, is a Russian chauvinist; our investigator from the L'vov KGB department, Sergadeyev, is also a 100-per-cent Russified chauvinist; the senior investigator of the L'vov KGB, Denisov, the investigator Volodin, and also Russified Ukrainians [such as] investigators Klimenko, Chorny and others, are in no way better than the first two. All of them have lived for decades in the Ukraine, but have never learned Ukrainian, not because it has been too difficult for them, but because they completely disregard it. The investigation was therefore conducted in Russian, thereby violating Art. 90 of the Constitution of the Ukrainian SSR [1] and Art. 19 UCCP – they did not want to 'spoil the Russian tongue with a dog dialect'.

Procurator Starikov became so insolent that he brazenly boasted to Borovnyts'ky that he did not know Ukrainian; that Ukrainian did not deserve to be the state language; that the Ukrainian nation was not capable of having its own statehood; that because of this B. Khmel'nyts'ky had put the Ukraine under the Russian sceptre, and the Ukraine had become part of the USSR in 1922. The chief of the L'vov KGB, Shevchenko, in no way differs from the others.

All of them called us bandits, cut-throats, renegades and attached a number of other labels to us, such as 'rabid nationalists' and so on.

When it came to the question of the Ukraine's right to secede from the USSR in accordance with Articles 14 and 17 of the Constitutions of the Ukrainian SSR and the USSR, all the above-mentioned creatures told us that, as educated people, we should not make ourselves out to be simple-minded dolts, because the articles of the Constitutions quoted were inserted not for practical application but existed rather for [the delusion of] the [outside] world; that, allegedly, the Ukrainian nation had decided the fate of the Ukraine once and for all as early as 1922 by uniting [with other Republics] in the USSR and had not authorised us in [all] this, since secession was neither advantageous nor necessary for the Ukrainian nation, etc., [and that we were merely] renegades from it.

Procurator Starikov, the chief of the investigation department Sergadeyev, and senior investigator Denisov told Lukyanenko and Virun that even if it came to the point where the majority of the Ukrainian people expressed a desire to secede from the USSR, the Soviet Government would not hesitate to use the armed forces to keep the Ukraine within the USSR.

Moreover, throughout the entire preliminary investigation Art. 22 UCCP [2], which forbids the investigation agencies to force the accused to testify by the use of violence, threats, or any other illegal means, was violated.

Thus, Shevchenko told Lukyanenko that he [Lukyanenko] could be as stubborn as he wished – the law allowed them two months for the investigation but they would hold us five, six or eight months if necessary and in the end get him and the rest to sign whatever they required. Investigators Denisov, Klimenko and others said similar things to us.

[1] Its provision is similar to that of Art. 19 UCCP (see p. 50, fn. 3 above).

[2] See p. 82, fn. 3 below.

They planted their agents in each of our cells. Thus, Lukyanenko shared his cell with a secret agent of L'vov KGB Intelligence; Kandyba, with agents Stepan Khomyak and Mykola Sokyrko; Kipysh, with Oleksander Tarasovych who had previously been with Virun under the name of Vakhula. All these agents posed as Ukrainian nationalists arrested in this or that imaginary case. They tried all the time to provoke [discussions] about various anti-Soviet topics, told of various frightfulnesses which KGB agencies were capable of perpetrating against prisoners, and said that the only means of avoiding various tortures was to admit one's crimes and repent; [they] also [employed] other methods of provocation.

By threats and promises the chief of the investigation department, Sergadeyev, and senior investigator Denisov succeeded in making Luts'kiv provide them with testimony that suited them and injured our case, [in return] for which they promised to release him before the trial.

Thus, throughout the entire investigation Luts'kiv maintained that Lukyanenko had supposedly tried to persuade him to prepare for an armed struggle against Soviet rule because it would be impossible to achieve the secession of the Ukraine from the USSR by peaceful means, and that at the meeting on 6 November 1960 Lukyanenko, Kandyba and Virun supposedly talked about the necessity of preparing for an armed struggle at the earliest possible moment, of infiltrating our own people into the Army, of winning over officers, and so on.

But Luts'kiv was duped and sentenced as a traitor along with the others, being then told that it had been necessary to do so and that he would get out in two years' time if he continued to co-operate with them in the camp. However, five years have now passed, and Luts'kiv, like the others, is still in the camp. From early 1964 on he began writing appeals to various judicial, procuracy and Party agencies demanding his release from the camp. In these appeals he exposes those who recruited him and declares that he had been giving false testimony against all of us. This did not please the appropriate authorities, and so they decided to tuck Luts'kiv away in a mental home, in the central hospital of the Mordovian camps – P.O. Box 385-3 – where he is at present spending his second year. Two copies of his statements, which I am including herewith, testify clearly to the above.

The question therefore arises whether such creatures – rabid great-power Russian chauvinists and their Russified Ukrainian henchmen – were capable of maintaining an objective approach while investigating the case of men who basically had fallen into their hands only for having set out to defend their native language, their rights, their nation and its statehood against creatures similar in all respects to these [chauvinists]. Obviously not. They approached the investigation of this case in a patently biased way, relying on violence, falsifications, malice and revenge against us and making us out to be rabid enemies of the people in the shape of alleged traitors.

Nor was their attitude towards us any better during the judicial examination of the case. Instead of examining the case in the premises of the Regional Court, or in a club or in some other premises to which the citizens would have wide access [1], the case was examined in a room of the KGB isolator where we had been held during the preliminary investigation. This was done with the aim of conducting the judicial investigation (the examination of the case) in absolute isolation from society and the people generally, regardless of the fact that according to Art. 91 of

[1] An allusion to Art. 20 (iv) UCCP: 'With the aim of raising the educational role of trials and crime prevention, the courts . . . must widely practise the holding of trials directly in enterprises, on building sites, in state and collective farms . . .'

the Ukrainian SSR Constitution and Art. 111 of the USSR Constitution 'examination of cases in all courts of the USSR is open, in so far as an exception is not provided by law'. But what does the Constitutional (fundamental) Law mean to creatures for whom criminal law is higher than the highest law and in which they then go on to find loopholes? [1] Thus, according to Art. 20 UCCP (public nature of judicial examination), 'the examination of cases in all courts shall be open, except in instances when this contradicts the interests of protecting a state secret' [2]. 'The court thus came to the conclusion that our case was such that it 'contradicted the interests of protecting a state secret' [3], and therefore went even further: it decided to isolate [the trial] from the surrounding world completely and to hear the case in the isolator, and behind closed doors into the bargain. And so, for five days (16-20 May) the judicial examination of the case was held with the participation of only three judges (in fact only one, the President of the Regional Court, Rudyk, because the so-called peoples' assessors are only a formality for propaganda purposes), a secretary, the procurator, us - the seven defendants - and a whole platoon of guards (soldiers) with rifles and fixed bayonets. In these circumstances - there being nobody to give us even moral support outside this iron cage, let alone inside it, since almost nobody except our families knew that we had fallen into such hands and were being 'tried' not by a court but by the travesty of a court - our protests were utterly futile since in these circumstances they did whatever they chose with us and we were powerless to resist.

During all the days of the 'trial', our closest relatives would gather outside this terrible building, separated from us by a dozen doors because they were not admitted any nearer.

Also, when the judgment was being read, not only were all uninvolved persons kept away but even our relatives were not admitted into this room with its barred windows, although according to the above-mentioned Art. 20 UCCP [4] 'the

[1] Kandyba obviously thinks that there is a contradiction between the Constitutions and Art. 20 UCCP. There is an ambiguity in the articles of the Constitutions mentioned, where Russian 'poskol'ku', Ukrainian 'oskil'ky' can mean either 'since' or 'in so far as'; Kandyba took the first meaning and understood the articles to say '... since the law provides for no exceptions', while the legislator obviously meant '... in so far as an exception is not provided by law'.

[2] Art. 20 (i) UCCP; equals 18 (i) RCCP.

[3] Kandyba presumes that it was the court which determined whether the case touched upon matters constituting a state secret. If it did (which is by no means certain), it overstepped its competence, since it is the USSR Council of Ministers which issues decrees defining the sphere of secret information. The last such decree to be published is that of 28 April 1956, which includes a 'List of Items of Information which Constitute State or Military Secrets'. It has nine categories under the heading 'Information of a military character' and seven under 'Information of an economic character', while paragraph 17 provides for 'other data which may be included by the USSR Council of Ministers among information constituting state secrets' (R. Conquest (ed.), 'The Politics of Ideas in the USSR' (1967) pp. 61-3). An equally complete list of these seventeen categories, but without reference to the 28 April 1956 decree, is found in the same 'Commentary' (p. 62, fn. 1 above), pp. 159-60, which was accessible to Kandyba. It was stated recently that 'the sphere of information constituting state secrets ... changes depending on the concrete external and internal political situation' (A. Lunev (ed.), 'Administrativnoye pravo' (Moscow, 1967) p. 481), and that the list of state secrets included information not only of a military and economic character, as used to be the case, but now also of a political or other character (V. Sorokin, etc., 'Sovetskoye administrativnoye pravo' (Leningrad, 1966) p. 252). Apparently the lists of items falling under the two latter headings have not been made public. It is, however, highly improbable that any information actually classified as secret under any of the above headings could have been mentioned at the trial in question.

[4] Paragraph (iii); corresponds to Art. 18 (iii) RCCP.

judgments of courts shall in all cases be proclaimed in public'. The 'Practical Learned Commentary on the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics', 1960 ed., in Article 12, 'Public Nature of Judicial Examination', paragraph 12, states:

The Principles lay down that the judgment of a court shall in all cases be proclaimed in public. . . . The community must always know the result of the examination of any case, [and] have the opportunity to form an opinion concerning the correctness of the decision taken regardless of whether the judicial examination was public or closed [1].

Thus one is faced with a flagrant violation of the principle of the public nature of a judicial examination. According to subsection 9 of Art. 370 UCCP [2] such judgments are illegal and subject to being voided. Has it been voided? Regardless of our numerous appeals and the appeals of our relatives, this flagrantly illegal judgment has lain upon us *for over five years*, and in spite of the fact that we live in the most democratic of all democratic states on our planet, the legal system of which is the most stable and just of all existing legal systems, the illegal verdict has been granted a 'free and easy life in Russia' [3].

What kind of spirit dominated both the preliminary and judicial investigations is evident from the above. It therefore goes without saying that there could have been no objectivity in the examination of the case. The people who dealt with our case are without exception rabid great-power Russian chauvinists, etc.

Objecting to the outcome – the judgment against us – we each appealed to the Supreme Court for consideration of our case by way of cassation; at this, Sergadeyev, the chief of the investigation department of the KGB, and senior investigator Denisov told us that our appeals would do us no good because the judgment had been fully agreed with the Party agencies and no one would therefore change it. We nevertheless sent our appeals.

Our case was to be considered in the Supreme Court on 27 June 1961. We were informed by completely reliable sources that in the process of preparing the case for consideration the judges formed the opinion that the judgment against us was manifestly illegal because our acts had been incorrectly classified, and that the judgment should therefore be changed and our acts classified not under Art. 56 (i) UCC, but under Art. 62 (i) UCC [4]. That is, the charge of treason was to be dropped and our acts were to be classified as anti-Soviet agitation and propaganda. And even this was to apply only to Lukyanenko, Kandyba and Virun, while the others were to be released altogether.

But this did not happen. At that time the L'vov KGB agencies uncovered one more underground Ukrainian organisation, a 'Ukrainian National Committee' (UNC), twenty men in all. The L'vov KGB agencies were therefore all the more anxious that our judgment should remain unchanged, since this was their 'work', their 'achievement', their prestige, and they therefore kept a jealous eye on the process of preparing our case for review. When they heard that the judges intended to change the judgment, the chief of the L'vov KGB, Colonel Shevchenko,

[1] V. A. Boldyrev (ed.), 'Nauchno-prakticheskiy kommentariy k Osnovam ugovnogo sudoproizvodstva Soyuza SSR i soyuznykh respublik' (Moscow) p. 69.

[2] Art. 370 (ii) UCCP provides that 'A judgment shall in any event be subject to being voided: . . . (9) if the court violated requirements of the articles of the present Code which establish: open judicial examination of a case . . .'

[3] An allusion to recurring lines in N. Nekrasov's poem 'Komu na Rusi zhit' khorosho'.

[4] Cf. p. 102, fn. 1 below.

protested in person to the CC CPU, because, as he put it, anti-Soviet organisations were on the increase, and a slackening of punitive policy would have an adverse effect on the progress of the investigation of their new case and, in general, stimulate the anti-Soviet activities of other underground organisations.

It is evident that this intervention caused a sharp reversal of the attitude towards our case. The consideration of our case was postponed from 27 June 1961 to 26 July 1961 – i.e. by one month [1]. On 26 July the Supreme Court of the Ukrainian SSR partially changed the judgment of the L'vov Court against us.

Lukyanenko's death penalty by shooting was commuted to 15 years' deprivation of freedom; the classification regarding Kipysh and Borovnyts'ky was changed from treason (Art. 56 (i) UCC) to anti-Soviet agitation and propaganda (Art. 62 (i) UCC) and failing to report to the authorities that they knew of the existence of the organisation (Art. 187 (i) UCC) [2], and their terms of punishment were reduced from 10 to 7 years each. The judgment against the rest of us was left completely unchanged.

The following is an excerpt from the Ruling of the Supreme Court.

Case No. 36k61. Secret (it seems that everything is secret – whom are they hiding from? After all, the policies of the Party and the Government are supported in all respects by the whole Soviet nation! – I.K.). The judgment was passed with Com. Rudyk presiding. Reporter: Zahorodnyuk.

RULING

In the name of the Ukrainian Soviet Socialist Republic.

On the 26th day of July 1961 the Judicial Division for Criminal Cases of the Supreme Court of the Ukrainian SSR, composed of:

Presiding: Com. V. M. Zahorodnyuk

Members of the court: Com. O. V. Lednikova and Com. V. S. Yevdokimova

With the participation of Assistant Procurator of the Ukrainian SSR Com.

V. P. Pohorily

and advocates: Com. Ya. T. Koval' and Com. V. A. Bardyakov

considered the case . . . in a closed judicial session [3]. The Judicial Division

ESTABLISHED:

. . . Kandyba, like the other members of the nationalist organisation [which they had] formed – the UWPU – not only discussed anti-Soviet themes. They – including Kandyba, who was one of the most active UWPU members – picked people for recruitment into the UWPU from among unstable individuals and former OUN members. Kandyba in particular dragged the convicted Borovnyts'ky and Kozyk into this hostile organisation by giving them the programme to read.

During the judicial session Kandyba admitted that he had been of a nationalist frame of mind and that he had become a member of the UWPU because he agreed with the ideas of the convicted Lukyanenko and the programme. Kandyba also admitted that he had spoken to Borovnyts'ky about the need, in his opinion, of the secession of the Ukrainian SSR from the USSR and the creation of an 'Independent Ukraine'.

[1] Unlike elsewhere (cf. Art. 333 RCCP), there are no prescribed time limits in the Ukrainian SSR for considering a case on appeal.

[2] Failure to report crimes against the state; corresponds to Art. 88-1 RCC. The maximum penalty is three years' deprivation of freedom.

[3] This is yet another illegality, since 'The appeal instance shall consider cases in open judicial session, observing the requirements of Article 20 of the present Code' (Art. 359 UCCP; 334 RCCP is analogous).

Kandyba supported the same hostile idea during the discussion of the UWPU programme at the gathering which took place in his flat.

Such acts committed by Kandyba, as well as those committed by the convicted Lukyanenko, Virun, Luts'kiv and Libovych, were correctly classified by the L'vov Regional Court according to Arts. 56 (i), 64 UCC.

In selecting the measures of punishment for the convicted Kandyba, Virun, Luts'kiv and Libovych, the court took into consideration the dangerousness of the acts committed by them, the degree of their individual guilt, and the personality of the convicted.

The Judicial Division considers that the convicted Kandyba, Virun, Luts'kiv and Libovych deliberately set about committing a crime against the state and conducted dangerous hostile activity. In view of these circumstances the Judicial Division sees no grounds for commuting the punishments selected for these convicted persons. (p. 6 of the Ruling)

And further:

RULED

... To leave the cassation appeals of the convicted I. O. Kandyba, S. M. Virun, V. S. Luts'kiv, O. S. Libovych and his advocate unsatisfied, and the judgment of the L'vov Regional Court passed on 20 May 1961 on the above-mentioned, as well as in the remaining parts on Lukyanenko, Kipysh and Borovnyts'ky, unchanged.

President of the Court: signature

Members of the Court: signatures

[This] agrees [with the original]: Member of the Supreme Court of the Ukrainian SSR: signature
(Zahorodnyuk)

12 copies. 1 August 1961. V.K.

As can be seen from the above, the Lednikovas, Yevdokimovas, Zahorodnyuks and Pohorilyls in the Supreme Court itself also hardly differed in their approach to our case from creatures such as Starikov, Sergadeyev, Denisov, Rudyk, Netymenko and others. Not only did they rubber-stamp the falsified [report of] our activities made by the investigation agencies and the L'vov Regional Court, but they themselves also resorted to falsification in their ruling. How could Kandyba have dragged Borovnyts'ky into the organisation when they conceded in that same ruling that Borovnyts'ky did not belong to the organisation? As far as Kozyk is concerned, he has no connection with our case whatsoever and was not even called as a witness, still less [did he] participate [in any way] in the organisation. He held nationalist views, but only in opposition to great-power Russian chauvinists – those functionaries who have full powers and behave like complete masters and the representatives of an occupying power in the Ukraine, where they do whatever is to their advantage and to the detriment of the Ukrainian nation and its statehood.

Nor is it true that we chose former OUN members for our organisation; nothing of the sort took place, and this [claim] is a fabrication. But that does not mean that they are bad men. They are, on the contrary, true patriots of the Ukraine. We have become convinced of this while in the same concentration camp with them. What, then, in our activity constitutes treason? Can it really be [our] thought that it is necessary for the Ukraine to secede from the USSR? If so, for whom and for what [purpose] are Arts. 14 and 17 of the Constitutions intended? The Supreme

Court not only rubber-stamped the judgment of the Regional Court; it also lent the judgment a so-called legal – but in essence illegal – force!

There have been many cases similar to our own. There was, for example, the Stanislav (Ivano-Frankovsk) case. In December 1958 a number of young workers and students were arrested. They had formed an organisation which they called the 'United Party for the Liberation of the Ukraine' (UPLU), and whose goal was national liberation and the creation of an independent Ukraine. In particular, the following individuals from this organisation were arrested and sentenced by the Stanislav (now Ivano-Frankovsk) Regional Court in camera on 4–10 March 1959:

1. Bohdan Hermanyuk, born 1939, with secondary special education, a construction technician;
2. Yarema Stepanovych Tkachuk, born 1933, with secondary education, lathe operator;
3. Bohdan Ivanovych Tymkiv, born 1935, second-year student of the L'vov Institute of Forestry;
4. Myron Plushchak, born 1932, labourer;
5. Ivan Vasylovych Strutyn'sky, born 1937, possessing a secondary education, conductor of an amateur factory choir:

The procurator demanded the death penalty for the above-mentioned individuals, but the court sentenced each to 10 years' deprivation of freedom.

6. Mykola Yurchyk, born 1933, labourer;
7. Ivan Konevych, born 1930, labourer:

Both the above were sentenced to 7 years' deprivation of freedom. All were sentenced on the basis of Arts. 54 (1a), 54 (11) of the (old) UCC [1], which is equivalent to Art. 56 (i) of the new UCC, as traitors.

8. Vasyl' Plushchak – sentenced in this case to 2 years' deprivation of freedom for failing to report to the KGB agencies his brother Myron's participation in this organisation.

To date, the last three have been released after completing their sentences, while the other five are still serving their [terms of] imprisonment here, in the Moldovian concentration camps.

A similar 'trial' took place on 16–23 December 1961 in L'vov, twenty individuals [being indicted] for forming an organisation called the 'Ukrainian National Committee' (UNC), the aim of which was also to demand the secession of the Ukrainian SSR from the USSR. These were for the most part workers in L'vov factories:

- (1) Ivan Teodorovych Koval', (2) Bohdan Hrytsyna – both men were awarded the death penalty and shot; both were still quite young, both were labourers;
- (3) Volodymyr Gnot, a mechanic at the Polytechnical Institute, and (4) Roman Hurny, born 1939, who worked in factory P.O. Box 47 [2] – both were given the death penalty but this was later commuted to 15 years' deprivation of freedom;
- (5) Hryhoriy Zelymash and (6) Oleksiy Zelymash – brothers, collective farm workers, sentenced to 15 and 12 years' imprisonment [respectively]; (7) Melykh – philologist, graduate of the L'vov State University, sentenced to 15 years;
- (8) Vasyl' Kindrat – a young boy, sentenced to 13 years, whereupon he went mad;

[1] Arts. 54 (1a), 54 (11) of the old UCC correspond to Arts. 58 (1a), 58 (11) of the old RCC (the text is in R. Conquest, 'The Great Terror', pp. 557, 560); analogous articles in the current codes are: 56 (i), 64 UCC, 64 (a), 72 RCC (cf. p. 33, fn. 5 above).

[2] The P.O. Box address implies that this was a factory subject to security restrictions.

(9) Kyrylo – 12 years; (10) Mykola Mashtalyer – 10 years; (11) Stepan Soroka – 15 years; (12) Pokora – 12 years; (13) Yovchyk – 15 years; (14) Kaspryshyn – 5 years (now free); (15) Myn'ko – 10 years; (16) Tehyvets' – 12 years; (17) Mykola Mel'nychuk – 10 years; (18) Khomyakevych – 12 years; and another two [1] – total of 20 (twenty) men.

The approach used towards all of them in the preliminary investigation and the judicial examination was identical with that used towards us, because the same creatures dealt both with us and with them, and the L'vov Regional Court judgment against them (except for Gnot and Hurny) was also rubber-stamped and legalised wholesale – or, more precisely, an illegal judgment was legalised. A similar thing happened to the group in the Stanislav case.

There are many similar, though smaller, group cases, while cases involving individuals from various regions of the Ukraine are numbered in hundreds.

Khrushchev said in his report 'On the Control Figures for the Development of the [USSR] National Economy in 1959–65' to the XXIst Congress of the CPSU:

There are now no cases of people being tried for political crimes in the Soviet Union. This is undoubtedly a great achievement. It testifies to an unprecedented unity of political convictions of our entire people, to their solidarity with the Communist Party and Soviet Government ('Pravda', 28 Jan 1959) [2].

Yes, this is true, because in our code dated 1961 the term 'political criminals' can also not even be found. However, in the new code which replaced the old criminal code effective up to December 1958 [3], a chapter on 'Especially Dangerous Crimes against the State' has appeared instead of the chapter on 'Counter-revolutionary Crimes'. Though the name has been changed, they [the political prisoners] are essentially what they were before. And even though the judgments passed on these prisoners – groups of whom are endlessly being deported to the camp from all the Republics of the USSR, from Moscow, Leningrad, and the greatest number from the Ukraine – all assert that they are especially dangerous criminals against the state, each of them considers himself to be nothing but a political prisoner. I think that the change of name did nothing to improve the unity of political convictions, or to strengthen their solidarity with the Communist Party and Soviet Government.

The tsarist government also condemned a great man such as N. Chernyshevsky as a criminal against the state, but in the eyes of the progressive community he did not cease to be a political leader and a political prisoner. But can we compare ordinary mortals like ourselves with a political leader as great as Chernyshevsky? The tsarist regime regarded him as a mere criminal against the state, and he was sentenced to only seven years of penal servitude. The Soviet regime, on the other hand, regards us not only as criminals against the state, but as dangerous criminals against the state, and not merely dangerous, but even *especially dangerous criminals against the state*, and we are punished not with seven years, but with ten to fifteen years of penal servitude (until 1959, [it was] twenty-five years), and often even with death by shooting. Thus it would seem that we are two stages higher than Chernyshevsky and are subjected to two or three times harsher punishment. This 'bliss'

[1] Their names are given on p. 100 below (see List of Prisoners at the end of the book).

[2] CDSP, xi 5 (11 Mar 1959) 14.

[3] The interim period between 1958–61 was covered by the law referred to in fn. 2 on p. 71 below.

is given to us thanks only to Soviet humaneness, the 'highest form of humaneness'.

But somehow there is a lack of logic in this business. Persons convicted in the forties and fifties as political criminals were redesignated as especially dangerous criminals in 1959, and suddenly ceased to be political criminals. There are still many of these here. Moreover, according to the new legislation, the highest measure of punishment is ten years, or, as an exception, fifteen years or the death penalty. Soviet law has a rule that a law reducing the punishment has retroactive force [1]. But it is otherwise in practice. The new code took effect in December 1958 [2], but a twenty-five-year sentence hangs over many people even today. For example, a well-known Ukrainian lawyer, Dr Volodymyr Horbovy, born in 1899, a citizen of the Czechoslovak Republic, was sentenced without investigation by the so-called OSO (Special Board – 'troyka' [3]) to 25 years merely for defending Stepan Bandera, charged with the assassination of the Polish Minister of the Interior, at a trial in Warsaw. Horbovy has to date served over twenty out of his twenty-five years.

Kateryna Myronivna Zaryts'ka (Soroka), born in 1914, was sentenced in 1947 to 25 years' imprisonment for organising the Red Cross for the Ukrainian Insurgent Army, and has now spent over 18 years in Vladimir prison. Her husband, Mykhaylo Soroka, born in 1911, has been in Soviet prisons and camps with hardly a break since 1940; he was released only in 1948 after an eight-year stretch, but 8 months later he was sent into exile. He was again arrested in 1952 and sentenced to be shot in 1953, this being later commuted to 25 years' deprivation of freedom, merely for protesting against the arbitrary [regime] in the camps,

[1] 'A law eliminating the punishability of an act or reducing the punishment for it shall have retroactive force . . .' (Art. 6 UCC and RCC). However, according to the Decree of the Presidium of the Supreme Soviet of the Ukrainian SSR of 29 March 1961, Art. 4 (also a similar RSFSR Decree of 20 January 1961, Art. 5) there is no reduction of punishment for prisoners convicted under the old Codes for especially dangerous crimes against the state (cf. p. 1, fn. 6 above) and for certain other grave crimes ('Zakonodatel'stvo ob ugovnomi sudoproizvodstve Soyuza SSR i soyuznykh respublik', i (Moscow, 1963) 193, 308; cf. H. J. Berman, 'Soviet Criminal Law and Procedure' (Cambridge, Mass., 1966) p. 3, fn. 8). This exemption, though operative, has not been introduced into the current Codes, but it is mentioned on p. 14 of the 'Commentary' referred to by Kandyba (p. 62, fn. 1 above).

[2] This refers to the Law on Criminal Responsibility for Crimes against the State. It was fully incorporated into the UCC and RCC, which became effective in 1961. The Fundamental Principles of Criminal Legislation of the USSR and the Union Republics were also enacted in December 1958, and they have a similar Art. 6 on retroactivity (cf. Berman, *op. cit.*, pp. 1, 2, 453). Thus it would seem that in 1959–60 there were no exemptions to the retroactive reduction of punishment.

[3] The NKVD 'Special Board' was set up in 1934 and consisted of the Deputy Head of the NKVD, the Plenipotentiary of the NKVD for the RSFSR, the Head of the Main Administration of Militia and the Head of the Union Republic NKVD where the case had arisen. The Procurator-General of the USSR or his deputy was also to participate. The Special Board was usually given 'cases for which the evidence was not sufficient for turning the defendant over to a court' ('Sovetskoye gosudarstvo i pravo', no. 3 (Moscow, 1965) 27). The defendant had no right to defence, and cases were tried in absentia, which 'created the preconditions for deliberately passing unjustified, harsh sentences' (*ibid.*). (Conquest, *op. cit.*, p. 313.) The trials were secret, and they were considered to be not a judicial but an administrative proceeding, not governed by the Code of Criminal Procedure; nor was there a code or statute governing administrative procedure. The Special Board was abolished in 1953 (Berman, *op. cit.*, p. 69; Ivo Lapenna, 'Soviet Penal Policy' (1968) p. 54). The 'troykas' were distinct from the Special Board; they were entirely extra-legal bodies which operated in the provinces from 1937, generally without even formal reference to Criminal Code articles (Conquest, *loc. cit.*). Horbovy was sentenced by the Special Board, not a 'troyka' (see List of Prisoners for details of his case).

which has been described in part by Solzhenitsyn [1], Gzhyts'ky [2], Gorbatov [3], D'yakov [4], Aldan-Semyonov [5] and others. In 1957 he was rehabilitated in respect of his first alleged crime – that he had supposedly wanted to organise a rebellion against Soviet rule in 1940, but these eight years [which he had served] were not deducted from his new term of punishment – as it turns out he spent them in detention for nothing. Their son, Bohdan, was born in 1940 in L'vov prison where his mother was incarcerated and he grew up and was brought up without his parents.

Kateryna Zaryts'ka shares her cell in Vladimir prison with other women: Halyna Dydyk, born 1912, arrested in 1950 and sentenced to 25 years' imprisonment for her part in organising the Red Cross for the Ukrainian Insurgent Army, and Dariya Husyak, born in 1924, also arrested in 1950 and sentenced to 25 years' imprisonment for her participation in the OUN (as a courier at headquarters). Very many other men and women of various nationalities have been serving 15–20 and more years without a break, all owing to the fact that the Soviet regime is so humane – a humanity which consists in Soviet law having retroactive force if this reduces the punishment. But in practice, the opposite is true. This is especially evident in the case of these women who have now languished in their cell for over 16–18 years without a break.

Apart from the quotation above, Khrushchev also said a few years later, perhaps in 1962 or 1963, that in 1965 he would have himself photographed with the last criminal. True, it is now said that Khrushchev was a windbag, but he, too, was a true Leninist. Far from dwindling away, the number of prisoners is constantly increasing.

The tsarist government deported its political prisoners to the remote eastern regions of the Empire – Siberia, the Far East, the North. The Soviet Government does the same. But under tsarism national minorities were oppressed and did not have national independence, while now, under Soviet rule, each nation, including the Ukrainian nation, has state independence. If so, why are we even deprived of the privilege of undergoing our punishment in our native land, so as to be 're-educated' by Ukrainians rather than by foreigners, thousands of kilometres from our native land and our families? We are allowed to see our families once a year – personal visits [6] are granted for a period of up to three days. In fact, this means

[1] Cf. p. 24, fn. 8 above.

[2] V. Gzhyts'ky (1895–): Soviet Ukrainian writer; sentenced to ten years' imprisonment in 1934, returned from exile in 1956. His novel 'Night and Day' ('Nich i den', in 'Zhovten', nos. 3–5 (L'vov, 1965)) describes this experience, and its translation by J. Ian Press is being prepared for publication.

[3] A. V. Gorbatov, 'Years off My Life' (1964).

[4] B. D'yakov, 'Povest' o perezhitom' (Moscow, 1966).

[5] A. I. Aldan-Semyonov spent 1938–53 in the Kolyma camps. He draws upon his experiences there in several of his books of prose and verse, published under the name A. Semyonov between 1954 and 1959. His 'Barel'yef na skale', in 'Moskva', no. 7 (1964) 68–154, is particularly notable.

[6] These are also known as 'long-period' visits. 'Convicted persons are allowed to have visitors for short periods of up to four hours and for long periods of up to three full days. Short visits by relatives or other individuals are allowed in the presence of a representative of the correctional labour institution. Long visits, which include the right of cohabitation, may be made only by close relatives. The following number of visits are allowed in the course of a year: . . . in severe regime correctional labour colonies, two short visits and one long one . . .' (FCL 24). 'For violation of the requirements of the regime of serving sentences, the following measures of punishment may be applied to convicted persons: . . . forfeit of the next visit . . .' (FCL 34).

three nights – or even two [nights] or only one night – because we are driven out to work by day and only the evening and night are left for the visit. The number of nights allowed is at the discretion of the camp commandant, and it is considered a great piece of luck to be allowed three nights for a visit; very often only two are allowed, or even only one. Thus, in December 1965 I was allowed to see my father only for the length of one night, 6 to 7 December, and I was forbidden to accept even as much as one gramme of food or anything else [from him]. This happens very often. These unfortunate parents have to endure the hardships of travelling thousands of kilometres to see their beloved children and bring them material help, and are forced to return home with their gifts. And so they go back thousands of kilometres, unhappy, worn out and stricken with grief.

Under the new regime, since 1962, no one has been allowed to receive either food parcels or visitors' gifts. We may be allowed to receive three parcels a year of five kilogrammes each only after completing half the term [and that] only as an exception for those prisoners who have completely repented of their alleged crimes and fully entered on the 'path of reform' [1].

We are thus deprived of material support from our families, which was not done even by the tsarist regime, for in those days prisoners were permitted to receive unlimited material support. The humane Soviet regime, however, does not allow this.

Only those prisoners are given food packages up to 10 kilogrammes in weight who are sent [these provisions] by relatives or friends, or even complete strangers, from abroad. Such packages are not addressed to the prisoner direct, but to: Moscow, P.O. Box 5110/1 JH (followed by the prisoner's name). Moscow forwards them here. Such packages are not returned; they are delivered so as not to unmask [the regime] before [the rest of] the world. Such packages are received by Germans, Lithuanians and some others, but not by any of us. One might add that [such people are] even allowed to receive several packages a month from abroad [2]. Obviously politics [plays a part] everywhere.

The overwhelming majority of the prisoners are kept on semi-starvation rations. We are given food allegedly comprising 2300–2400 calories [daily], but we are lucky when we get 1500 calories, because the products are of the lowest quality, especially in the spring and summer, before the new crop. The herring is rotten and smelly; the dried potatoes, macaroni, groats and meat are teeming with maggots. Our daily ration consists of: bread – 700 g[rammes] (black and always sour), groats – 110 g., second-grade wheat flour – 20 g., macaroni – 10 g., meat – 50 g., fish – 85 g., oil – 15 g., margarine – 4 g., potatoes – 400 g., vegetables – 250 g. All this totals 2300–2400 calories.

Prison ration – 1937 cal.; the so-called *severe ration* – 1324 cal., consisting of: bread – 450 g., wheat flour – 10 g., groats – 50 g., fish – 60 g., oil – 6 g., potatoes –

[1] 'Convicted persons confined in correctional labour colonies are permitted to receive up to three parcels [by post] or packages [from their visitors] per year after they have served one-half of their sentence . . . The number and weight of the parcels and packages is established by the Union-Republican correctional labour codes, depending on the type of regime in the colony' (FCL 25). Correctional Labour Code of the Uzbek SSR has been published ('The Times', 11 Aug 1970); those of other Republics should also appear shortly.

[2] From early 1968 the Moscow trading organisation 'Vneshposyltorg' no longer accepted parcel orders placed abroad and thus addressed ('Russians cut off food parcels', 'The Times', 23 Feb 1968) (in Russian, Москва, п/я 5110/1 ЖХ). This may not invariably apply to parcels sent by other means and the ruling is not necessarily irreversible. (Kandyba seems to exaggerate discrimination against Ukrainians in this instance.)

again came here early in April this year. He interviewed me among other prisoners. He told me during our conversation that, following our numerous appeals, the CC CPU demanded that the L'vov KGB representative should report on our case before the Central Committee so as to enable it to decide whether we had been rightly or wrongly convicted.

Marusenko himself went to report our case to the CC. He told me that on the strength of official data in the file of the case, there were in fact no grounds for trying us on charges of treason. He and other representatives of the KGB, of the prosecution and of the court, as well as representatives of the CC CPU, were of the same opinion. But he added at the same time that when he had presented all the off-the-record data to the CC – such as playing back the tape on which our conversations at the 6 November 1960 meeting were recorded (as was later established, Vashchuk was a KGB agent by the time of the 6 November meeting, and even earlier, and had had a tape-recorder in his briefcase), conversations in our flats and prison cells, and other off-the-record data [provided] by informers which could not officially be included in the file of the case because the law does not allow it, he convinced the officials of the CC CPU by these means that we had been justly convicted of treason. That is how our fate and that of many others like us was decided.

This twentieth-century man-hunter may have sneaked secretly into my flat on 30 December 1960, but [if so] this secret agent was foiled because he saw my niece there, who had come to visit me and whom he did not expect to find. So he was immediately forced to run away, dashing down from the third floor and all the way to the side-street where he disappeared. This is the method such fellows use to deal with people they suspect. And they suspect very many people and fill the black lists with their names. And in this way they fabricate one case after another.

This is only a short account of a few questions and some of their aspects. To set out our complete case up to the present, one would have to write thousands of pages.

Since the KGB investigation agencies, the procuracy and court officials constantly claim that all matters relating to our case have been agreed with the Party agencies, we will in future address ourselves regarding our case only to the CC CPU with a request to review our case and return us from foreign parts to the Ukraine, our native land.

If our case is not reviewed in the immediate future and the stigma of treason is not removed, and if we are not returned to the Ukraine, we shall henceforth be forced to turn for help in these matters to the progressive community of the Ukraine and also to the progressive community of our entire planet.

Signature (*I. O. Kandyba*)

To the Chairman of the Presidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic, D. S. Korotchenko [1]

[From] political prisoner, L. H. Lukyanenko, from Mordovia, station Pot'ma, P.O. Yavas, P.O. Box JH 385/11

STATEMENT

In a session held in camera the L'vov Regional Court considered group case No. [2] and under Arts. 56 (i) and 64 UCC on 20 May 1961 sentenced me to be shot, Kandyba to 15 years' deprivation of freedom, Virun to 11, Libovych, Luts'kiv, Kipysh and Borovnyts'ky to 10 years each.

On 26 July 1961 the Judicial Division for Criminal Cases of the Supreme Court of the Ukrainian SSR considered the case on appeal and, leaving the legal classification of the acts of Kandyba, Virun, Libovych, Luts'kiv and myself unchanged, commuted my death sentence to 15 years' deprivation of freedom and reduced the terms of Kipysh and Borovnyts'ky from 10 to 7 years under different articles [of the UCC].

Both the verdict of the Regional Court and the ruling of the appellate court are illegal in view of major violations, not only of the Declaration of Human Rights and Soviet legislation on legal procedure, but equally of the most elementary human rights, during the preliminary investigation and the trial.

Art. 22 (i) UCCP lays down that:

A court, procurator, investigator, and person conducting an inquiry shall be obliged to take all measures provided by law for a thorough, complete, and objective analysis of the circumstances of the case, and to expose circumstances tending both to convict and to acquit the accused, as well as those tending to aggravate and to mitigate his guilt [3].

Lenin regarded socialist legality as *a strict and scrupulous adherence to Soviet laws* by all state authorities, public organisations, officials and citizens, as one of the most important and unshakable democratic principles underlying the activity of the Soviet state machine, as one of the means of implementing the tasks involved in building communist society and a necessary prerequisite in

[1] (1894–1969); in this office from 1954 until his death. He began his career on the district and regional Party secretary level in various places. In 1937 he became the First Secretary of the Western (Smolensk) Region Party Committee, and under his rule the region suffered the extremes of the Terror. After this he rose rapidly to the positions of a member of the Politburo of the CC CPU (1938–69), Chairman of the Council of People's Commissars of the Ukrainian SSR (1938–9), a member of the CC CPSU (1939–69), Secretary of the CC CPU (1939–47), and Chairman of the Council of Ministers of the Ukrainian SSR (1947–54).

[2] In the original typescript copy, '№ 1', which may mean either 'No. 1', or 'No. . . . and', or 'and' (there are other examples of an intrusive '№' due to mistyping). Cf. Doc. 6, top of p. 55.

[3] Corresponds to RCCP 20 (i).

strengthening and further developing the Soviet state (Lenin, vol. 39, p. 155; 'Fundamental Principles of Soviet Military Legislation' (1966) p. 5) [1].

Thus, adherence to the requirements of the law is necessary for the strengthening of the State. They think otherwise in the L'vov KGB. There they think that the law was not made for them, [and] that they can conduct an investigation in any way they like.

The investigators of the L'vov Region KGB Administration systematically and persistently make use of illegal methods such as planting their agents in the cells of citizens under arrest.

In our case the Chekists planted secret agents on all seven defendants; in the case of Koval' and Hrytsyna – on all the 20 men [involved]; in the Khodorov group case – on all six defendants. This is how it was in 1961–2; the practice has been continued in subsequent years, as again in 1965–6 during the preliminary investigation in the case of M. Horyn' and M. Masyutko.

On instructions from the investigators, these secret agents told various anti-Soviet fables in the cells, provoked us into conversation, behaved tactlessly, boorishly, or offensively and generally made things unbearable, in an attempt to instil [in us] the thought that all our human rights had been left on the far side of the prison wall, while here, in the KGB investigation isolator, they would do with us whatever they wished, just as these same agencies had done with Tukhachevsky [2], Gamarnik [3], Mykytenko [4], Sokolovs'ky [5], and thousands upon thousands of other innocent people. It made no real difference whether you gave evidence or not: once you had been arrested by the Chekists you would not see freedom again. The only significance of your behaviour in the investigation isolator was that if you agreed to sign the investigator's formulations, they would stop tormenting you in prison sooner, would sentence you sooner and send you East to a camp sooner (if they did not shoot you), and there things were easier. But if you resisted and tried to prove your innocence, you would stay here longer, and the end would be the same: you would be sentenced. Moreover, it irritated the investigators if you defended your innocence, and the more persistently the prisoner argued his innocence, the more they raged and the greater suffering they inflicted in the investigation isolator. As though to corroborate these words spoken by the secret agent in the cell, the chief of the [KGB] Administration, Colonel Shevchenko, said to me in the investigation office: 'Be as stubborn as you like. We have time. The Code allows us two months for the investigation, but if we need to we'll hold you five or eight months, but we'll achieve our purpose, and you'll testify to what we want.'

[1] A. Gorny (ed.), 'Osnovy sovetskogo voyennogo zakonodatel'stva' (Moscow); there are another two references to Lenin's 5th Russian ed.: vol. 36, p. 278, and vol. 45, p. 199 (cf. his 'Collected Works' (Moscow, in English) xxix 555–6, xxvii 315, xxxiii 365).

[2] Cf. p. 52, fn. 1 above.

[3] Jan Gamarnik (1894–1937), Head of the Political Administration of the Red Army and First Deputy Commissar of Defence; reported to have forestalled his arrest by suicide, possibly in protest against the purge; there have also been persistent rumours that he was killed (cf. Conquest, 'The Great Terror', pp. 201–2 and *passim*). Now rehabilitated.

[4] I. K. Mykytenko (1897–1937), a Soviet Ukrainian 'proletarian' writer, occupied high positions in proletarian writers' organisations and in the Union of Writers, and was a member of the Government of the Ukrainian SSR. Perished in the 1937 purge, now rehabilitated.

[5] O. O. Sokolovs'ky (1896–1938), a Soviet Ukrainian writer. In 1914, sentenced to six years' penal servitude for anti-war propaganda. Presumably perished in the purges (cf. ChP, p. 190). Now rehabilitated.

By acting on the accused round the clock, now in the investigator's office, now in the cell, the L'vov KGB bring an inexperienced citizen to a state of utter mental depression in which a man becomes absolutely indifferent to everything in the world: to the case itself, his future fate, the fate of his comrades, family, [and] even to his [own] honour. Having depressed one's consciousness, they thereby weaken its control over the instincts, and then require incredible testimony from people by playing on [their] instincts, particularly the instinct of self-preservation. On the occasion of my confrontation with Libovych such fantasy was displayed, for example, in his allegation that I had threatened him with death if he were to betray our organisation. People sign all sorts of fabrications [made up] by the investigators about their friends [and] about themselves. Later, some people fall even lower and, surrendering themselves to the mercies of the KGB, begin to sign records of 'their own' testimony without even reading them and then consent to co-operate with the KGB. Then the Chekists plant them on other accused people, and they begin to write denunciations of others (as they themselves had previously been denounced), thus helping the KGB to fabricate a case against a new set of people.

Wretched men!

But what should be the state of conscience of those who, knowing full well that they are not dealing with trained foreign agents, reduce these men to such an abject condition only because they had dared to express their own outlook?

Art. 22 UCCP imposes the obligation on the investigation agencies of investigating a case thoroughly, and of carefully separating the non-criminal from the criminal, while the L'vov KGB exerts every effort and uses all [its] enormous resources to fabricate a case against an individual whom it dislikes. [Secret] agents are allotted an important part in the process of fabrication. With their help the KGB tries not only to suppress an individual's determination to defend his interests, but also to obtain (or fabricate) material facts and to study the individual's mind and outlook.

When V. Luts'kiv agreed to work for the KGB, he was put in the cell of Roman Hurny ([who was charged] in the Koval'-Hrytsyna case). There the two of them quarrelled over some trifle, and Luts'kiv then began to make up written denunciations of Hurny. The investigators put these denunciations into a suitable form. The L'vov Regional Court awarded Hurny a death sentence which the Supreme Court of the Ukrainian SSR commuted to 15 years' imprisonment.

Once they decide to convict a man, the investigators are not very much concerned if some statement does not correspond to the truth. The main thing is to find someone to support it. Thus, when I was questioned about Y. Voytsekhov's'ky and I maintained that he had nothing to do with the case, the chief of the KGB Administration, Col. Shevchenko, asked me: 'Lukyanenko, could you be feeling sorry for him?'

The main purpose therefore is not to discover the truth about a case but to find at least one individual who will agree to sign the record or to testify in court to a lie, though both he and the KGB know in advance that there is nothing more to it than that.

I shared my cell with an agent under the pseudonym of Nestor Tsymbala. He told me a lot about the activities of the Organisation of Ukrainian Nationalists (OUN). And although I was not asked a single question about this party in court and did not say a single word about it myself, the court (infringing the principle

of the directness [1] of judicial examination) stated in its judgment that: 'Being aware that the Ukrainian bourgeois nationalists, and the Organisation of Ukrainian Nationalists (OUN) in particular, had been routed in the western regions of the Ukrainian SSR. . . .' In fact I knew nothing about the OUN prior to my arrest. Tsymbala – i.e. the KGB – informed me about it and then represented his knowledge as mine, and this is how the Chekists obtained a 'fact' (although it was not corroborated by anything else). If I had not 'felt sorry' for Voytsekhovs'ky and had agreed to support the Chekists' fabrications, that also would have become a 'fact'. Myron Yovchyk (from the Koval'-Hrytsyna group) wanted to obtain some explosives in order to quarry stone for a house which he was building. The investigators forced S. Pokora to testify to the effect that Yovchyk had wanted to obtain it for sabotage [purposes]. This single testimony became the 'evidence' for charging Yovchyk with an act of sabotage, and he was sentenced to 15 years' deprivation of freedom. This is how 'facts' are prepared for [use in] accusing people of the gravest crimes.

We constantly hear about the restoration of legality and the triumph of Soviet democracy from congress and conference rostrums, from the pages of newspapers and journals and the radio; we hear that the Soviet state is the most democratic people's state in the world. But in those dark corners where the Chekists operate, where the life or death of a man is decided – in those dark corners a lawlessness prevails of which the people, the holders of sovereign power, have only the merest notion.

In 1962, the whole Ukraine knew about the trial of M. Glezos [2]. Newspapers printed articles and photographs from the courtroom. The people learned a good deal about the biography of Glezos and read a fair number of articles expressing violent anger against the Greek bourgeoisie who had brought a police state into being in their country, deprived the people of all rights and imposed such harsh punishments for political activity (he was sentenced to four years' deprivation of freedom). But what did the Ukrainian people know about the trial in L'vov of twenty individuals, four of whom were sentenced to death, also in 1962? With the help of Luts'kiv, S. Pokora, and others like them, these people were charged with terrorism, sabotage and nationalist propaganda, although they had in fact not killed a single soul, blown up a single object, or disseminated a single leaflet.

What did the Ukrainian people know about the trial in L'vov – again in 1962 – of six men from Khodorov District, among whom Mykhaylo Protsiv was shot?

In 1961, the 'Ternopol' Regional Court sentenced the Mykola Apostol group consisting of five individuals, in 1962 [it sentenced] the Bohdan Hohus' group consisting of five individuals, and Hohus' was sentenced to death. What did our people know about these trials? Nothing, because all these trials were [held] in camera.

The people know from newspapers and the radio about the trial of Julianio Grimau [3] in Spain, about the fate of Gizenga [4], about the protest made by

[1] Cf. p. 36, fn. 1 above.

[2] Manolis Glezos (1922–), war-time resistance hero, Secretary of the United Democratic Left Party of Greece since 1956. Imprisoned 1948–54 and again, charged with aiding an alleged communist espionage ring, in 1958–62. In detention after the Colonels' coup of April 1967. Writing presumably from memory, Lukyanenko mistakenly places Glezos's trial in 1962 instead of 1959 (cf. 'The Times', 10–23 July 1959).

[3] J. Grimau (1911–63), a prominent Spanish communist, arrested in November 1962 and shot for alleged activities during the Spanish civil war on 20 April 1963 (cf. 'The Times', 19–25 Apr. 1963).

[4] A. Gizenga (1925–), Prime Minister, then Deputy Prime Minister, of Congo (Kinshasa) in 1960–2, setting up a government in Stanleyville; imprisoned January 1962–

an American sergeant against the Vietnam war, but they know nothing about their countryman Anatoliy Lupynas who was convicted for his political beliefs and who has become completely crippled in his places of imprisonment. Now, at 32, he is a helpless cripple slowly dying in captivity in a foreign land.

What were the people able to learn about the wave of arrests and trials in 1965-6 from the newspapers and the radio? Nothing. They have detailed information about the work of Garrison, the New Orleans district attorney investigating Kennedy's assassination, but they have no idea of who is arrested by the L'vov Regional procurator; they know the number of those arrested in Greece, but they do not know how many were arrested in Ivano-Frankovsk and what is going on in KGB prisons.

The people's ignorance of the work of the KGB gives the latter almost unlimited power over individuals who fall into its hands. The concealment of the KGB's work from the public allows it grossly to violate the laws of the Soviet state.

With the help of agents the KGB investigators arrange exchanges of notes among those arrested in a single case [and imprisoned] in separate cells. They forge handwriting and send notes [purporting to be] signed by the correspondents [themselves], containing appropriate information and questions. If the accused does not supply any concrete facts to his friend, they try to sow distrust and, later, even enmity between them. After a certain stage in the processing [has been reached], the agent will try to inspire the thought in one form or another: 'Everything is lost, save yourself as best you can!' Here, 'as best you can' does not mean 'Stand by the truth, regardless of anything - even if you are alone; stand by it and don't let anyone pin false charges on you', but only: 'They have told lies about you - lie about others as well; others are trying to gain favour with the investigator - do the same yourself.' After several notes from a friend in [this] utterly defeatist vein the agent's suggestions no longer seem absurd. Even if one does not believe them, the seed of doubt sown in the soul will gradually do its job. The Chekists are artists: they carefully observe a person's behaviour in the isolator and stop the correspondence just at that point where the doubts whether the notes are forged have not yet disappeared. And if they notice doubts about the agent, they try to dispel them by planting, for example, the book 'Prince Serebryany' by Tolstoy [1].

With the help of agents, the L'vov KGB actively attempts to influence the outlook of the accused. Thus they told me (as well as the others in this case) about a great number of various terrible actions [committed] by representatives of the regime. Such iniquity obviously provoked indignation. Later, this indignation was taken as evidence of an anti-Soviet attitude.

One gets the impression that the KGB themselves first try to instil an anti-Soviet outlook, and then exact punishment for it.

At the time when Stalin's personality cult was exposed, the Secretary of the CC CPSU pointed out in his speech (as one of the factors corroborating the absence of controls over the KGB) the lack of a special statute on the activity of

July 1964 (cf. 'The Times', 27 and 30 June 1964). Proclaimed a short-lived 'people's republic' in September 1964.

[1] A. K. Tolstoy, 'Knyaz' Serebryany', a historical novel set in the period of Ivan the Terrible, first published in 1862, went into numerous editions since then (e.g. among the more recent ones there were two Moscow editions of 1959 and 1966, 100,000 copies each). The extreme ruthlessness of Ivan's personal guard (oprichina) portrayed there may be meant to provoke compromising discussions about its present-day counterpart.

this agency [1]. I do not know whether a statute on the activity of the KGB was adopted after the XXth Congress of the CPSU [2], but methods such as the planting of agents to exercise physical and mental terror, the twisting of existing facts and the fabrication of entirely arbitrary ones cannot be numbered among permissible (legal) tactical means of investigation, because these means do not so much promote the discovery of truth as help to fabricate any accusation [desired]. The application of these measures reduces to nothing all the rights of the citizen and removes the tokens of democracy of the political order. When the legislator wrote in Art. 22(iii) UCCP that:

It shall be forbidden to force the accused to give testimony by the use of violence, threats, or any other illegal means [3],

he doubtless also had in mind the prohibition of means such as the planting of agents.

If [the members of] the L'vov Region KGB Administration think that the above-mentioned means are insufficient to break the will of the accused (or if they have some other end in mind), they resort to the use of drugs. In Mordovia, in Camp No. 7, V. Luts'kiv told S. Virun and me in 1962 that he had managed to overhear the guards of the L'vov isolator mildly reproaching each other for having, owing to a lack of co-ordination, given him a double dose of drugs in his food. I am prepared to give evidence about the use of drugs in so far as I am concerned to an authorised commission which would undertake an investigation of the illegal methods of conducting the preliminary investigation in our case.

Nor have the L'vov Chekists discarded the fist from their armoury as an instrument for obtaining the 'truth'. It was not during Stalin's reign, nor even in 1955, that the Chekist Gal'sky beat up Mykhaylo Osadchy, a Candidate of Philology [4] and lecturer in L'vov University. So, even after Stalin's death, the KGB, when conducting a preliminary investigation, 'supplements' the measures provided for by the Code of Criminal Procedure with some additional ones from its infamous past experience.

Supervision over the conduct of the preliminary investigation in our case by the KGB investigators was the responsibility of the deputy procurator of the L'vov Region, Starikov. Article 20 of the Fundamental Principles of Criminal Procedure of the USSR and the Union Republics states that:

A procurator shall be obliged at all stages of criminal proceedings promptly

[1] Khrushchev told the XXth Congress in open session: '... the Beria gang ... tried to remove the agencies of state security from the control of the Party and the Soviet regime, to place them above the Party and the Government and to create in these agencies an atmosphere of lawlessness and arbitrariness' ('Pravda', 15 Feb 1956; CDSP, viii 5 (14 Mar 1956) 14).

[2] Khrushchev continued in the same speech that 'proper control by the Party and Government over the activity of the state security agencies has been established' (loc. cit.). Apparently no actual statute on the activity of the KGB has been published. The categories of crime which must be investigated by investigators of state security agencies are enumerated in RCCP 126 (iii), UCCP 112. A sketchy outline of the duties of these agencies in combating hostile activity against the USSR, defending the frontiers, and preserving state and official secrets is given in A. Lunev (ed.), 'Administrativnoye pravo' (Moscow, 1967) pp. 473-83, and V. Sorokin (ed.), 'Sovetskoye administrativnoye pravo' (Leningrad, 1966) pp. 244-52. Cf. also N. Mironov's article in 'Kommunist', no. 11 (1960) 39-48.

[3] Corresponds to Art. 20 (iii) RCCP.

[4] Roughly equivalent to a Ph.D. degree.

to take measures provided by law for eliminating any violations of law, regardless of who may be the source of such violations [1].

And how did procurator Starikov fulfil his function as dispassionate guardian of the law? He went about the cells, saw that stool-pigeons were locked up with us – and did not protest against this violation of Art. 22 UCCP. He was present at the interrogations in the investigator's office, but instead of behaving correctly he uttered coarse and unprintable abuse; instead of directing the investigation along the road of objective inquiry into the circumstances of the case, he roared: 'We'll crush you!'

Starikov denied the people's right to create an independent state and declared that the Ukraine would have been incapable of an independent existence in the absence of a union with Russia, since, he said, somebody would inevitably conquer her. In other words, the Ukrainian people are incapable of either creating an independent state or defending it. How do these ideas differ from Goebbels-like 'theories' about superior and inferior races and peoples? We have heard enough miscellaneous assertions about the inferiority of the Ukrainian people (as well as that of other Slav peoples) from the Rosenbergs, Bormanns and other racists like them. And if the same idea is put to us by members of the neighbouring Russian people, that does not make it any better so far as we are concerned.

A pamphlet entitled 'A Draft Programme of the UWPU', 'Notes', a lecture on the laws of the development of human society, letters, etc., were confiscated from us when we were arrested. On the strength of all this [documentation] we were presented with an indictment for anti-Soviet propaganda and agitation. The preliminary investigation did not produce any new evidence: we were charged both at the beginning of the investigation and later for [our] political convictions. These convictions were not to the liking of senior investigator Captain Denisov, the chief of the investigation department Major Sergadeyev, and the [other] investigators: they decided to change the indictment to treason. Procurator Starikov did not object to this unfounded action. On the contrary, he fully supported Denisov's and Sergadeyev's attitude. The attitude of procurator Dedkov, of the Procuracy of the Ukrainian SSR, did not differ from theirs.

Denisov and Sergadeyev and Starikov – these guardians of the sovereign Ukrainian Soviet state – have lived in the Ukraine for a long time, but they have not learnt our language. On the contrary, they treat it and our literature and culture with scorn and contempt, and everything they do bears witness to their chauvinism. And they displayed deadly hatred towards us. Knowing that persecutions on account of political convictions run counter to the Declaration of Human Rights [2] and the Constitution of the Ukrainian SSR [3], they exerted themselves to the utmost to conceal our case from the Soviet public. In order to mislead people in those places where we lived, all kinds of fantastic fabrications were put about. For example, in Glinyany, where I lived, the rumour was spread that a radio transmitter, dollars, [and] a large amount of anti-Soviet propaganda literature of American origin had been confiscated from me when I was arrested and that, in short, I was an American spy.

When the L'vov KGB saw that they could conceal the truth from the people,

[1] Incorporated into RCCP and UCCP as Art. 25 (ii).

[2] Cf. Arts. 2, 19.

[3] This may be thought to be implicit in Arts. 105 (guaranteeing the freedom of speech, the press, assembly and processions) and 106 (securing the right of forming social organisations).

they decided to change the indictment from that of anti-Soviet propaganda to treason, and the representatives of the regional and Republican procuracies sanctioned this.

Another fact is significant. V. Luts'kiv's conscience came to life during his imprisonment in Mordovia, and he wrote statements to official institutions [declaring] that his testimony in our case had not been true. Thus, in his statement to the CC CPU in October 1965 he wrote:

[Here Lukyanenko quotes the greater part of Document 3.]

At roughly the same time Luts'kiv wrote a number of statements to the authorities about the spuriousness of his denunciations of R. Hurny. He also asked Hurny to forgive him. Hurny forgave Luts'kiv. Hurny's estimate of Luts'kiv's depravity and baseness, and that of others like him, who by their unprincipled and irresponsible behaviour have to some extent contributed to the lawlessness of the Chekists (and which resulted, in that case, in the shooting of Koval' and Hrytsyna), is a matter for him personally. But how did the Procuracy of the Ukrainian SSR, to which Luts'kiv sent his statements, react? According to Arts. 367, 370 UCCP [1] the judgment in the Hurny case (as well as in ours) should have been voided and the case referred back for new consideration. The Procuracy, however, did not protest the illegal judgment. Perhaps it too forgave: Hurny forgave Luts'kiv, and the Procuracy of the Ukrainian SSR forgave the L'vov KGB? But if Hurny's estimate is his personal concern, the actions of the Procuracy are not a private matter. The Procuracy is an institution of state created to supervise [the application of] the law in the state. And if it is dealing seriously with what is collected and printed under titles such as 'The Constitution', 'The Criminal Code' and 'The Code of Criminal Procedure', then it is under an obligation to ensure that the standards [established] by these laws are complied with not only by citizens, but also by officials, including those of such an institution as the Committee for State Security.

Preliminary investigation is the first stage through which a man passes when he falls into the hands of the agencies called upon by the law to mete out justice. An inexperienced man accused of acts he has not committed, or of something which in law does not constitute a crime at all, hopes that at the trial he will justify himself, [and] that the court will reject the accusations [as] unfounded – since objective truth must be the supreme end in so far as the court is concerned. The Chekists also foster this idea. Art. 20 UCCP lays down that:

The examination of cases in all courts shall be open, except in instances when this contradicts the interests of protecting a state secret [2].

Article 20 also allows closed judicial examination in cases concerning intimate

[1] 'The grounds for voiding or changing a judgment in the consideration of a case by way of cassation [appeal] are: one-sidedness or incompleteness of the inquiry or of the preliminary or judicial investigation; lack of correspondence of the court's findings, set forth in the judgment, with the factual circumstances of the case; substantial violation of the criminal procedure law; incorrect application of the criminal law; lack of correspondence of the punishment assigned by the court with the gravity of the crime or the personality of the convicted person' (UCCP 367, RCCP 342). UCCP 370 deals with 'substantial violations of the requirements of criminal procedure law', and the section most applicable to these cases has been quoted on p. 66, fn. 2 above. The provisions of these articles are also mandatory for the Procuracy 'in the consideration of a case by way of judicial supervision' (UCCP 389, RCCP 379).

[2] Cf. p. 65, fn. 2 above.

aspects of life. Apart from such intimate cases, therefore, the law permits the closed examination of cases in one instance only – when this [open examination] contradicts the interests of protecting a state secret.

Art. 67 UCC [1], as well as the commentary to Art. 65 RCC [2] by Doctor of Laws Professor Nikiforov (ed. M[oscow], 1963) [3], indicate that the exception made by the legislator with regard to the examination of cases connected with a state secret is in no way relevant either to my case or that of Koval'-Hrytsyna, or Protsiv's, or other cases concerning alleged anti-Soviet nationalist activity. Thus the case in which I was convicted must be examined at a public trial.

You know, Citizen Korotchenko, that a matter such as the [right to] public trial is not a minor right without effect on the position of the individual in society. The principle of public trial is one of the basic achievements of man in the process of the historical struggle for the extension of democratic freedoms, the struggle for the recognition of the dignity and value of the individual. After the collapse of feudal and the rise of bourgeois states, the principle of public trial is invariably included in constitutions as one of the basic principles of democracy and always occupies an important place in line with such democratic rights as that of taking part in the election of the supreme authority, freedom of speech, of the press, etc. The [right to] public trial has also constantly been proclaimed since the rise of the Soviet states [4]. Finally, the fact that the United Nations has proclaimed it in Arts. 10 and 11 of the Declaration of Human Rights (which the USSR Government signed in 1950) testifies to the importance of this right.

The principle of public trial is one of the basic democratic rights of the Ukrainian people; it is therefore promulgated in Art. 91 of the Ukrainian SSR Constitution [5] and included in the Code of Criminal Procedure of the Ukrainian SSR as a basic principle of democratism in legal proceedings in the Soviet state of the Ukraine.

If for the Soviet state '*Salus populi suprema lex esto*' [6] (the good of the people is the highest law), and if the good of the people is secured in the laws of the Soviet state (and one would think that this is exactly how it should be), then adherence to the laws of the state by the executive power, or their violation, serves as a pointer to whether this executive power serves the interests of the people, or places its own interests above those of the people.

The public nature of a trial gives the people an opportunity to check on the work of the court and prevents the passing of an illegal sentence on an individual: the public nature of judicial process is a guarantee of [adherence to] the law in the activities of the agencies of justice.

The Declaration of Human Rights states that every individual has the right to an objective trial [7]. With the emergence of bourgeois democracy, an attempt was made to achieve the objectivity of trials by creating a jury. In addition, the

[1] Corresponds to RCC 75 and treats of 'divulgence of information constituting a state secret by a person to whom such information has been entrusted or has become known because of his position or work, in the absence of the indications of treason or espionage'.

[2] On espionage, with references to state or military secrets.

[3] Book mentioned in fn. 1 to p. 62 above, 1st ed., pp. 160-1.

[4] The public nature of trials is laid down in the old RCCP, Arts. 19, 21 (passed 15 February 1923) and UCCP, Arts. 20, 22 (in force from 15 September 1927) in terms similar to those of the current Codes.

[5] Cf. pp. 64-5 above.

[6] From the 'Twelve Tables', as quoted by Cicero, '*De Legibus*', iii, 3, 8.

[7] 'Everyone is entitled . . . to a fair and public hearing by an independent and impartial tribunal, in the determination . . . of any criminal charge against him' (Art. 10).

judges were forbidden to take part in political activity: while an individual holds an appointment as a judge, he may not be a member of any political party. It can be seen to what extent these organisational measures ensure objectivity from the fact that in tsarist Russia (that 'prison of nations', in Lenin's words [1]) the court acquitted Vera Zasulich who had made an attempt on the life of Trepov, the Governor of Petrograd [2].

Art. 9 of the Fundamental Principles of Legislation on the Court Organisation of the USSR and of Union [and Autonomous] Republics lays down that: 'In administering justice, judges and people's assessors shall be independent and subordinate only to the law.'

What is meant here by independence?

Can two members of the court – people's assessors – be independent of the judge if they have no specialised knowledge, while he has studied law for five years? [3] Can the people's assessors be independent of the judge if they sit in judgment only a few days [4] a year and feel like visitors in the courtroom, while the judge is there every day? To participate actively in the examination of a case one must know it. My case consists of nine thick volumes of all sorts of screeds by the investigators and of one volume of real evidence. Other political cases are equally bulky. Several days are needed to study such cases. The people's assessors have not got them, and therefore know neither the individuals whose fates they must decide nor the substance of the cases, while the judge does prepare for the trial. How then can they fail to depend on the judge?!

So the judge and the two people's assessors are quite disproportionate legal forces: one is powerful, the other impotent. And it would be silly to represent as equal that which is disproportionate by its very nature.

The impotence of the two people's assessors is also aggravated by the fact that the function of determining guilt and the function of assigning punishment are not divided between the people's assessors and the judge, but exercised by them jointly. Since they are not obliged to assume responsibility separately from the judge, they rely entirely upon the judge's discretion [5]. So much for the independence of two members of the court. It would be more accurate to say that the outcome of a case does not depend on them.

What does the independence of the third, professional member of the court and his subordination only to the law amount to?

[1] 'Collected Works', xx 219.

[2] The cause of this was that General F. F. Trepov, the police chief of St Petersburg (not yet Petrograd, as Lukyanenko erroneously calls it), had ordered A. P. Yemel'yanov (1852–?) (known under the name Bogolyubov), a student, then in a preliminary detention prison after having been sentenced to 15 years' penal servitude for taking part in a political demonstration, to be flogged for not doffing his hat. After Zasulich's acquittal by the jury the police intended to rearrest her as soon as she left the court, but the crowd enabled her to escape, and she fled abroad. After this incident in 1878, however, all matters of 'resistance to the authorities, rebellion, assassination or attempts on the lives of officials' were removed from the jurisdiction of the juries and entrusted to military tribunals. (H. Seton-Watson, 'The Russian Empire, 1801–1917' (Oxford, 1967) p. 423; Stepniak, 'Russia under the Tsars' (1886) pp. 156, 174, 202–3, and the Russian translation mentioned in fn. 2, p. 140 below.)

[3] In fact, in 1967, 19.1 per cent of all professional judges had no legal training (Ivo Lapenna, 'Soviet Penal Policy' (1968) p. 108).

[4] Not more than two weeks (*ibid.*, p. 109).

[5] Although this may well be so in practice, UCCP 325, RCCP 306 lay down that 'the person presiding [the professional judge] shall give his vote last' on questions to be resolved by the court when decreeing judgment.

The court of first instance for political cases is the regional court which is elected by the regional soviet of workers' deputies on the basis of recommendations by the Party agencies. The president of the L'vov Regional Court, Rudyk, who presided when our case was tried, is a member of the CPSU. His political convictions are the policies of the CPSU. Political convictions are not like clothes which may be put on or discarded at will; they are an inherent feature of a man, determined by a fully defined outlook and way of thinking. A communist remains the same person both at a Party meeting and in a courtroom: when he goes into court to decide an individual's fate he cannot leave his Party feelings in the court cloakroom like his goloshes; he takes them into the courtroom and acts under their constant influence.

The laws make it clear that the Soviet state treats citizens alike regardless of their outlook: a Moslem, a communist, a Catholic – all have equal political, labour, pension and other rights [1]. But the Party does not maintain an identical attitude [to all]: it advocates one ideology and fights against all others.

The L'vov Party Regional Committee interpreted the case in which I was arrested as an anti-Party one. To Rudyk as a communist this meant that my acts ran counter to his personal convictions and, by the same token, counter to his personal political interests. Sitting in his judge's chair, he saw in us his personal political enemies. Being a communist and a judge in a political case, he ended up as a judge in his own personal case, which is a violation of one of the basic principles of objectivity of trial, that is, 'Nemo iudex in causa sua' [2] (no one is a judge in his own case), which is [a principle] generally accepted as far back as the time of ancient Rome.

Unlike Stalin's times, advocates also take part in political trials. They are selected by the KGB investigators and instructed by them, and the court then forces them upon the prisoners. Having selected defence counsel (of their own persuasion rather than in the prisoners' interest), the investigators ought to trust them completely, yet even so they still do not do so. For instance, in accordance with Art. 299 UCCP [3], Borovnyts'ky's advocate asked for the sequence of interrogations of the prisoners to be changed. The other six advocates did not object to this request, nor did the procurator; the people's assessors showed no intention of objecting. Then Rudyk took a list from his desk, consulted it and stated that the court declined the advocate's request. Is the authorship of that magic list not obvious?

During the trial, the advocates took notes recording its course. It is impossible to defend a prisoner skilfully without notes, [and] one cannot prepare an able speech for the defence without them.

What a pitiful spectacle the advocates presented when they were not trusted to take these notes away with them after working hours [4], although they [the advocates], having been produced by the investigators and not the prisoners,

[1] 'Justice . . . shall be administered on the basis of equality of all citizens before the law and the courts without regard to their . . . nationality, race or religion' (RCCP 14, UCCP 16). Art. 123 of the USSR Constitution, however, mentions only 'equality of citizens of the USSR without regard to their nationality and race'.

[2] Usually 'Nemo debet esse iudex in propria causa' (e.g. H. Broom, 'A Selection of Legal Maxims', 10th ed. (1939) p. 68). Cf. Cicero, 'De Legibus', iii, 5, 1: 'Nemo sibi esse iudex vel suis ius dicere debet.' Similarly in Soviet law: cf. p. 166 and p. 167, fn. 2 below.

[3] 'The person presiding shall ascertain the opinion of the participants of the judicial examination concerning the sequence of interrogations of the prisoners. . . . The order of analysing the case shall be established by a ruling of the court.' Cf. RCCP 279.

[4] The law is not explicit on this. The advocate has the right 'to copy necessary information' from 'all the materials of the case' (UCCP 48, RCCP 51).

themselves disregarded the interests of the latter. Having been told by the investigator, for instance, that there would be an advocate at the trial regardless of my wishes, I requested the advocate to conduct my defence by refuting the legal classification of my actions. He agreed, but followed a fundamentally different line of defence at the trial. Finally, defence counsel even violated such an [elementary] standard of forensic ethics as the impermissibility of trying to improve the position of one's own client at the cost of impairing that of another prisoner.

It is under these conditions and with these participants that the settling of accounts officially described as a trial began. Art. 20 (iii) UCCP lays down that: 'The judgments of courts shall in all cases be proclaimed in public.' [1] In our case, the judgment was read out behind closed doors: even the witnesses and our relatives were not admitted to hear it.

The court formulated the concluding statement of the indictment as follows:

As can be seen from the testimony of prisoners Lukyanenko, Virun, Kandyba, Luts'kiv and Libovych, the text of the UWPU programme and the 'Notes', the prisoner Lukyanenko and other members of the UWPU had set themselves the aim of struggling against the Soviet state and social system; against the CPSU and Marxist-Leninist theory; for severing the Ukrainian SSR from the USSR; for the creation of a so-called 'Independent Ukraine'; and [of committing] other hostile anti-Soviet acts.

Under these circumstances the Judicial Division considers prisoner L. H. Lukyanenko's guilt in committing the crimes covered by Arts. 56 (i) and 64 UCC [2] fully proved.

Art. 56 UCC, which covers responsibility for treason, gives a comprehensive list of actions which the legislator regards as treasonable. These are the following actions:

going over to the side of the enemy;
espionage;
transmission of a state or military secret to a foreign state;
flight abroad or refusal to return from abroad to the USSR;
rendering aid to a foreign state in carrying on hostile activity against the USSR;
and
conspiracy for the purpose of seizing power.

One need only glance at this list and at the actions with which I was charged by the L'vov Regional Court to see that they are completely different. With all its lack of objectivity and its determination to sentence us, at all costs, to many years of imprisonment, the court was nevertheless unable to make the formulation of our guilt fit the content of the provision of Art. 56 UCC. It applied the punishment which it had decided upon, but being unable to charge us with a single treasonable act, left a most striking testimony to the incorrect legal classification of our actions – striking evidence of an arbitrary settling of accounts with dissenters.

The will of the punitive agencies of L'vov Region has been done: we have been herded behind barbed wire in Mordovia to do forced labour because of our love for the Ukraine and our desire for its independent statehood. Such a desire is recognised as normal and lawful for all people: for Asians, for Africans, for all other nations of the world, but not for Ukrainians. Ukrainians dare not even think about state independence. There is indeed a [piece of] paper – the Constitution of the Ukrainian SSR – which states that the Ukrainian SSR reserves its right to secede

[1] Cf. p. 65, fn. 4 and p. 66 above.

[2] Cf. p. 33, fn. 5 above.

from the USSR [1], but Stalin, together with Yagoda's, Yezhov's and Beria's henchmen, taught people to regard the Constitution (as well as other laws of the state) as a mere scrap of paper; laws are laws, but order is order. Laws are passed and altered; they exist within their own sphere, and so does the political regime. Each has its own traditions and history, and in practice there is little connection between them.

At the preliminary investigation I told investigator Denisov that agitation for the secession of the Ukrainian SSR from the USSR was not a crime in any sense because Art. 17 of the USSR Constitution proclaimed the right of a Union Republic to secede from the USSR (and this includes the right to agitate for the exercise of this right). Raising the Constitution above his head, Denisov replied: 'The Constitution exists for foreign use.' When I said on another occasion that I had seen it as my aim to put the question of the Ukrainian SSR's secession from the USSR for decision by a referendum of the population of the Ukrainian SSR or by the Supreme Soviet of the Ukrainian SSR, Denisov said:

Even if you had succeeded in organising demonstrations in Kiev, L'vov and other large cities of the Ukraine, and even if those demonstrations had been joined by masses of people carrying banners, placards and slogans demanding the secession of the Ukraine from the Union, do you really think that the Government would not have used troops to crush the demonstrations? What are they stationed in the cities for?

These are the words not of an interpreter but a maker of policies. In truth, such is reality!

In 1964 I wrote an appeal [2] concerning my case to the USSR Procuracy. In answer to my appeal, the Deputy Procurator-General of the USSR, Malyarov [3], wrote that the L'vov Regional Court had correctly classified my actions as treason, because they had, he said, been directed towards the detriment of the territorial inviolability of the USSR. Indeed!

This means that Malyarov regards the Soviet Union not as a union state, not as a union of equal Republics, but as a unitary state! A very eloquent admission from a high guardian of legality on a Union scale!

It appears from his interpretation that when Art. 56 UCC refers to territorial inviolability, it does not mean the defence of the Union Republic's territory, but the inadmissibility of secession of the Union Republic from the USSR.

Well, this interpretation does not conflict with the great-power chauvinistic policies which the tsarist government constantly applied to the Ukraine from the times of Peter I [4]. Prior to the Revolution, the Ukrainians' desire for autonomy was rated as treason by the tsar's henchmen. Now, Malyarov, Dyadkov, Starikov, Sergadeyev, Denisov and others of their ilk also interpret the wish of the Ukrainians to be equal with other nations of the world as treason. Having grown up on Russian chauvinistic traditions, they hope, so it seems, to continue the old policies for ever.

That is the reality. The Denisovs hold the state machine in the Ukraine in their hands. They determine what is treason and what is not, they herd people into

[1] Cf. p. 37, fn. 1 above.

[2] Presumably Doc. 2.

[3] M. P. Malyarov, the First Deputy Procurator-General of the USSR.

[4] This refers to the crushing by Peter the Great at the battle of Poltava (1709) of Mazeppa's attempt to achieve the secession of the Ukraine through an alliance with Charles XII of Sweden.

camps, they take away lives, they compel [people] to work for next to nothing in inhuman conditions for many years. That is the reality. This reality, however, smells of carrion, not merely because it stems from yesterday, but also because it feeds on yesterday's ideas and tries to turn the past into the present and future.

When the Empire of the Romanovs applied colonising policies to the Ukraine it acted in the spirit of its laws and its ideology; it acted in the same colonising spirit as contemporary England, France, Austria-Hungary, Portugal and so on; it acted in a spirit which then prevailed throughout the world. But when chauvinists try to carry out similar policies today, they act against the laws of the Soviet state, against Marxist-Leninist ideology, against the anti-colonial spirit of the present age.

Now that instead of the Romanov Empire there is the Soviet Union, the chauvinists are breakers of laws, and not guardians of them, because whatever tricks of sophistry they might try to use to interpret Art. 17 and Art. 14 of the Constitutions of the USSR and the Ukrainian SSR as meaning that the right to self-determination is not there, common sense always overcomes sophistry and persists in asserting that: The right of a Republic to secede from the USSR is a right, and not an absence of right, and words that grant a right can never be changed into words that forbid it, just as the words 'take' and 'don't touch' cannot be interchanged.

The journal 'Soviet Law' (no. 1, 1966) [1] wrote that

The Ukraine, like each [Union] Republic, has at all times the right to secede at its own wish from the USSR. The right of secession of a Union Republic, which cannot be annulled or altered by Union authority, gives the people of a Union Republic the opportunity to express their will regarding the most important issue – the form of the Republic's statehood.

This is an interpretation of the constitutional right to secede given in an editorial by the editors of the official law journal. It is as clear as can be. The Ukraine has the right to secede from the Union; a citizen of the Republic has the right to agitate for secession.

He who acts justly, acts openly; he who judges legally, judges publicly. The Denisovs know that they are making short work of Ukrainian patriots contrary to Soviet laws and they therefore try to conceal their [acts of] injustice from the eyes of the public in every possible way.

The persecution of people who wish to exercise the constitutional right of secession runs counter to Marxist theory, which has always included the right of nations to self-determination. The right of nations to self-determination has always been an integral part of the Programme of the CPSU [2]. And if an individual is a communist in practice and not just as a matter of form, he cannot oppose the Ukrainian nation's right to self-determination. The actions of Denisov, Sergadeyev and other survivors of Stalinist times, such as these, therefore violently contradict both Marxist theory and Soviet laws.

Millions of people in higher educational establishments and in the Party educational system study the classics of Marxism and programme documents in which one thing only is said about the nationalities problem: Marxists-Leninists

[1] 'Radyans'ke pravo' (Kiev) p. 4.

[2] 'The CPSU regards it as its internationalist duty to assist the peoples who have set out to win and strengthen their national independence, all peoples who are fighting for the complete abolition of the colonial system' ('Programme of the Communist Party of the Soviet Union' (Moscow, 1961) p. 48).

have always supported the right of nations to self-determination. In order not to reveal to these masses how far the Denisovs are from Marxism, they are forced carefully to conceal from these millions their work and the trials of so-called anti-Soviet nationalist cases.

Finally, the third factor – the spirit of the age.

In the nineteenth century [the spirit of the age] caused little concern to the torturers of the Ukraine because it was an age of colonialism. Colonial oppression was, so to speak, a legalised phenomenon. Tsarist exploitation in the Ukraine could not noticeably affect the international prestige of the Russian Empire because similar exploitation was practised in their own colonies by Austria–Hungary, Portugal and other imperialist states. But in the twentieth century – when the colonial empires split up one after another, and powerful national liberation forces grew out of the vortex of turbulent events, when these forces determine the spirit of the present age and provide it with a banner – in this age the attempts to suppress the desire of Ukrainians for national freedom appear as a terrible anachronism and a terrible injustice.

The efforts of chauvinists to perpetuate long-outdated policies have given rise to much hypocrisy. On the one hand the Soviet Union and the Ukrainian SSR have signed the United Nations Charter which states the right of all peoples to self-determination. On 14 December 1960, the Government of the Ukrainian SSR signed the Declaration on the Granting of Independence to Colonial Countries and Peoples. Soviet leaders unceasingly and ardently proclaim their support in international forums for fighters for democracy and national freedom. Conferences are held at which resolutions such as this are adopted:

[. . .] We cannot be calm when the blood of freedom fighters flows on our planet, the sacred blood of our brothers who have risen courageously in defence of democracy, freedom and independence of their peoples. . . .

The Second Soviet Afro-Asian Peoples' Solidarity Conference wrathfully protests, on behalf of the entire Soviet people, against the imperialists' sanguinary crimes and demands an immediate stop to the persecution and murder of patriots and freedom fighters, an end to unbridled terror, genocide and apartheid, and the release of all political prisoners.

We call upon all who cherish the ideals of freedom, democracy and justice to form a united front against the repression and persecution of fighters for national independence and abolition of colonialist and racist regimes.

We demand:

Freedom for independence fighters!

An immediate end to the persecution of patriots!

(From a resolution of the Second Soviet Afro-Asian Peoples' Solidarity Conference in Baku, 8–11 May 1964 [1].)

A real hymn to democracy and national independence!

But what is this hymn worth when Soviet prisons and camps also hold fighters for independence and for spreading democratic freedoms, when chauvinists persecute the fighters for the independence of the Ukraine in the cruellest way and, in order to sap a renewal of the idea of state independence at the roots, try to destroy the Ukrainian nation's consciousness of history (which alone is capable of gathering together all strata of the nation [and making them] into a single fist in the struggle for self-preservation), leaving it to feel parentless.

[1] 'Resolution on the Persecution of Freedom Fighters', in 'New Times' (Moscow) no. 22, 3 June 1964, Supplement, pp. 38–9.

The present generations in our nation are deprived of what their forefathers had achieved in the realm of the mind. Ukrainians are taught the history of the development of productive forces and the history of Russian tsars in Russified educational establishments, but not the history of our nation. And present-day Ukrainians are ignorant of the values which guided our ancestors in their lives, because out of the great company of Ukrainian philosophers only the works of H. Skovoroda [1] are published (and not all of these); works by Ukrainian economists, historians, publicists (even those which used to be published in Russia before the Revolution) are now proscribed; many prose writers are completely proscribed, while others are published incomplete. [Whole] areas of our forefathers' intellectual life, such as music and painting, are completely neglected.

The wealth of our ancestors' intellectual values being hidden from the present generations, it has been easy to implant the idea that there is nothing which deserves attention in our past. And so the awareness of that intellectual bond between generations which throughout the centuries was a powerful implement for unity has been destroyed in the people's mind; it [this awareness] enabled Ukrainians to withstand all the trials [prepared for them] by fate and to survive the Tartar-Mongolian hordes, the yoke of the [Polish] lords, Turkish encroachments and tsarist occupation.

On one side there are actions entirely in keeping with the spirit of our present age: every kind of support for those who fight for democracy and national independence abroad; on the other, there is a terrible conservatism: the suppression of those who fight for democracy and national independence within the state, and attempts to shut oneself off from the historical processes in the world. Hence the desire to hide by means of secret investigations, trials in camera, and remote places of imprisonment the persecution of Ukrainian patriots from the world at large.

And so the punitive agencies in the Ukraine act in secret from the nation because persecution for [promoting] the idea of secession of the Ukrainian SSR from the USSR conflicts, in the first place, with the laws of the Soviet Union, in the second with Marxist ideology, and in the third with the spirit of the present anti-colonial age.

The position of Russian chauvinism in the Ukraine is at present incomparably weaker than it was before the Revolution. And this is not merely the result of the factors outlined above. Since chauvinism is a brake on social progress and stands in the way of the development of our language and literature and of our entire national culture, it lacks all moral support [among the people]. It is founded on brute physical force (on army garrisons, as investigator Denisov said) and the fear [in the minds] of our parents. But nothing founded on force alone has ever lasted long, and fear too is not eternal. Like everything else in the world, [fear] is a passing phenomenon. In order to exist it must be constantly generated. So it was constantly fanned by deaths – thousands of innocent deaths. This is what instilled fear into our parents. But a new generation has been born since the war and has now grown up which does not know the horrors of the Terror, and is not fettered by fear.

It [this generation] is the youthful master of the country. The future belongs to it and it begins to understand how dangerous it is for its fatherland to cut itself off from other nations. It understands that to isolate oneself from different ideas is to impoverish oneself, to rob oneself. 'Whoever shuns both people and ideas, becomes

ever poorer and poorer spiritually, and falls ever lower and lower', said Jules Michelet [1].

In our age of intense industrial development, and of technical means of information in particular, it has become almost impossible to isolate people from outside ideas. The chauvinists can put philosophers [such as] Kononovych-Horbats'ky [2] and Kostel'nyk [3], economists [such as] Osadchy [4] and Levyts'ky [5], historians [such as] Poletyka [6] and Hrushevs'ky [7], ethnographers [such as] Nomys [8] and Shukhevych [9], linguists [such as] Zhytets'ky [10] and Potebnya [11], publicists [such as] Drahomanov [12] and Pavlyk [13], under lock and key, they can even scatter magnesium bands over [copies of] their works in the library and set fire to them [14], but they cannot padlock the numerous channels of various outside (and inside) information which bring in new ideas. And each stream of new information carries with it new and fresh gusts to demolish the old foundations of the chauvinist edifice. They will still be strong enough to stifle the prisoners, but the spirit of our time, which constantly gives birth to thousands like us, cannot be imprisoned.

The UWPU draft programme, the chief evidence of my 'guilt' in 1961, ended with these words, which I now repeat with even greater confidence:

The triumph of Soviet law will be also our triumph.

If you, citizen Korotchenko, together with the Russian chauvinists, do not want to act as a brake on the road of the development of the Ukrainian nation, [you must] take steps to restore the rule of law in the Ukraine.

Levko Lukyanenko

*Mordovia, Camp No. 11, Central Isolator,
May 1967*

[1] French historian (1798–1874).

[2] Y. Kononovych-Horbats'ky (?–1653), one of the first professors of the Kiev Mohyla Academy.

[3] H. Kostel'nyk (1886–1948), religious philosopher and the founder of the Bačka literary language (in Yugoslavia). Assassinated by Ukrainian nationalists.

[4] T. I. Osadchy (1866–1945), author of many works on land tenure.

[5] Academician V. F. Levyts'ky (1854–1939), wrote on political economy, agricultural economics, history of natural economy.

[6] H. Poletyka (1725–84), assumed to be the author of the anonymous 'Istoriya rusov'.

[7] Academician M. Hrushevs'ky (1866–1934), the most prominent Ukrainian historian. Died in banishment; only partially rehabilitated.

[8] M. Nomys (1823–1901), known for his collection of Ukrainian proverbs.

[9] V. O. Shukhevych (1850–1915), the author of 'Hutsul'shchyna' (5 vols).

[10] P. Zhytets'ky (1837–1911), specialist in Old Ukrainian language and literature, corresponding member of the St Petersburg Academy.

[11] O. Potebnya (1835–91), scholar of general and Slavonic philology and folklore, corresponding member of the St Petersburg Academy.

[12] M. Drahomanov (1841–95), historian and literary scholar.

[13] M. Pavlyk (1853–1915), journalist, an active socialist (in Galicia).

[14] See Introduction, p. 16, fn. 8 above. The pamphlet 'On the Trial of Pogruzhal'sky' mentions that magnesium bands and phosphorous cones were scattered over the bookshelves in the Kiev Academy Library (this was hushed up at the trial) before they were set on fire.

PART TWO

1965 Arrests: Voices from the Labour Camps

To the Supreme Soviet of the Ukrainian SSR

From citizen Mykhaylo Savouych Masyutko [1], at present held in camp for political prisoners No. 11 in the Mordovian ASSR

If, despite all the categorical prohibitions, some traveller succeeded in visiting the camps for political prisoners in Mordovia, of which there are here as many as six [2], he would be most astonished: here – thousands of kilometres away from the Ukraine – he would hear clear Ukrainian in every contemporary Ukrainian dialect spoken at every step. The traveller would be moved to wonder: what is happening in the Ukraine? Unrest? An uprising? How does one explain so high a percentage of Ukrainians – 60 or even 70 per cent – among the political prisoners? If the same traveller also visited the Ukraine soon afterwards, he would immediately see for himself that there was no uprising and no unrest in the Ukraine. But a fresh question would then arise in his mind: why did one so seldom hear Ukrainian spoken in Ukrainian cities and why did one hear it so often in the camps for political prisoners?

Before answering this question it is worth establishing whether repressions are permissible at all at this date, at the half-century mark since the establishment of Soviet rule. We take F. Engels's 'Anti-Dühring', open it, and read:

As soon as there is no longer any class of society to be held in subjection; as soon as, along with class domination and the struggle for individual existence based on the former anarchy of production, the collisions and excesses arising from these have also been abolished, *there is nothing more to be repressed which would make a special repressive force, a state, necessary.* (Lenin's italics [3].) – F. Engels, 'Anti-Dühring', pp. 302–3, 3rd German ed. [4].

We take V. I. Lenin's 'The State and Revolution' and read: 'And since the majority of the people *itself* suppresses its oppressors, a 'special force' for suppression *is no longer necessary!*' (Lenin's italics.) – Lenin, 'Selected Works in 2 vols', ii, p. 146, Russian ed. [5]. In our socialist society, there have for a long time been no classes which could clash among each other, and the State must accordingly reflect this condition in some way. 'The dictatorship will become unnecessary when classes disappear' (vol. cit., p. 481) [6]. The state authorities in the Ukraine today justify

[1] Cf. pp. 9–10 above. Soon after his arrest, Masyutko wrote an 'Explanation' to the Ukrainian SSR Procurator (ChP, pp. 142–7). Before arrest he wrote numerous stories, articles and poems, very few of which were published. Much of this work was confiscated, but not used in the indictment. Some poems and stories are reproduced in 'Lykho z rozumu' (cf. p. xvii above), pp. 182–202 (not in ChP).

[2] The largest at that time were Camps No. 11 and No. 7; No. 10 (special regime) and No. 17a still exist. Camps No. 6 (women) and 5F (foreigners) hold political prisoners as well as others. For further details see the Dubrovlag map and notes, pp. 120–1 below.

[3] Lenin quotes this in his 'The State and Revolution', but in fact without italicising (cf. his 'Coll. Works', xxv 395).

[4] The English version from Engels, 'Herr Eugen Dühring's Revolution in Science (Anti-Dühring)' (1943) pp. 308–9.

[5] 'Coll. Works', xxv 419.

[6] Ibid., xxx 115.

their existence by [maintaining] that 'the socialist revolution has not been victorious throughout the world, that socialist countries exist in a hostile environment', and as a result – so they say – there must be a force to oppose the forces of the hostile capitalist environment. Yet, when Engels and Lenin said that a 'special force' for [purposes of] repression was not needed in a socialist society, they by no means had a socialist society [extending] to the whole world in mind:

The social revolution cannot be the united action of the proletarians of *all* countries for the simple reason that most of the countries and the majority of the world's population have not even reached, or have only just reached, the capitalist stage of development. . . . Only the advanced countries of Western Europe and North America have matured for socialism, and in Engels's letter to Kautsky [1] ('Sbornik Sotsial-Demokrata') P. Kievsky (Pyatakov) [2] will find a concrete illustration of the real and not merely promised 'idea' that to dream of the 'united action of the proletarians of *all* countries' means postponing socialism to the Greek calends, i.e. for ever. (Lenin, vol. 23, p. 46, 4th Russian ed.) [3]

That acts of repression [4] in a socialist society and, what is more, at a time when half a century will soon have elapsed since the socialist revolution, are not permissible is confirmed not only by the Marxist-Leninist theory of the building of socialism, but also by practice in our public life.

Great harm was done to the cause of socialist construction, to the development of democracy inside the Party and state, by Stalin's erroneous formula that as the Soviet Union moved towards socialism the class struggle would become more and more acute. This formula, which was correct only for certain stages of the transition period, when the issue of 'who will beat whom' was being settled, when a persistent class struggle for building the foundations of socialism was in progress, was put to the fore in 1937, at a time when socialism had already triumphed in our country, and when the exploiting classes and their economic base had been eliminated. In practice, this erroneous theoretical formula was the basis for the grossest violations of socialist law and for mass repressions. (Resolution of the CC CPSU 'On Overcoming the Personality Cult and its Consequences'.) [5]

As one observes the present repressions in the Ukraine, one has the impression that the state security agencies in the Ukraine are deliberately ignoring Marxist-Leninist theory and deliberately harming the construction of a socialist society. But even if one admits the truth of the premise that some force is necessary in the country to counteract hostile external forces, then the actions of these agencies should have a very precise aim and not be directed against the Ukrainian nation.

For a practical account of the nature of the Ukraine KGB agencies' 'work' today let us go direct to those whom these agencies have thrown behind the barbed wire and iron bars of the Mordovian camps. In the camps of Mordovia there is Levko Hryhorovych Lukyanenko, arrested by the L'vov KGB and sentenced in May 1961 by the L'vov Regional Court to be shot (the Supreme Court of the Ukrainian SSR later commuted [death by] shooting for Lukyanenko to 15 years' imprisonment in

[1] Of 12 September 1882.

[2] Masyutko's interpolation. G. Pyatakov (1890–1937): an Old Bolshevik; perished in the Purge (Conquest, 'The Great Terror', pp. 164–85 and *passim*). Not rehabilitated.

[3] 'Coll. Works', xxiii 58–9 (Lenin's italics).

[4] 'Progressive acts' in the copy of the original available: surely a slip.

[5] 'Pravda', 2 July 1956; CDSP, viii 24 (25 July 1956) 5.

severe regime camps). Together with Lukyanenko the L'vov Regional Court sentenced the lawyer Yosyp Yulianovych Borovnyts'ky to 10 years' imprisonment; the lawyer Ivan Oleksiyovych Kandyba to 15 years' imprisonment; an engineer-geodesist, Oleksandr Semenovych Libovych, to 10 years' imprisonment; an employee of the militia, Ivan Zakharovych Kipysh, to 10 years' imprisonment; a worker in cultural-educational establishments, Vasyl' Luts'kiv, to 10 years' imprisonment; [and] a Party worker, Stepan Virun, to 12 years' imprisonment. The entire guilt of the lawyer Lukyanenko was that he wrote a work [which was] socialist in character [and] in which he examined the political and economic state of the Ukraine today. The whole guilt of his 'associates' consisted in the fact that they read this work. The investigation agencies of the L'vov KGB, with Rudyk presiding, accused Lukyanenko's whole group of treason. It is in vain that Lukyanenko now writes to every judicial and legal authority proving that, according to all existing statutes, Art. 56 UCC does not lay down that one is liable before the law for any actions which the agencies of repression dislike, as if they were treason, and that the provision of this Article deals entirely with definite and concrete actions; all his statements and appeals receive [only] one reply: 'Correctly convicted.' Well, one cannot help recalling Lenin's letter to Stalin '“Dual” Subordination and Legality':

... the root evil of our social life, and of our lack of culture, is our pandering to the ancient Russian view and semi-savage habit of mind, which wishes to preserve Kaluga law as distinct from Kazan' law (Lenin, 'Selected Works in two vols', vol. 2, pp. 737-8).

... Undoubtedly, we are living amidst an ocean of illegality, and local influence is one of the greatest, if not the greatest, obstacle to the establishment of law and culture (vol. cit., p. 738) [1].

Lenin wrote these words at the dawn of Soviet rule. Is it not saddening that even now, when half a century will soon have elapsed since the day on which Soviet rule was established, this lack of culture and semi-savagery in matters of law exist unaltered in the Ukraine? A 'member of Lukyanenko's group', Vasyl' Luts'kiv, in his appeal to the CC CPU discloses in vivid terms those machinations by means of which the KGB investigation agencies fabricate cases against Ukrainian citizens. Luts'kiv writes in his appeal that the investigation agencies first encouraged him to give false testimony by telling him that they had arrested him only so that he might help them to uncover Lukyanenko's 'criminal activities', and later made him sign all the records needed by the investigators after frightening him by a demonstration of some prisoner being tortured. Luts'kiv also writes in his appeal that the L'vov KGB officials recruited him as a secret agent. They used to put him, under the pseudonym of Havrylyak, among those newly arrested to listen to conversations about which he submitted written and verbal reports to the L'vov KGB officials Rudyk [2], Goryun, Sergadeyev, Denisov, Palyarush, Gal'sky, etc. Such actions can no longer be explained away by a lack of culture or semi-savagery in matters of law. Such criminal behaviour is known only from the arbitrary and lawless practice of the period of Stalin's personality cult against which the CPSU declared outright war at the XXth and XXIInd Congresses. Yet the agencies of repression in the Ukraine carry on with their arbitrary and lawless practice as though asserting that they 'couldn't care two hoots' about this war.

On 22 January 1962 the L'vov Regional Court, with Rudyk presiding and

[1] 'Coll. Works', xxxiii 364-5.

[2] Presumably error for 'Dudnik'.

Procurator Ye. B. Starikov taking part, convicted a group of workers and peasants charged with nationalism and terror against Soviet rule. Several individuals, citizens of L'vov Region, organised a society among themselves, more as a joke than in earnest. They were all arrested by the L'vov KGB. While in the case of the Lukyanenko group the investigation agencies found Luts'kiv, in this case they found Pokora to give them the requisite 'confession'. On the strength of the fact that citizen Myroslav Yovchyk, who had no connection with this [latter] group, once told Pokora that he intended to obtain some explosives to quarry stone for his domestic needs, this group was charged with terrorism! And so, instead of just telling these people: 'Stop these jokes, or else the matter may end badly', the L'vov KGB fabricated a case about them, and the L'vov Regional Court convicted them. It convicted them, and how! Ivan Koval' [was sentenced] to be shot; Bohdan Hrytsyna to be shot; Volodymyr Hnat to be shot; Pavlo Klymchak to 15 years' imprisonment; Roman Hurny to be shot; Hryhoriy Zel'man to 15 years' imprisonment; Myroslav Yovchyk to 15 years' imprisonment; Hnat Kuzyk to 15 years' imprisonment; Mykola Melykh to 15 years' imprisonment; Oleksa Myn'ko to 10 years' imprisonment; Mykola Mel'nychuk to 12 years' imprisonment; Omelyan Khomyakovich to 10 years' imprisonment; Oleksa Zel'man to 12 years' imprisonment; Mykola Kurylo to 12 years' imprisonment; Mykola Pokora to 12 years' imprisonment; Oleksa Tehlivets' to 12 years' imprisonment; Mykola Mashtalir to 10 years' imprisonment; Anton Kaspryshyn to 5 years' imprisonment. The Supreme Court of the Ukrainian SSR commuted [death by] shooting to 15 years' imprisonment in severe regime camps for Volodymyr Hnat and Roman Hurny, while Ivan Koval' and Bohdan Hrytsyna were in fact shot! In one of his appeals, Myroslav Yovchyk (he wrote a total of 268 appeals!!!) makes plain the real reason for the repressive measures [taken] against him. Yovchyk writes that the investigation agencies quickly realised from the course of the investigation that he was not guilty of anything, but they applied the theory of probability to the case: Yovchyk is a Ukrainian, and since the state security agencies are convinced that all Ukrainians, even if they have not committed crimes against Soviet rule, are capable of doing so, Yovchyk had to be sentenced.

In 1962 the L'vov Regional Court, in a fabricated case similar to that of the group of Koval' and Hrytsyna, sentenced a group of citizens from Khodorov, having charged them with nationalism and terrorism, although there were neither facts nor material evidence about such activity by these people on the file of the case. In spite of this, Mykola Protsiv was sentenced to death by shooting (and was shot), Mykhaylo Protsiv to 15 years' imprisonment, Drop to 15 years, Khanas to 12 years, Yosyp Nahrobny to 12 years, and Kapitonenko to 8 years' imprisonment.

In 1960 the L'vov Regional Court sentenced a group of children, headed by a teenager, Levyts'ky (10 years' imprisonment). The KGB investigation agencies made up the 'case' on the strength of the fact that the children had found a rifle in a wood and had been shooting with it.

In 1960 the L'vov Regional Court sentenced citizen Volodymyr Shmul' to 7 years' imprisonment; in 1962 the same court sentenced citizen Dorech to 4 years' imprisonment, Oleksandr Myrlas to 5 years' imprisonment; in 1964 the same court sentenced Roman Koshelyk to 6 years' imprisonment.

One might get the impression that only the L'vov KGB fabricates cases in this way and that in the Ukraine only the L'vov Regional Court is so generous in distributing sentences. But this is not so. In 1956 in Kiev (the capital of the

Ukraine) citizen Pavlo Kulyk was sentenced to 10 years' imprisonment; in 1960 in that same city of Kiev a group of citizens were given [the following] sentences: Yaroslav Hasyuk, 12 years' imprisonment; Volodymyr Leonyuk, 12 years; Bohdan Khrystynych, 12 years' imprisonment; Volodymyr Zatvars'ky, 7 years; Yaroslav Kobylet'sky, 5 years' imprisonment. And, in Kiev again, the Tykhy brothers were each sentenced to 10 years simply for defending the rights of the Ukrainian language.

In Ternopol' in 1960 the Regional Court sentenced Petro Strus to 10 years' imprisonment. In 1962 a group of citizens were given [the following] sentences, also in Ternopol': Bohdan Hohus' to be shot (commuted to 15 years: 5 years of prison and 10 years in a severe regime camp), Hryts'ko Kovalyshyn to 10 years' imprisonment; Volodymyr Kulikovs'ky to 15 years; Pavlo Pundyk to 5 years; Palykhata to 4 years' imprisonment.

In Chernovtsy in 1962 Dmytro Koval'chuk was sentenced to 10 years' imprisonment and Shershen' to 6 years' imprisonment.

In Rovno in 1957 citizen Vasyly' Kobrynychuk was sentenced to 10 years' imprisonment. In 1963, also in Rovno, Stepan Kurylyak was sentenced to 6 years' imprisonment.

In Lutsk in 1963 cit[izen] Yurko Sachuk was sentenced to 5 years' imprisonment. In 1957, also in Lutsk, cit. Danylo Shumuk was sentenced to 10 years' imprisonment on the basis of absolutely false, incited testimony. In 1962, also in Lutsk, [members of] the group of Shust and Romanyuk were given various sentences [of imprisonment].

In Donetsk in 1958 cit. Oleksiy Tykhy was sentenced to 5 years' imprisonment. In 1963 also in Donetsk [the members of] the group of Bul'byns'ky, Babych and Trasyuk were sentenced to various terms of imprisonment.

In Lugansk in 1958 cit. Borys Kyvan was sentenced to 10 years' imprisonment.

In Dnepropetrovsk in 1958 cit. Ihor Kychak was sentenced to 10 years' imprisonment. In 1957, also in Dnepropetrovsk, cit. Andriy Turyk was sentenced to be shot (later commuted to 15 years in specially severe regime [1] camps). Although Turyk was tried alone, this did not prevent his being charged with organisational activities.

In Zaporozh'ye in 1962 a group of citizens were sentenced [as follows]: Volodymyr Savchenko to 6 years' imprisonment; Valeriy Rynkovenko to 6 years, Yurko Pokrasenko to 6 years; Oleksa Vorobyov to 4 years; Volodymyr Chornyshov to 4 years; and Borys Nadтока to 3 years' imprisonment.

In Sumy in 1960 citizen Ivan Polozko was sentenced to 4 years' imprisonment.

In Donetsk in 1961 a group of citizens were sentenced, headed by Hryts'ko Hayovy, a journalist, who received 6 years' imprisonment.

In Chernigov in 1963 citizen Pryymachenko was sentenced to 4 years' imprisonment, and there have been very many others.

The majority of these citizens were subject to repressions in the Ukraine at a time when the Government of the Soviet Union had officially proclaimed that there were now no cases in the USSR of people being tried for political reasons [2]. The agencies of State Security and the courts of the Ukraine for the most part charge such citizens with anti-Soviet nationalist propaganda and other nationalist acts. But what is anti-Soviet propaganda? One can propagandise a particular kind of ideology, a particular kind of scientific thought. Is there a Soviet ideology [or]

[1] Usually called 'special regime' (see fn. 2 on p. 46 above). [2] Cf. p. 70, fn. 2 above.

Soviet scientific thought? No, there is no such ideology, [and] no such scientific thought. In the Soviet Union the dominant ideology is the communist ideology. There is no Soviet propaganda; there is only the propaganda of communist ideas. Therefore, there can be no anti-Soviet propaganda. The term 'Soviet' expresses only a form of government, and a form of government cannot be an ideology. This term has, however, deliberately [and] artificially been introduced into the Code of the Ukrainian SSR by state jurists so as to make it possible formally to justify groundless repressions. They assert on the one hand that Art. 62 UCC [1] does not contradict the Constitution of the Ukrainian SSR, because, formally, it does not interfere with the right to freedom of speech and of the press – it covers only anti-Soviet, i.e. anti-state propaganda, while on the other hand the state jurists can make any expression of opinion which, ideologically, does not correspond to the governing communist ideology fit this article. So much for the first part of the charges against Ukrainian citizens – [those of] *anti-Soviet* propaganda. What does the second half of the charges against Ukrainian citizens cover – *nationalist* propaganda (or activity)? What code or what laws provide for charges of nationalist propaganda (activity)? There are no such laws. On the contrary, there is the Constitution of the USSR which guarantees the right of nations to self-determination [2]; there is the Programme of the CPSU which recognises the right of nations to self-determination [3]; there is the Leninist nationalities policy which completely guarantees the right of nations to self-determination, to conduct unlimited propaganda for secession, all the troops of the annexing state having been removed, and to decide its national problems by a referendum of the whole people [4]. Nationalism is the answer to the present chauvinism. If there is no chauvinism, there is no nationalism. Can there be Albanian nationalism towards the Rumanians if the Rumanians in no way suppress the Albanians?

All national oppression calls forth the resistance of the *broad masses* of the people; and the resistance of a nationally oppressed population always *tends* to national revolt (Lenin, vol 23, 4th Russian ed., p. 49) [5].

In Sukarno's book, 'Indonesia Accuses', officially published in the Soviet Union – which means that its ideas are recognised by communist ideology – it is written that:

Without nationalism there is no progress, without nationalism there is no nation. 'Nationalism is that priceless jewel which gives the state concerned the power to

[1] 'Anti-Soviet agitation and propaganda. Agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority or of committing particular, especially dangerous crimes against the state, or circulating for the same purpose slanderous fabrications which defame the Soviet state and social system, or circulating or preparing or keeping, for the same purpose, literature of such content, shall be punished by deprivation of freedom for a term of six months to seven years, with or without additional exile for a term of two to five years, or by exile for a term of two to five years' (UCC 62 (i), RCC 70 (i)).

[2] Art. 17 (cf. p. 36, fn. 2 above).

[3] Cf. p. 90, fn. 2 above.

[4] Cf. e.g. Sec. iii (2) of the 'Declaration of Rights of the Working and Exploited People' proposed by Lenin on 16 January 1918 at the All-Russian Central Executive Committee meeting for submission to the Constituent Assembly: 'The Constituent Assembly welcomes the policy of the Council of People's Commissars in proclaiming the complete independence of Finland, commencing the evacuation of troops from Persia, and proclaiming freedom of self-determination for Armenia (Lenin, 'Coll. Works', xxvi 424).

[5] 'Coll. Works', xxiii 61 (Lenin's italics).

desire progress and which gives the nation concerned the power to defend its existence', says Dr Sun Yat-sen (p. 108) [1].

As to the solution of the nationality problems in the Ukraine, Lenin gave a clear and unambiguous explanation in his numerous works on the nationalities question. In his 'Letter to the Workers and Peasants of the Ukraine' he wrote:

The independence of the Ukraine has been recognised both by the All-Russia Central Executive Committee of the RSFSR (Russian Socialist Federative Soviet Republic) and by the Russian Communist Party (Bolsheviks) (Lenin, 'Selected Works in two vols', vol. 2, p. 496) [2].

In the same article, Lenin wrote:

If a Great Russian communist insists upon the amalgamation of the Ukraine with Russia, Ukrainians might easily suspect him of advocating this policy not from the motive of uniting the proletarians in the fight against capital, but because of the prejudices of the old Great Russian nationalism, of imperialism. Such mistrust is natural, and to a certain degree inevitable and legitimate, because the Great Russians, under the yoke of the landowners and capitalists, had for centuries imbibed the shameful and disgusting prejudices of Great Russian chauvinism (vol. cit., p. 498) [3].

Under these circumstances, to ignore the importance of the national[ities] question in the Ukraine – a sin of which Great Russians are often guilty (and of which the Jews are guilty perhaps only a little less often than the Great Russians) – is a great and dangerous mistake. . . . As internationalists it is our duty, first, to combat very vigorously the survivals (sometimes unconscious) of Great Russian imperialism and chauvinism among 'Russian' communists; and secondly, it is our duty, precisely on the national[ities] question, which is a relatively minor one (for an internationalist the question of state frontiers is a secondary, if not a tenth-rate, question), to make concessions. . . . We must not be in the least surprised, or frightened, even by the prospect of the Ukrainian workers and peasants trying out different systems, and in the course of, say, several years testing by practice union with the RSFSR, or seceding from the latter and forming an independent Ukrainian SSR, or various forms of their close alliance, and so on, and so forth.

To attempt to settle this question in advance, once and for all, 'firmly' and 'irrevocably', would be narrow-mindedness or sheer stupidity. . . . We must be intolerant and ruthless, uncompromising and inflexible on other, more fundamental questions, some of which I have already pointed to above. (Lenin, Stalin, 'On the October Revolution', 1947 ed., pp. 123-4.) [4]

The incontrovertible conclusion which follows from this is that, while it may just about be possible to justify repressive measures [aimed] at an act which conflicts with the communist ideology dominant in the Soviet Union, as [a matter of] combating demagogical anti-Soviet agitation, repressive measures [aimed] at an act which defends the interests of a nationality cannot be justified by any [recourse to] demagogy or by references to any Soviet laws or ideological principles of

[1] A. Sukarno, 'Indoneziya obvinyayet' (Moscow, 1961). The passage is from his defence speech at the December 1930 political trial in Bandung, when he was sentenced to four years' imprisonment. The Sun Yat-sen quotation is from his 'San Min Chu I' (Shanghai, 1928) p. 55.

[2] 'Coll. Works', xxx 292.

[3] Ibid., p. 295.

[4] Ibid., pp. 270-1.

Marxism-Leninism. It is well known that F. Engels (letter to Kautsky of 12 September [1] 1882) and Lenin ('A Caricature of Marxism') attributed great importance to every national movement, even when socialism achieved world-wide victory. It is even better known how categorically Lenin condemned chauvinism and imperialism in all their manifestations [2].

There is a prisoner [called] Mikhail Zadorozhny in the camps of Mordovia. He took an active part in an outburst of Russian great-power chauvinism which occurred on 27, 28 and 29 July 1958 in the town of Grozny, in the Chechen-Ingush ASSR. This outburst proceeded under the slogans 'Kill the Chechens!', 'Down with the Chechen-Ingush ASSR!'. Zadorozhny was detained while he was calling for the slaughter of the Chechens. Zadorozhny's call did not go unanswered: the streets of Grozny were covered with tortured, mutilated corpses. Zadorozhny was sentenced to four years' imprisonment for this action (he is now serving a new term for another crime). The participants in this chauvinist rising (some two and a half thousand of them altogether were brought to justice) were given sentences of from one to ten years' imprisonment [3]. Of course, this was armed chauvinist aggressive action! In 1945-52 Ukrainians carried out defensive, not aggressive actions, yet they were judged differently. Hardly anybody was sentenced to a term of less than 25 years, and how many were shot! And how many have perished in the camps! And how many are serving their punishment for their offences to this day! In Camp No. 17, Mykhaylo Mykhaylovych Soroka is [still] serving his term of punishment. He was arrested in 1939 for activity [directed] against the Government of seigniorial [4] Poland! Out of the entire time which he has spent in the Soviet Union, Soroka has been free only two months! In Camp No. 17 there is Mykola Kostiv who has been serving his sentence since 1945. In Camp No. 3 (hospital) there is Mykola Syn'kiv, who in 1947, at the age of fifteen, [and] completely illiterate, was sentenced by the Military Tribunal of the Subcarpathian Command (on what grounds?!) to 25 years' imprisonment on the strength of testimony obtained at gunpoint from a witness also under age. It is not known whether Syn'kiv had committed a crime or not, but he has been robbed of the best years of his life and of his health. In Camp No. 5 (the camp for foreigners) there is Volodymyr Horbovy who has been serving his sentence since 1946 [5]. He is serving punishment for his activity against Soviet rule, although he had not spent a single day on the territory of the Soviet Union.

In 1956 numerous groups of Ukrainian prisoners were sentenced in Noril'sk, Vorkuta, Karaganda and Dzhezkazgan, in many [other] camps in the far North and in Siberia for demanding better conditions for themselves [6]. The people who were not shot at the time are still in Mordovian camps today. Ukrainians,

[1] In the original, erroneously 'October'.

[2] Cf. *inter alia* his 'Testament' ('Coll. Works', xxxvi 605-11).

[3] This seems to be the first report of that rising.

[4] i.e. pre-September 1939.

[5] Actually, arrested in 1947.

[6] The allusion is apparently to the aftermaths of the prisoners' revolt in the Karaganda camp system in the autumn of 1952, large-scale strikes of tens of thousands of prisoners in Vorkuta (summer 1953), Noril'sk (spring and summer), and strikes of varying magnitude in Dzhezkazgan (June 1954), Vorkuta (July) and in several other camps in 1954-6 (Conquest (ed.), 'The Soviet Police System' (1968) p. 79; 'They Speak for the Silent', in 'National Review' (New York) 1 Aug 1956, special supplement. The latter source includes the texts of two documents from Ukrainian political prisoners in the Mordovian camps, one of them addressed to the UN, dated September-October 1955, which are among the earliest post-Stalin documents to come out of those camps.)

who hardly comprise 15 per cent of [the population which makes up] the nations of the Soviet Union, make up 60 to 70 per cent [of the inmates] in camps for political prisoners. Russians, who comprise 52 per cent of [the population which makes up] the nations of the Soviet Union [1], hardly make up 10 per cent [of the inmates] in the Mordovian camps, and if one subtracted from this figure policemen [2] and those sentenced for religious beliefs, because these people can in no way be regarded as political prisoners, the percentage of Russians in these camps would hardly exceed 1 or 2 per cent. The Government of the RSFSR has taken an interest in their fellow-countrymen, [while] there is no one to take an interest in the fate of Ukrainians. What is more, in 1965-6, when there were practically no repressions in other Union Republics, repressions in the Ukraine went on at full speed. In August-September 1965 a wave of arrests swept many cities of the Ukraine. Arrested in Kiev were a man of letters, Ivan Svitlychny; a student of the Medical Institute, Yaroslav Hevrych; a graduate of engineering, Ivan Rusyn; a scientific worker, Kuznetsova; [and] a graduate of engineering, Oleksandr Martynenko. (All were sentenced to various terms of deprivation of freedom, except Svitlychny.) Arrested in L'vov were a toolmaker of the electric fuel factory [3], Ivan Hel'; an employee of the Scientific Research Institute of Light Industry, Yaroslava Menkush; an employee of the regional archive, Myroslava Zvarychevs'ka; a scientific worker of the scientific research laboratory at the lift-truck factory, Mykhaylo Horyn'; university lecturer Mykhaylo Osadchy; university lecturer Mykhaylo Kosiv; a research worker of the museum of Ukrainian art, Bohdan Horyn'; an accountant of the regional committee of the trade union of forestry workers, Stepan Buturyn; [and] designer engineer Hanna Sadovs'ka. (All were sentenced to various terms of deprivation of freedom except Kosiv, Buturyn, Sadovs'ka.) Arrested in Ivano-Frankovsk were a lecturer at the pedagogical institute, Valentyn Yakovych Moroz; an artist, Opanas Zalyvakha; and teacher Mykhaylo Ozerny (all were sentenced to various terms of imprisonment). In Lutsk a lecturer at the pedagogical institute, Dmytro Ivashchenko, was arrested (sentenced to three years' imprisonment). I, Mykhaylo Masyutko, was arrested in Feodosiya (I was sentenced to six years' imprisonment). In all our cases the investigations were held in secret and the majority of us were sentenced in camera. We were also charged with 'anti-Soviet nationalist propaganda'. This was evidenced by the fact that when our flats were searched [copies of] documents were found which had been typed, [thus] by-passing a censorship which, according to Soviet laws, should no longer exist. All the documents which the KGB investigation agencies confiscated from us are of a clearly national character and deal with the struggle for the right of nations to secession. Take as an example the article [entitled] 'Contemporary Imperialism', in which the investigation agencies and the court discovered the greatest amount of sedition:

Humanity must combat the inner exploitation of one class by another, there must be no parasitism among men; but the main struggle of a subjugated people must be the struggle against an exploitation [which is] ten times worse - that of nation by nation.

[1] The percentages of Ukrainians and Russians in the USSR given here may be extrapolations to 1967 from the 1959 census figures (54.65 per cent Russians, 17.84 per cent Ukrainians).

[2] i.e. those who served in the police under German occupation in the last war.

[3] Probably an error: ChP, p. 100, has 'the electric vacuum factory'.

How does this differ from Marx's words, who said that no nation could be free if it oppressed other nations? [1] Or take R. Rakhmanny's article 'To the writer Iryna Vil'de and to her countrymen who are not afraid of the truth' [2]: 'We want to see an actual improvement of the situation in the Ukraine, and the Ukrainian nation as "its own master" on its land, and not as a [mere] ethnographic mass.' [3] How does this differ from Lenin's demand that every nation should determine its own political and economic position? What then were we accused of at the investigation which was conducted in concealed prisons, what were we tried for at courts held in secret? Who benefits by such an indictment and such a judgment? It cannot be Soviet power, for it defends by its Constitution the right of nations to self-determination; it cannot be the Communist Party, for it is guided by the Leninist nationalities policy [4]. Only Russian great-power chauvinism, those forces which, contrary to the existing laws, try to preserve their right to arbitrary action and high-handedness, can benefit by such a judgment. But whom did Lenin address in the first years of Soviet rule if it was not precisely these forces:

[. . .] Though, incidentally, one need not go to the same absurd lengths as Comrade Latsis . . . did in his *Kazan* magazine, 'Krasny terror'. He wanted to say that Red terror meant the forcible suppression of exploiters [. . .], but instead, he put it this way (on page 2 of the first issue of his magazine): 'Don't search (!!) the records for evidence of whether his revolt against the Soviet was an armed or only a verbal one.' (Lenin, 3rd ed., vol. 23, p. 458.) [5]

On 25 October 1966 Moscow Radio transmitted with indignation a report that a court in Franco's Spain had convicted a group of young Basque patriots to imprisonment of from four months to a year for having aimed to separate the Basque northern territory from Spain [6]. But then it is in Spain that national patriots are judged like this – the Spain which the Government of the Ukrainian SSR regards as a fascist state. Meanwhile, in the Ukraine, which calls herself a democratic socialist state, national patriots are sentenced for similar actions to fifteen years' imprisonment or to be shot!

Addressing the Procurator of the Ukrainian SSR, the Chairman of the KGB of the Ukrainian SSR, and the President of the Supreme Court of the Ukrainian SSR, a Soviet Ukrainian journalist, Vyacheslav Chornovil, wrote in connection

[1] In fact written by Engels in 1875 (K. Marx and F. Engels, 'Sochineniya' (Moscow, 1935) xv 223).

[2] This was an open letter to Iryna Vil'de (1907– ; Soviet Ukrainian writer) published in 'Suchasnist' (Munich) no. 11 (1964) 122–7, in reply to her open letter entitled 'You are afraid of the truth, gentlemen!', published in 'Visti z Ukrainy', no. 27 (1964) as a reply to an anonymous article in a Ukrainian émigré publication. (Cf. Rakhmanny, 'Exchange along the 50th parallel', in 'The Gazette' (Montreal) 16 Feb 1968, p. 7.)

[3] Masyutko obviously quotes from memory. Rakhmanny's words were: 'We want to see the situation of the Ukraine actually improved "in the circle of free nations", [and] the Ukrainian nation as "its own master", and not as a [mere] ethnographic mass. . . .' The two phrases are quoted by Rakhmanny from Ivan Franko's 'Moysey' ('Moses') (1905).

[4] Cf. fn 2, 3, p. 102 above.

[5] 'Coll. Works', xxviii 389. (Cf. also Latsis in 'Pravda', 25 Dec 1918, writing in a similar vein.)

[6] According to a Reuter dispatch of 24 October from Madrid, the group comprised 'four young Basque nationalists'; 'the court was told that the young men belonged to a clandestine organisation working for the creation of a separate Basque state in north Spain'. Their offences included the hanging of 'a Basque nationalist flag from an electricity cable'. ('The Times', 25 Oct 1966.)

with the latest secret trials in the Ukraine that he, together with the whole community of the Ukraine, was outraged by such criminal acts [on the part] of the agencies of repression, and that failure to register one's protest against such acts meant sharing in the criminal deeds of the agencies of repression [1]. Can one fail to agree with this journalist? If the deputies to the Supreme Soviet of the Ukrainian SSR do not merely hold their mandates for their personal benefit, they should not close their eyes to the acts of arbitrariness perpetrated in the Ukraine; they have no right to deliver the fate of the Ukrainian nation entirely into the hands of forces which have no right to exist, whether in terms of the theory of building a socialist society, or in those of the practice of building a socialist society. Meanwhile, the activities of the deputies will be judged in the immediate future by their attitude to the urgent and vital requirements of the Ukrainian nation.

October 1966–February 1967

[1] ChP, pp. 2–3.

*To the acting Chief of Camp No. 17-A, First Lieutenant Kishka;
To the Chief of Detachment No. 6, First Lieutenant Rybchinsky*

From political prisoner M. M. Horyn' [1]

PROTEST

For the political prisoners of the Mordovian camps it has long ago become a commonplace that their stay in the camps is not governed by legal standards but by the whims and endeavours of the camp administration.

No more than scraps of legal statutes and international agreements and conventions [aimed at] defending human rights have become part of the camp regulations, being sifted at the whim of the KGB men.

According to the Criminal Code, punishment by imprisonment does not include physical ill-treatment or a threat to the prisoner's health [2]. But prisoners in Mordovian camps are kept for months on end on the 10'b' ration (1370 calories per day [3]) in penal isolators and completely deprived of open-air exercise, as in Camp No. 385/11.

According to legal standards it is forbidden to cause the prisoners mental sufferings [4], yet their stay in the camps has been turned into a process of continuous investigation [5], the prisoners being constantly summoned [to go] to the prisons of Saransk, as well as Kiev, Ivano-Frankovsk, L'vov and other cities of the Ukraine [6].

Soviet legality is trampled underfoot with impunity at every step and the elementary rights of the prisoners are cynically disregarded.

On the day of my arrival in Camp No. 17 you assured [me] that you dismissed the possibility of prisoners being punished without cause, yet only a week later you deprived Mykhaylo Maslyutko and Valentyn Moroz of their personal visits [7] and found a way to punish me.

In the last few days those around you have been spreading a rumour that a file

[1] Cf. pp. 10-11 above, and ChP, pp. 103-16, 230-1. A favourable report about his work as an industrial psychologist was published in 'Izvestia', 16 Feb 1965.

[2] Cf. p. 122, fn. 3 below.

[3] 1,324 calories, according to Doc. 6, p. 73, and Doc. 11, p. 147.

[4] There is no such explicit prohibition in the Codes, but it may be taken to be implied in the Articles referred to in fn. 2 above.

[5] There is nothing in the Codes to rule this practice out in so many words; moreover, investigating agencies may be able to justify it by their desire to discover new circumstances of the case of the convicted prisoner (cf. 'Reopening of cases on the basis of newly discovered circumstances', RCGP Chapter 31, UCCP Chapter 32) or to use him as a witness in another case.

[6] This practice has now been confirmed by Art. 17 FCL: 'The transfer of a convicted person from a correctional labour institution to an investigation isolator or a prison is permitted: . . . in connection with the investigation in a case of a crime committed by another person - for a period of up to two months, with the permission of the regional, territorial or autonomous-republican procurator; [for a period of] up to four months, with the permission of the Union-Republican procurator; and up to six months, with the permission of the USSR Procurator-General.'

[7] Cf. p. 72, fn. 7 above.

is being prepared about the three of us in order to dispatch us to prison. And at the same time you talk about humanity and justice, you express indignation about repressions by the Greek authorities; you sympathise with Manolis Glezos! [1] Hypocrites!

On 17–19 June 1967 an incident took place in the camp which showed that your hatred of mankind is not confined to the prisoners alone. Political prisoner Bohdan Hermanyuk, now serving his tenth year of imprisonment in the Mordovian camps for merely daring to think differently when he was a student, had his elderly mother coming to visit him.

During a ruthless search of her suitcases she suffered an attack of angina pectoris. You ignored the doctor's warning, left the sick woman alone in the visiting room overnight and, on the morning of 19 June, threw her into the street. There she had another angina pectoris attack. A group of prisoners on their way to work protested vigorously and demanded that the escort should help the sick woman immediately. A guard summoned by a member of the escort promised to take care of her. But when the prisoners had gone on he began to drag her roughly towards the guardroom; the exhausted woman fell on the sand. The guard left her on the sand and himself disappeared into the guardroom.

And when the prisoners who had observed this flouting of human dignity protested, you – worthy pupils of your predecessors – issued a judgment of Solomon: it was them that you punished. You did not punish that heartless automaton of a guard who had lost his human feelings and left a sick woman on the sand, but the people who dared to raise their voice in protest against this shameful outrage.

After this you became well aware that you had lost what remained of your moral credit, even among those prisoners who had become your toadies and agents. And it was not by chance that you did not dare to conduct your political training [session] on Wednesday 21 June.

One thing you are not afraid of – punishment for your shameful deed, your crime, because you know full well that you are not alone in acquiring this inhuman outlook and that you will find support from Overkin [2], the Procurator of Mordovia, who has sanctioned the detention of mentally sick people in the penal isolator, and from KGB Captain Krut', who is very experienced in concocting bogus orders.

You know that this incident will not cause diplomatic complications between the Governments of the Ukrainian Republic and the Russian Federation, and that your names will not figure in protest notes. You know this. But know also that you will never wash off the shameful stain of criminals who made every effort to conceal an affront against a sick woman, and that every decent person will despise and scorn you for this unbelievable outrage, worthy perhaps of the pupils of Yezhov and Beria.

And together with such [decent] people I cast my contempt and scorn at you.

23 June 1967

[1] Cf. p. 80, fn. 2 above.

[2] In Doc. 10, p. 114 below, spelt 'Averkin' (more likely to be correct).

To the Minister of Foreign Affairs of the Ukrainian SSR, Bilokolos [1]

From political prisoner M. M. Horyn', sentenced to 6 years' deprivation of freedom in camps of severe regime, transported to Vladimir [2]

STATEMENT

It is not by chance that I address myself to you. Several thousand kilometres from the Ukraine, in the remote political camps of the Russian Federation, events are taking place which directly concern you as Minister of Foreign Affairs of the Ukrainian Republic, of the Ukrainian nation.

On 17 June 1967 the Ukrainian political prisoner Bohdan Hermanyuk, a native of Pyadki village, Kolomyia District, had his ailing elderly mother coming to visit him. During a thorough search carried out by camp guards, well-trained in such things, the sick woman had an attack of angina pectoris. The doctors asked that she should be treated considerately in order to avoid a repetition of the attack. But after the first day of the visit (out of three possible days [3]) and a refusal to accept her parcel for her son, the sick woman was left alone overnight in the visiting room and thrown out into the street, where she had another angina pectoris attack, on the following morning, 19 June. Prisoners who were on their way to work demanded that the escort should help the sick woman immediately. Filikov, a guard summoned by a member of the escort, promised that everything would be arranged, but when we had gone he started to drag the sick woman roughly towards the guardroom; she fell on the sand, and her nose began to bleed. He left her on the sand and disappeared into the guardroom. An old woman approached Hermanyuk's mother, [and] suggested that she should get to the guardroom by holding on to the latticed fence, but did not dare (!) to help her. All this took place in front of a group of prisoners. They protested, [and] demanded that the sick woman should be helped. Events the next day developed to a set pattern: the administration punished the protesters while requiring them to give false evidence to the effect that the guard had treated the sick woman with complete correctness. This [request] met with a flood of complaints and protests. The situation which had arisen was obviously not to the advantage of the camp authorities. Then KGB Captain Krut' came to the rescue: he stated that the guilty would be punished if Hermanyuk's mother made a written complaint, [clearly] expecting that the sick woman would never do so.

This is how the camp administration treated not a prisoner but a free citizen. Does this not strike you as strange, Minister? V. Moroz and I addressed protests to the camp administration about these events and within a month our protests were under consideration for [the purpose of] indictments against us by the circuit session of the Zubova Polyana District Court.

But let us digress a little. On the day of victory over fascist Germany, J. Stalin

[1] D. Z. Bilokolos (1912–), in this post from March 1966 until June 1970.

[2] M. Horyn' returned from the Vladimir prison to Camp No. 17a in August 1970.

[3] A 'long-period' visit (cf. p. 72, fn. 7 above).

raised a toast [1] in honour of the exceptional services rendered by the Russian nation in the victory over the enemy. Thus the green light was given to those who had for a long time been propagating the Russian Messianic idea and preaching Russian chauvinism.

In a sweeping move typical of Stalin he declared entire nations to be anti-Soviet and deported them to Siberia. Within a few days the Crimea was cleared of Tartars, and the Chechens, Ingush, Karachais and others were deported [2].

At the end of the fifties and beginning of the sixties Russian chauvinists went further and began to provide a theoretical basis for their policies. The Agayevs [3], Desheriyevs, Kammaris [4] came in droves as if on special order. They began by tackling problems of language policy. Language is the spiritual treasury of a nation, the source of its power and strength. As a rule, the rebirth of a nation always began with a renaissance of the language. The improvement of the language and its enrichment have always provided a reliable immunity against assimilation, while interest in the native language and in its cultivation increased national consciousness. On the other hand, those who attempted to assimilate nations have always begun with language assimilation. The Ukraine has known the Ems Ukazes and the Valuyev circular [5]; Estonia, Count Rosen's declaration [6]. And now Agayev suggests that some languages have future possibilities while others have no prospects. And can one imagine a better service to Russian chauvinism than if, for instance, Ukrainian were to be included among those without prospects?

Other 'theoreticians' criticise in every way the endeavour to promote the development of national languages and regard it as harmful to the interests of the international communist movement, while expansion of the fields in which Russian is used is accepted as being one of the most important means of strengthening unity among peoples on the international plane (see 'Laws of Development and Reciprocal Influences of Languages in Soviet Society' [7]).

[1] On 24 May 1945.

[2] For a full account based on Soviet sources, cf. Conquest, 'The Nation Killers' (1970) and 'The deported nationalities', in 'Problems of Communism', xvi 5 (Sep-Oct 1967) 102-4.

[3] Akhed Agayev, a Daghestani writer, in his article 'V sem'ye vol'noy, novoy' ('Izvestia', 5 Dec 1961) encouraged Soviet non-Russian writers to use Russian. His tract 'V yedinoi sem'ye' (Moscow, 1962) was published in 120,000 copies and translated into several languages of Soviet Republics. For the Agayev controversy cf. 'Central Asian Review', x 4 (1962) 330-1, Y. Bilinsky, 'The Second Soviet Republic: The Ukraine after World War II' (New Brunswick, N.J., 1964) pp. 33-4, 321-2, and J. Ornstein, 'Soviet Language Policy', in E. Goldhagen (ed.), 'Ethnic Minorities in the Soviet Union' (1968) pp. 132-3.

[4] An allusion *inter alia* to the article by Yu. Desheriyev, M. Kammari and M. Melikyan, 'Razvitiye i vzaimnoye obogashcheniye yazykov narodov SSSR' ('Kommunist', no. 13 (Moscow, 1965) 55-66) (cf. the closing statement of M. Horyn' at his trial in ChP, p. 109), and to the book mentioned below on this page (fn. 7).

[5] Count P. Valuyev (1814-90), Minister of the Interior (1861-8), the author of the 1863 circular banning the publication of books in Ukrainian, 'both religious and educational, and books generally intended for elementary reading by the people'. The 1876 secret Ukaz, signed by Alexander II in Ems (Germany), banned the printing in Ukrainian of anything except historical documents in the orthography of the original and belles-lettres in the Russian alphabet; it also banned the import of Ukrainian publications, as well as theatrical or musical performances in Ukrainian.

[6] In 1887 the Russian Government prohibited the use of Estonian in all schools.

[7] Yu. Desheriyev, 'Zakonovernosti razvitiya i vzaimodeystviya yazykov v sovetskom obshchestve' (Moscow, 1966).

He who advocates the endeavour to promote the development of languages is very often branded a nationalist. Various means are used to foster a new morality according to which renouncing one's native language and switching to Russian as the language of communication is not an amoral act, but, on the contrary, a manifestation of international awareness worthy of imitation. National consciousness is conditioned in this way, while factories and a large proportion of establishments of higher education are Russified, and an artificial mingling of nations is effected. Who would believe that the Rozdol [1] sulphur combine needs imported labour? It is imported nevertheless. And along with the Russian immigrants come the Russian schools and theatres, and the percentage of the Russian population in the Ukraine grows to a dangerous extent, having more than doubled by comparison with the pre-war period. The situation of over three million Ukrainians who live on the territory of the Russian Federation is incomparably more tragic. Deprived of native language schools, cultural institutions, a periodical press, and all information about the fate of their countrymen in neighbouring regions, the Ukrainians living in Vorkuta, Chita, the Volga region, on the Kuban', in Siberia and the Far East are doomed to complete assimilation. Not so long ago the Kuban' Ukrainians erected a monument to the founder of the Kuban' Cossacks in recognition of their blood bond with the Ukrainian nation, but today the percentage of Ukrainians on the Kuban' is falling catastrophically. That is how the Ukrainian question stands in one socialist state – the Russian Federation – which builds its relationships on the basis of the Marxist–Leninist nationalities policy, which criticises Chinese chauvinism with regard to the Uighurs, Mongols, Kazakhs and other nationalities, and which proclaims the most humane principle of the equality of nations.

Let us now, for comparison, take the position regarding Ukrainian matters in any socialist country of people's democracy. In Poland there are in all about 200,000 Ukrainians, but the Polish Government has furthered the organisation of a Ukrainian cultural and educational society (USKT), opened Ukrainian schools and, where the Ukrainian population is not numerous, centres for the study of the native language. The Society publishes a newspaper 'Our Word', a journal 'Our Culture', an annual 'Ukrainian Calendar' which serves the Polish Ukrainians – and not only them – as a kind of encyclopedia of Ukrainian studies; the almanack 'Echo' [2], to which the Polish public reacted very favourably, was published there in 1964. A wide network of amateur artistic circles has been organised, while the Ukrainian pandora players' ensemble also gives successful performances before Polish audiences in Warsaw, Szczecin and other towns. Cadres [of teachers] for the Ukrainian schools are trained at pedagogical lyceums in Bartoszyce and Legnica. That is how Polish communists understand the Leninist nationalities policy, [and] how they implement it with regard to the Ukrainians in Poland. In Yugoslavia there are only 40,000 Ukrainians, but they have their own schools, newspapers and journals. [The state of] Ukrainian affairs is even more satisfactory in Czechoslovakia. In addition to a periodical press, books are published there in Ukrainian. Slovak Ukrainians have overtaken the Ukraine by publishing B. Ihor Antonych's [3] works. And what has the Government of the Russian Federation done for the Kuban' Ukrainians? For there are

[1] In the L'vov Region. Cf. also ChP, p. 67.

[2] 'Nashe slovo', 'Nasha kul'tura', 'Ukrains'ky kalendar', and 'Homin' respectively.

[3] A remarkable Ukrainian poet (1909–37), fl. in the 1930s in the Western Ukraine. Now officially recognised in the USSR.

forty thousand of them [1]. What have the Ukrainians of the Volga Region or of the North to boast of? Nothing! The Ukrainian soul is fast asleep throughout Russia's vast spaces, oppressed by fear and lulled by chauvinist incantations. This silence of the more than three million Ukrainians of Russia is a heavy indictment of Russian chauvinism, and there is no possible excuse for it.

And when Ukrainian intellectuals stood up against the stranglehold of Russian chauvinism, in many cities of the Ukraine, the doors of KGB investigation prisons opened before them, and trials in camera were organised for them at which they were charged with slander of Soviet reality and propaganda of the ideas of nationalism. Despite the article of the Constitution on freedom of speech and of the press [2], and despite the Declaration of Human Rights put forward by the United Nations and adopted by the USSR, which guarantees [the right to undertake] propaganda for one's ideas by every method [3], we were tried for defending the lawful rights of the Ukraine, while the Constitution provides not only for the equality of all the nations of the USSR, but also for secession from the USSR [4].

Who profits by such an absolute disregard of legality? Who stands up for the ideas of the obscurantist Shul'gin? [5] Only the Russian chauvinists. We have been deported far beyond the borders of the Ukraine, although it was not noted in the judgment that we were being handed over to the Government of a neighbouring Republic to serve our punishment. The Polish public would hardly have allowed its Government to send prisoners to Bulgaria, or that of Rumania, to Czechoslovakia. They would have thought it absurd. But this sort of thing has been done in the Ukraine for fifty years now. And not only in the Ukraine. In addition to Ukrainians, you will meet Byelorussians, Moldavians, Lithuanians, Latvians, Estonians, Cherkess, Ingush, Bashkirs, Tartars and others in the Mordovian camps of the Russian Federation. In short, the Russian Federation has taken all political prisoners under its reliable wing. Violence and disregard of law await them far from their native land [6]. The period of confinement of a political prisoner in the camps has been turned into a process of continuous investigation. Contrary to all the laws, people are sent from camps to prisons where, by means of psychological pressure, [the authorities] try to achieve what the investigation or the trial failed to do: breast-beating, repentance, [and] an admission of guilt. On 10 August 1966, political prisoner Yarema Tkachuk was transported from Camp No. 385/1 and returned only late in February 1967, having been under processing in the Ivano-Frankovsk prison for over six months. Political prisoners Hasyuk, Lukyanenko, [and] Fenyuk got the same treatment for a month in the autumn of 1966, and in June-July [7] Hasyuk and Fenyuk were transferred there

[1] Presumably ironic. According to the 1926 census, there were 1,348,000 Ukrainians (63.8 per cent of the total population) in the Western Subcaucasus, and 1,170,000 (33.4 per cent) in the Eastern Subcaucasus. John Kolasky maintains that 'In the Kuban' area in Northern Caucasus . . . [in the late 1920s] there lived over two million Ukrainians' (his 'Education in Soviet Ukraine' (Toronto, 1968) p. 16; cf. also pp. 20-1).

[2] The USSR Constitution, Article 125.

[3] Article 19. (Cf. p. 124 below.)

[4] Articles 123 and 17.

[5] V. Shul'gin (1878-): a leader of the pre-Revolutionary right-wing extremist Union of the Russian People (founded in 1905), then an anti-Bolshevik émigré. Having spent 1944-56 in a Soviet labour camp, he now occasionally writes in praise of the Soviet system and the Communist Party (cf. 'Izvestia', 17 Dec 1960, and 'Pravda', 1 Oct 1961; CDSP, xiii 39 (25 Oct 1961) 29-30).

[6] Cf. p. 122, fn. 6 below.

[7] 1967.

once again. And so on, endlessly. The KGB men require no trials to change the type of regime from that of a camp to that of a prison, they require no facts. No – they simply take people to prison without legal grounds and there subject them to psychological pressure. They disregard the law and international agreements, and legal statutes are replaced by the KGB man's will [1]. While the Soviet press was expressing indignation that Manolis Glezos was [confined] in a small box measuring a few square metres not fit for prolonged occupation [2], a cell of twenty square metres in the penal isolator of Camp 385/11 held 12–14 prisoners (other cells were empty at that time), and people lived in it for half a year. There was no table in the cell, two men could not pass each other, the prisoners were completely deprived of open-air exercise. Nor did the situation change after Averkin, the Procurator of Mordovia, visited the isolator. Political prisoners who were ill were refused hospital treatment and were told that they would be treated after they had left the isolator. The door into the penal isolator is wide open. Even the mentally sick go there (Heino Nurmsaar, an Estonian, Aslonov, a Cherkess, etc.). But when the prisoners get indignant about the actions of the KGB men and write complaints, the latter classify them as anti-Soviet documents.

A case about 'the systematic writing of nationalist documents' by us 'and their dissemination among the prisoners' was mounted on the strength of protests confiscated from Mykhaylo Masyutko, V. Moroz and L. Lukyanenko, and of a questionnaire, [confiscated] from me, dealing with sociological research. True, the chief of the camp, Major Kasatkin, who signed the order, stated that he had not read the case. This 'blind' decision on the case, however, did not prevent [each of] us from being put in the penal isolator for six months. The same documents were then [used as] charges against us at the circuit session of the Zubova Polyana District Court on 18 July. Mykhaylo Masyutko, Valentyn Moroz and I were given no previous notice, [but] summoned directly from work and brought to the office without warning. Naturally, all this was done in order to overawe us by means of surprise. I was tried first. When the judge asked me what my objections to the court were, I said: 'I consider both the composition of the court and the procedure of the court session illegal. One people's assessor of the court is a representative of the administration – the chief of the camp regime. As the accused, I have not been notified about the trial in advance, nor been acquainted with the indictment or the petition submitted by the camp administration. As a result, I am unable to enter an appropriate defence or engage an advocate. I therefore consider any decision of the court illegal in advance.' During the judicial examination it became apparent that I was being charged with disseminating nationalist literature. But, as it transpired, neither the procurator, nor the judge, nor the representative of the administration had even seen these 'nationalist documents'. The representative of the administration justified himself by the fact that this had happened in Camp No. 385/1; the procurator declared that he had been informed by the procurator of Mordovia that these documents were nationalist. For the second time, I saw justice done 'blindly'. This did not prevent the judges from

[1] The legality of such transfers has now been confirmed by FCL 17 (fn. 6 on p. 108 above), so long as their purpose is 'the investigation in a case of a crime committed by another person'; but there is nothing in the FCL to permit similar procedure for the sole purpose of extracting an admission of guilt after an individual has been convicted. Tkachuk may have been in the Ivano-Frankovsk prison for exactly the maximum six months permissible under FCL 17, if travelling time is taken into account.

[2] Cf. p. 80, fn. 2 above.

sentencing me to three years' deprivation of freedom [1]. But in the camps for political prisoners this is nothing sensational. Indeed, they sentenced the mentally sick Estonian, Heino Nurmsaar, to be confined in prison. The Zubova Polyana court is past master at this. It meticulously carries out the will of the KGB. This latter assertion of mine is not unfounded. Repressions against us had always been accompanied by accurate forecasts on the part of Captain Krut'. The day before our transfer to the penal isolator he said to political prisoner Danylo Shumuk: 'They won't be strolling about the camp for much longer', and in June, during his talk with me (or more precisely, during his monologue delivered at me): 'Well then, we'll soon find a nice little place for you.' And so, it was Captain Krut' who did the judging, while the court merely obediently carried out his will.

When prisoner Masyutko (he was tried second) demanded to be acquainted with the documents of the indictment, the procurator declared that this was not a trial but a simple change of regime. 'Then,' said Masyutko, 'if this is not a trial, I do not wish to listen to the judgment.' The woman judge came to the procurator's rescue by saying: 'Indeed, this is the most perfectly real trial.' [2]

When the court was disposing of Valentyn Moroz, Masyutko and I were already in the penal isolator, preparing for transfer to prison. At that time one guard transmitted aloud to another the orders of the chief of the camp to prepare a place for Moroz in the isolator. Political prisoner Daniel [3] shouted all over the entire isolator: 'Brothers, what kind of a trial is this – Moroz has not even been sentenced yet, but they are already preparing a place for him in the isolator!' True enough. What kind of a trial is this? It is a shameful travesty of justice, difficult for a civilised modern man to credit. It is the crudest means of disposing of political prisoners who stand up for their rights, their human dignity, and the law. It is [an example of] the new manifestations of the KGB men's process of thought. I should like, Minister, to put several questions to you, in connection with this: Are you thinking of raising with the Government of the Russian Federation questions about: (1) the incident involving citizeness Hermanyuk; (2) the ill-treatment of Ukrainian political prisoners in Mordovian camps; (3) stopping the assimilation of the Ukrainian population living on the territory of Russia, and creating normal conditions for it?

Are you thinking of doing this? You should do so, if you are concerned about the fate of the Ukrainian nation, if you are thinking of its future.

[1] 'In the case of persons who maliciously violate the regime established in a correctional labour colony, the serving of punishment in a colony may be replaced by order of a court by confinement in prison for not more than three years, the remainder of the term of punishment to be served in a correctional labour colony' (RCC 24 (vi)). There is a difference between a 'ruling' and a 'judgment' of a court (an 'order' belongs to the wider concept of 'ruling') (RCCP 34 (10, 11)), and such legal requirements as the participation of defence counsel, the right to put forward one's own defence, to see the documents in the case, or to have advance notice of the trial, applicable in cases when a 'judgment' is to be arrived at, would seem to be inapplicable to court sessions the only purpose of which is to issue 'rulings' (this seems not to be stated anywhere explicitly, although it may probably be deemed implicit in the RCCP). A prisoner may well, therefore, have no legal defence, even in theory, against charges of 'violating the regime of a colony', however factitious they may be.

[2] This procedure may well be described as a change of regime and not a trial (cf. fn. 1 on this page and FCL 34). The seeming contradiction may be due to the fact that the Russian 'sud' means both 'a trial' and 'a court'; so that, since no judgment is involved, it is not 'a trial', but it is still 'the most perfectly real court' which has to make an order under RCC 24 (vi).

[3] Cf. Labedz and Hayward, 'On Trial'.

PART THREE

A Report from the Beria Reservation

From Valentyn Moroz [1], a political prisoner illegally convicted in Lutsk on 20 January 1966

A REPORT FROM THE BERIA RESERVATION

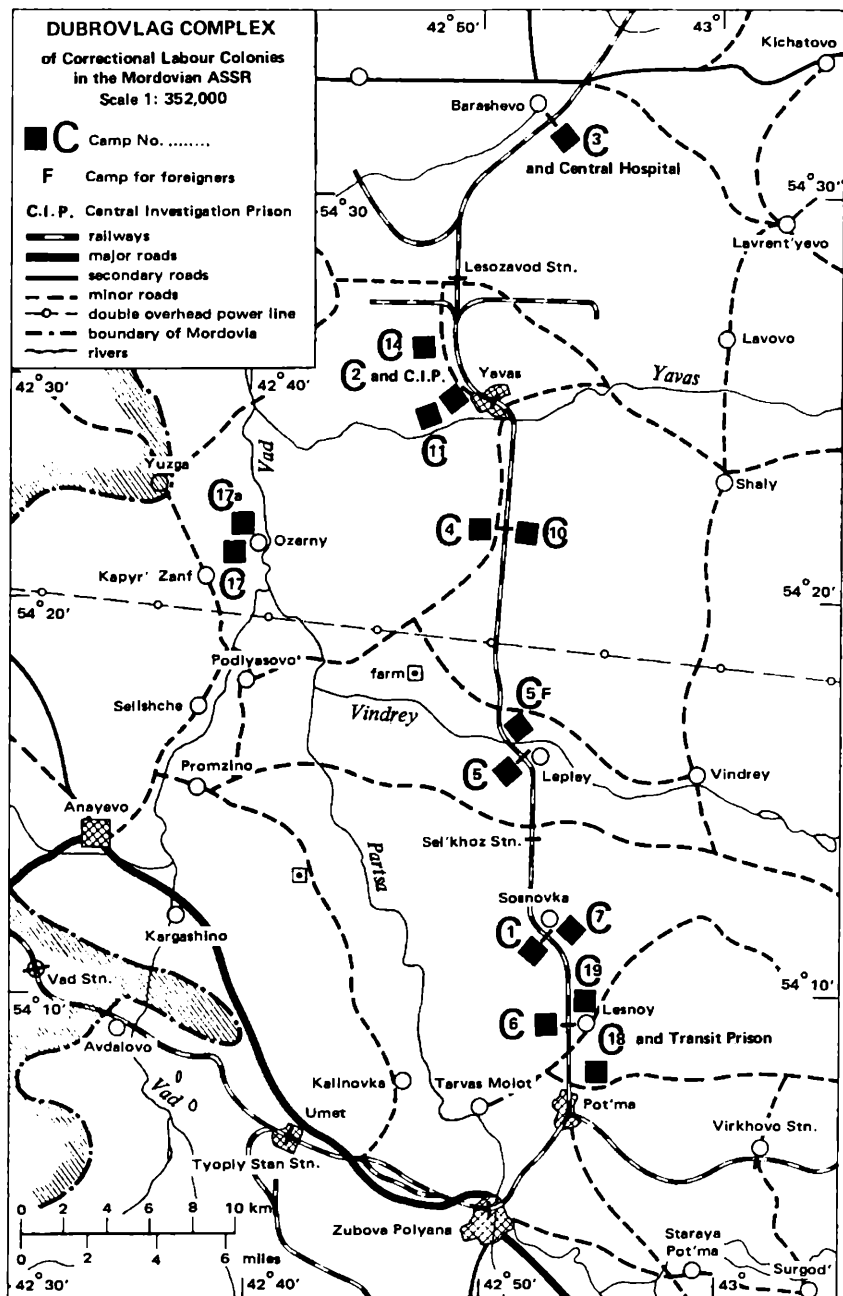
The chase ended. The fugitive came out of the bushes. 'I surrender, don't shoot! I'm unarmed.' The pursuer drew closer, almost touching the fugitive, cocked his sub-machine gun in a businesslike manner and sent three rounds, one after another, through the live target. Two more bursts were heard: two more fugitives, who had also surrendered, were shot. The bodies were carried out on to the road. The police dogs licked the blood. As usual, the victims were brought to the camp and thrown down near the gate – as a warning to others. Suddenly the corpses moved: two of them were alive. One could not shoot them now: there were people around. This is not the beginning of a detective novel. This is not a story about fugitives from Buchenwald or Kolyma. This happened in September 1956, after the XXth Congress had censured the personality cult and when the criticism of Stalin's crimes was going full speed ahead. Everything written here can be confirmed by Algidas Petrusiavičius who is in Camp No. 11 in Mordovia. He remained alive. Two others – Lorentas and Jurša – died. Such incidents were everyday occurrences.

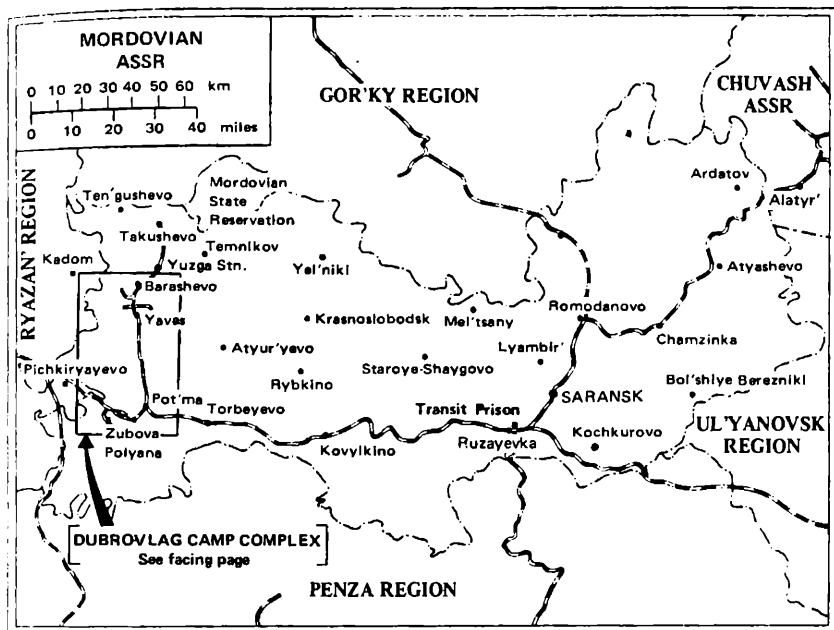
The green [land of] Mordovia stretches in a narrow strip from west to east. It is green on the map and green in reality. In the middle of the Slav sea there is an island of sonorous Mordovian names: Vindrey, Yavas, Pot'ma, Lyambir'. In the north-west corner is the Mordovian State Reservation. The law reigns here; hunting is strictly forbidden. But there is another reservation, not marked on any map, where hunting is allowed all the year round. Man-hunting. If one were to

[1] On the trial of Moroz, see pp. 7–8 above. It is known from his letters that in the camp prison he was able to read Cicero, Hobbes, Kant, Bertrand Russell, Alberto Moravia and study foreign languages, German and possibly English (ChP, p. 152). Many of these books, and of those he refers to below, must have been sent to him from his home (cf. p. 74, fn. 7 above). In a letter of October 1966 he outlined the philosophical problem which then exercised him and which was to be the central theme of his 'Report'; it epitomises his main idea very well and could make a suitable epigraph to his 'Report':

I am now very interested in the problem of individuality. I see that this is one of the chief factors in the whole development of mankind. Inanimate nature is unity, similarity, absence of individuality. With the appearance of living matter the individual appears, but only in the physical sense. For in the spiritual sense there is absolutely no difference between one monkey and another. Man began from the *dissimilation* of the spirit, the appearance of his own, original and unstandardised spiritual world. . . . (ChP, p. 151)

In December 1966 he was sentenced, together with M. Horyn', Masyutko and Lukyanenko, to six months' prison within the camp for writing protests (ChP, p. 151; p. 114 above), and while in prison he completed his 'Report' on his thirty-first birthday. When the 'Report' reached Chornovil, he retyped it, added a brief postscript (p. 153 below) and forwarded it to four deputies of the Ukrainian SSR Supreme Soviet. Late in 1967 it appeared that Moroz would stand another trial for having written it (cf. pp. 161, 167 below), but the trial never took place, and on completing his original term he was released from the Vladimir prison on 1 September 1969 and sent to Ivano-Frankovsk 'to be put under surveillance'. On 1 June 1970 he was rearrested for his more recent writings.





Dubrovlag has existed since 1929. The camp railway, from Pot'ma (on the main Moscow-Ryazan'-Ruzayevka line) northwards, was built in the 1930s. By 1938 it stopped 5 km short of Takushevo and had one branch line NW of Lesozavod. In the post-war decade two other branches were added and the line to Takushevo was completed. (The section N of Barashevo is outside the camp area.)

In early 1969 there were 16 camps left in Dubrovlag; of these, 12 were termed 'lagotdeleniye', and four smaller ones were called 'lagpunkt', viz. No. 3 Central Hospital (300 patients and 80 staff), No. 3 ('production'), 5F ('5 lagpunkt', some 230 male foreigners, including eight 'politicals') and 17a. Camp No. 2 contains within its area the Central Investigation Prison. The KGB Administration and the Dubrovlag Administration are both in Yavas itself. A KGB special prison often used for the 're-education' of Dubrovlag prisoners is in Saransk.

In early 1969, most political prisoners (viz. those sentenced under articles on 'especially dangerous crimes against the state'; cf. p.1, fn. 6 above), some 1,300 men, were held in Camp No. 11 (No. 7 was the largest political camp until early 1966); in No. 10 (special - i.e. the most severe - regime), there were some 225 men; No. 17a, deep in the forest, is a punitive camp, although formally the 225 men, political and some religious prisoners, held there were subject only to the usual severe regime; some 20-30 women were held in No. 6 (the bulk of its women inmates were non-political). Non-political prisoners, as well as political ones sentenced under articles other than those mentioned above, and religious prisoners, totalling about 8,500 men and 3,500 women, comprised the rest of the Dubrovlag population. In summer 1969, Camp No. 11 was disbanded, and the inmates distributed among Nos. 3 (to which women political prisoners have also now been moved), 17 and 19.

The components of the full camp addresses are: Мордовская АССР (Mordovian ASSR); ст. (station); often пос. (settlement) (which may be termed п/о, post office); учреждение (establishment) (formerly called п/я, P.O. Box) ЖХ (ЖН) 385, with the camp number after a stroke. (The addressee's name then follows.) Thus, the addresses of Camps No. 6 and 19 are: Мордовская АССР, ст. Потьма, пос. Лесной, учреждение ЖХ 385/6 and 385/19 respectively; Nos. 5, 5F and 10 have ст. Леплей, but the first two share the number, 385/5; No. 3, ст. Барашево; Nos. 17 and 17a, ст. Потьма, пос. Озерный. The address of Vladimir prison is Владимир-областной, учреждение ОД/1, СТ 2.

prepare an exact map of Mordovia, one would have to divide its south-west corner into squares, fenced off by barbed wire and dotted with watch-towers. These are the Mordovian political camps – a land of barbed wire, police dogs and man-hunting. Here, among the barbed wire, children grow up. Their parents mow the hay and dig potatoes after work. ‘Daddy, has there been a search? What have you found?’ Then they will grow up and learn the first [rule of] popular wisdom in these parts: ‘Camp is bread.’ For each fugitive captured a pood [1] of flour is issued. Things were simpler in the Aldan camps: a Yakut brought a head and received gunpowder, salt and vodka. Just as among the Dyaks of Borneo; however, the head was brought not to the tribal chief decked out in necklaces of human teeth, but to a major or captain who took correspondence courses from some university and lectured about legality. Such a tradition had to be abandoned in Mordovia: Moscow is too near. If, by some chance, such a trophy fell into the hands of a foreign correspondent, just try and prove that it was a fake invented by the ‘yellow press’.

The three Lithuanians were shot although they had not been sentenced to death. Art. 183 [U]CC permits escape to be punished by three years’ imprisonment [2], while Article 22 UCC even forbids the ‘causing of physical suffering or the lowering of human dignity’ of prisoners [3]. The Court of the Lithuanian SSR (a sovereign state, according to its Constitution [4]) gave the KGB men permission to hold the prisoners in isolation – nothing more. The Ukraine, according to its Constitution, is also a sovereign state [5] and even maintains a mission to the United Nations Organisation. Her courts sentence thousands of Ukrainian citizens and send them abroad [6]. A procedure unheard of in history – [that of] a state sending its prisoners abroad. Perhaps the Ukraine, like the principality of Monaco, lacks space for camps? Room was, however, found for seven million Russian settlers [7] – yet there is not enough room for Ukrainian political prisoners in their native land. Thousands of Ukrainians have been transported to the East and swallowed up by the grey unknown. They have been swallowed up by the dungeons of the Solovki Islands, the sands of Mangyshlak, then Stalin’s ‘construction projects’ – twentieth-century pyramids which have devoured millions of slaves. People have been transported not only in prison trucks; ‘volunteers’ for resettlement are

[1] 36 lb., or 16 kg.

[2] Corresponds to RCC 188 (i).

[3] Cf. p. 146, fn. 1 below.

[4] Art. 13.

[5] Art. 13.

[6] Viz. into the RSFSR. Court judgments do not indicate in what Republic the sentence must be served. The practice of transporting prisoners beyond the borders of their own Republic was apparently abolished in 1956 when it was ‘decreed that those sentenced to deprivation of freedom must serve their punishment within the boundaries of the region, territory [or] Republic according to the place of residence or commission of crime and conviction’ (I. Hel’fand, A. Nosenko, writing on the development of Soviet correctional labour law in the Ukrainian SSR in ‘Radyans’ke pravo’ [‘Soviet Law’], no. 11 (Kiev, 1967) 90). This rule, however, has always been ignored with regard to political prisoners, and this state of affairs has now been legalised in Art. 6 FCL: ‘... individuals convicted of especially dangerous crimes against the state... are sent to serve their sentences at correctional labour institutions designated for the confinement of these categories of convicted persons, regardless of the Union Republic in which they were living before arrest or [in which they] were convicted.’

[7] According to the 1959 census, Russians in the Ukraine then numbered 7,091,000 (16.9 per cent of the Ukrainian SSR population), as compared with 2,677,000 (9.2 per cent) in 1926.

also devoured by the mincing-machine of Russification in the boundless expanses of Siberia and Kazakhstan and are for ever lost to the Ukrainian nation. Primeval peoples located their Land of the Dead where the sun sets. In future Ukrainian legends such a land will be situated in the East.

The level of civilisation of a society is determined by the extent to which it shows concern for the fate of its citizens. A disaster in a Belgian coal-mine buried several dozen Italian migrant workers. Italy erupted in protests, there was a shower of official notes and questions in parliament [1]. The Ukraine also has a parliament – the Supreme Soviet of the Ukrainian SSR. I do not know whether there are any members there who remember their right to question the Government [2]. I do not know whether these people remember any of the rights of a deputy except the one which allows him to raise his hand during a vote. But I do know that according to the Constitution the Supreme Soviet of the Ukrainian SSR is the highest authority in the Ukraine [3]. It has empowered one of its subordinate bodies – the KGB – to arrest, put on trial, and decide the future fate of people accused of ‘anti-Soviet activities’. Honourable Deputies of the Ukrainian Parliament, let us for once rouse ourselves from drowsiness, put aside talk about sows, concrete mixers and the effects of the use of superphosphate on the national economy. Let the experts decide these questions. Let us for once leave the Land of Nod and remove ourselves to Mordovia to find out: (a) who these people, taken from their normal lives and given over into the undivided power of the KGB men, are, and (b) who the men to whom these people’s fate has been entrusted are.

The Massacre of Thought

In 1958 a lecturer in philosophy at the Frunze Medical Institute, Makhmed Kulmagambetov (now in Camp No. 11), brought an application to the rector’s office: ‘Please terminate my appointment.’ The reason? – Disagreeing with the teaching programme. This caused quite a sensation. The herd of careerists, vying for a place at the trough, trampling on their own consciences, dignity and convictions in order to climb higher and grab their neighbour’s booty, could never understand – how could a man renounce 1200 roubles only because his views had changed! Kulmagambetov became a labourer. In 1962 he was arrested. The court in Kustanay sentenced him to seven years’ imprisonment and three years’ exile for ‘anti-Soviet activity’. How did this manifest itself? The chief witness for the prosecution was the personnel manager at the ‘Sokolovrudstroy’ Trust, Makhmudov. The only thing that he could tell the court was [about] Kulmagambetov’s words: ‘I do not want to teach what I do not believe in.’ That was the reply of the latter to the question: ‘Why don’t you work in your profession?’ Other accusations were similar in nature. Even the investigator admitted that: ‘Generally speaking, there is nothing even to try you for, but you have a *dangerous way of thinking*.’ A typical everyday case in KGB experience. But unique in the frankness of its disregard of the law. As a rule, the KGB men try to fabricate at least a semblance of ‘anti-Soviet’ activity. But in this remote province they did not even consider this necessary and admitted that Kulmagambetov had been *convicted for his views*. Thousands upon thousands of people are sentenced according to this pattern, although the matter is ‘played out’ more subtly. Article 125 of the USSR Constitution proclaims

[1] Cf. ‘The Times’, 9–28 Aug, 7 Sep 1956.

[2] Ukrainian SSR Constitution, Art. 53.

[3] *Ibid.*, Art. 20.

freedom of speech, the press, manifestations and organisations. Article 19 of the United Nations Declaration of Human Rights proclaims the 'freedom [. . .] to seek, receive and impart information and ideas through any media and regardless of frontiers'. Therefore, Article 62 UCC is no more than a violation of the above-mentioned documents, a Stalinist left-over. The formula 'agitation or propaganda carried on for the purpose of subverting or weakening Soviet authority', if the KGB men themselves determine the degree of the 'subversiveness' of the material, serves [the purposes of] an unlimited disregard of the law.

In Moscow dozens of books by foreign authors are published every year stuffed with sharp criticism of the Soviet order and communist ideology [1]. If Article 62 of the Criminal Code is truly the law, then the publication of such books is a punishable matter. A law is a law only if it binds everybody. What logic is there if I may freely propagate Hitler's views, published in the journal 'The Problems of History' [2], but if I myself retype Hitler's memoirs, I will be tried! Thus Article 62 is simply a weapon of arbitrary power in the hands of the KGB, enabling it to put behind bars any persona non grata for possessing any book which has been published elsewhere than in the Soviet Union.

My comrades and I were convicted for 'propaganda directed at separating the Ukraine from the USSR'. But Article 17 of the USSR Constitution clearly states the right of each Republic to secede from the Union. The right of every people to secede is laid down in the Covenant on Civil and Political Rights adopted by the Twenty-First Session of the United Nations General Assembly [3].

The KGB dearly loves the phrase 'nationalist literature'. What does this phrase mean and what are the criteria for determining a 'nationalist character'? Until recently, the works of Oles' [4], Hrinchenko [5] and Zerov [6] were considered 'nationalist'; now they are no longer nationalist. Mice have yet to nibble away the pamphlets in which 'theoreticians' of Malanchuk's ilk called Hrushevs'ky 'a fierce enemy of the Ukrainian people', while the 'Ukrainian Historical Journal' (no. 11, 1966) considers him a scholar of world renown and quotes a government decree which speaks of Hrushevs'ky's services to the Ukraine [7]. The works of Hrushevs'ky and Vynnychenko [8] are being prepared for publication [9]. What

[1] Masyutko (ChP, p. 145) mentions as an example of this kind of book a Russian translation (Moscow, 1957) of C. A. Dixon and O. Heilbrunn, 'Communist Guerrilla Warfare' (London and New York, 1954).

[2] 'Voprosy istorii' (Moscow).

[3] 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. . . . The States Parties to the present Covenant . . . shall promote the realisation of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.' (Part I, Art. 1 (1, 3) of the International Covenant on Civil and Political Rights, adopted unanimously by the UN General Assembly Resolution 2,200 (XXI) of 16 December 1966.)

[4] O. Oles' (1878-1944): an outstanding Ukrainian poet. Emigrated after the Revolution; not published in the USSR between 1931 and 1957.

[5] B. Hrinchenko (1863-1910): Ukrainian lexicographer and prose writer. His prose was not published between 1932 and 1957.

[6] Mykola Zerov (1890-1941): Soviet Ukrainian literary historian, neo-classicist poet and translator; arrested in 1935, died in a Siberian camp. Partially rehabilitated in 1963.

[7] 'Ukrains'ky istorychny zhurnal' (Kiev) p. 30 quotes a decree of the Council of People's Commissars ('Komunist' (Kiev) 26 Nov 1934) speaking of 'Hrushevs'ky's special services in scholarship to the Soviet Socialist Ukraine'. Cf. p. 93, fn. 7 above.

[8] V. Vynnychenko (1880-1951): an eminent Ukrainian writer and member of the 1917-20 Ukrainian national governments, emigrated after the Red Army's victory.

[9] So far nothing has been published of either.

are the criteria? But this is just the point – the KGB men never have had, nor have, any criteria based on a logical foundation. In their attitude to Ukrainian culture they make use of the old Stalinist line: ‘Strangle whatever you can, and what you cannot – falsify.’ Shevchenko wrote: ‘Why did we fight the Poles, why did we fight the hordes, why did we rake *Muscovite* ribs with our lances?’ He was too great to be thrown into oblivion, [and] the Kiev ‘academicians’ were therefore ordered to scratch these words out of ‘Kobzar’ with their dirty hooves. ‘Muscovite ribs’ became ‘Tartar ribs’ [1]. Russian chauvinists greatly dislike exposing their own ribs to the blows of the elemental forces of national liberation; they have the habit of hiding behind Tartar, Polish or English ones. They have to tolerate Shevchenko. But if a contemporary poet wrote something similar, those ‘Muscovite ribs’ would cost him dear.

During the thirties most names were purged from Ukrainian culture. The purpose is not difficult to guess. It was to bleed Ukrainian culture white and prevent it from acting as a dam against the flood of Russification. The greatest *Ukrainian* historian, Hrushevs’ky, was hidden from the Ukrainian people. Instead, the pitiful two-volume ‘History of the Ukrainian SSR’ [2] in which Peter I, the executioner of Ukrainian freedom, figured as the chief Ukrainian national hero, was thrust upon them. At the same time Solov’yov and Klyuchevsky, just as ‘bourgeois’, just as ‘un-Soviet’, stood openly on bookshelves [3] – they were *Russian* historians. Everything was done so that a young Ukrainian could find satisfactory spiritual nourishment only in Russian culture, and would thus become Russified.

If the KGB men were consistent in their Stalinist interpretation of nationalism they would proclaim all prominent Ukrainians, with Shevchenko in the lead, as nationalists; nor would they leave out Prince Volodimer [4] who carried on nationalist agitation as early as the tenth century ‘by preparing’ [5] tridents on his coins. Indeed, if anyone in the KGB should wish to earn an additional star for his shoulder boards and demonstrate his ‘vigilance’ in combating Ukrainian nationalism, an interesting ‘case’ could be suggested to him. It turns out that Ukrainian nationalism existed as early as the seventh century, as witnessed by the representations of the trident found during excavations on the Starokievsky Hill. True, there is a snag: no one knows the name of the ‘Bandera’ [6] who prepared these representations, but for Beria’s pupils – who once managed to find Stalin’s pipe in ten different places at the same time – this is a trifle.

The trident business extends even farther back: it was known as a symbol of the tree of life among southern peoples even before our era [7], as well as the symbol

[1] The lines are from the poem ‘Chyhyryn’ (1844). The substitution of ‘Tartar’ for ‘Muscovite’ occurred in the 1939 Kiev Academic edition of Shevchenko’s works in 10 vols (vol. i, ‘Poeziyi’, p. 227) in 800 copies (of the 10,100 total run), but was corrected on the errata slip at the end of the volume. This poem was suppressed altogether (along with six others) in purportedly full editions of Shevchenko’s poetry (‘Kobzar’) in 1952–5, but restored in its correct form later. The variant ‘Tartar ribs’ originates ultimately from Shevchenko’s own earlier version of the poem (thus in the Moscow 1867 and Prague 1876 eds).

[2] ‘Istoriya Ukrain’koyi RSR’ (Kiev, 1953–8).

[3] S. Solov’yov’s (1820–79) ‘Istoriya Rossii’ was reprinted in 1959–61 in 15 vols, and so was V. Klyuchevsky’s (1841–1911) ‘Kurs russkoy istorii’ in 1937 in 5 vols; his ‘Sochineniya’ [Works] in 8 vols were published in 1956–9 (all in Moscow).

[4] Volodimer (Vladimir) the Great, Grand Prince of Kiev (c. 978–1015).

[5] An allusion to the use of this word in RCC 70 (i) (fn. 1 on p. 102 above).

[6] Cf. p. 35, fn. 4 above.

[7] B.C.

of Neptune's power. But this is a subject for Malanchuk [1]: to discover the still unexplored connection between Ukrainian nationalism and international imperialism before our era aimed at undermining the sea power of a one-and-undivided Russia. True, the name 'Ukraine' did not exist before our era, but this is no problem for Malanchuk. For he succeeded in making the leader of the USDRP [2] Lev Rybalka (Yurkevych) an active member of the SVU [3], although Yurkevych and his paper 'The Struggle' [4] were opposed to the SVU. An old member of the Communist Party of the Western Ukraine, Adrian Hoshovs'ky (living in Warsaw) [5], wrote of Malanchuk's book 'The Triumph of Leninist Nationalities Policy' [6]: 'One can only greatly wonder how any responsible person could have made Yurkevych a member of the SVU when Yurkevych was a fierce enemy of the SVU' ('Ukrainian Calendar' [7] (Warsaw, 1966) p. 220). Actually, there is no cause for wonder. For 'historians' of Malanchuk's type brought up on good Stalinist traditions a petty detail such as a historical fact is unimportant when the protection of Russian chauvinism's positions in the Ukraine is at stake.

Malanchuk is not alone. If Hoshovs'ky lived in the Ukraine, he would see even stranger things. After the war zealous fighters against Ukrainian nationalism even cut the trident off Neptune's statue in the Market Place in L'vov. And so the disarmed nationalist Neptune stood until 1957 as a monument to the immortal cretinism of the Black Hundreds [8] in a new guise.

All thick and thin pamphlets state that King Danylo of Galicia refused the royal crown from the Pope's nuncio, even though the Galician-Volynian Chronicle asserts the opposite, and Danylo was called king after his coronation and Galicia a kingdom [9]. (And so it is marked on a map in the 'History of the Middle Ages' [10].) Such efforts hardly hurt the 'bourgeois nationalism' against which the Malanchuks advertise that they are fighters. Who could be hurt by such puny and pitiful scribbling? But in the struggle against *Truth* these scholars have achieved tangible results.

Enough facts, maybe; a conclusion can be drawn – people convicted for 'anti-Soviet agitation and propaganda' are people who *think differently* or, simply, think, and whose spiritual world does not fit the Procrustean bed of Stalinist standards which the KGB men carefully defend. They are the people who have dared to claim the rights proclaimed in the Constitution and who have raised their

[1] Dr V. Malanchuk (1928–): a secretary of the CPU L'vov Regional Committee in charge of agitation and propaganda (cf. fn. 6 below, and Dzyuba, IorR, pp. 183–6).

[2] Ukrainian Social-Democratic Workers' Party (active in the Ukraine 1905–20).

[3] Union for the Liberation of the Ukraine ('Soyuz vyzvolennya Ukrainy'), active in the Western Ukraine (then in Austria-Hungary) during World War I (not to be confused with 'Spilka vyzvolennya Ukrainy', which is rendered into English similarly, and referred to in ChP, pp. 59, 70).

[4] 'Borot'ba', a Ukrainian Social-Democratic newspaper appearing in Geneva from February 1915 to September 1916.

[5] Until his death in August 1967 he was the deputy editor of the Ukrainian paper 'Nashe slovo' in Warsaw (cf. p. 112, fn. 2 above).

[6] V. Yu. Malanchuk, 'Torzhestvo lenins'koyi natsional'noyi polityky' (L'vov, 1963) 696 pp. (subtitled: 'The Communist Party – the organiser of the solution of the nationalities problem in the Western regions of the Ukrainian SSR').

[7] 'Ukrains'ky kalendar'.

[8] The popular name of the Union of the Russian People (cf. p. 113, fn. 5 above).

[9] On the other hand, the fact that Danylo was crowned, and accepted the title of king from the Pope, is admitted in Soviet academic publications (e.g. 'Istoriya', mentioned in fn. 2 to p. 125 above, i 105, and the encyclopedias of the 1960s).

[10] The edition in question has not been identified.

voices against the shameful stranglehold of the KGB and the violations of the Constitution. They are the people who do not want to accept the slavish wisdom with a double bottom which says that the phrase in the Constitution, 'the Ukraine's right to secede from the USSR', should be read as: 'Keep quiet while you're alive'.

Let us now see who has been granted the monopoly to 're-educate' those who do not conform with the standard.

The Descendants of Yezhov and Beria

The characterisation of a human being or of an environment is always liable to err towards subjectivity. It is therefore best to rely on self-characterisation. It is also a good thing that the author of these lines has received a rich bouquet of self-characterisations from the KGB men about themselves and their system. The KGB men did not stint words or stand on ceremony in any sense when talking to the prisoners; they were quite certain that their words would not get beyond the heavily muffled doors of their offices and that the icy terror of silence on which they had built their Golgotha would never melt. But ice of any kind melts sooner or later, and the words barked into our faces during investigations and in the camp have echoed in a thousand voices throughout the whole world as if they had been proclaimed through a giant megaphone.

Where are the roots of the KGB? If we follow to the end the paths along which the KGB men entered our reality, we will find ourselves in the nightmarish thicket of the Stalinist jungle. In the Khartsyzsk constituency of the Donetsk Region, General Shul'zhenko, Deputy Chairman of the KGB attached to the Council of Ministers of the Ukrainian SSR, was elected as a deputy to the Ukrainian Parliament [1]. Where did this parliamentarian make his career? In order to become a KGB general in 1967, one must have been one of Beria's lieutenants or captains in 1937. What did KGB [2] captains do in 1937? They killed people for not fulfilling their quotas (or simply for fun) in Kolyma. This is no longer a secret for anyone; Moscow journals write about it [3]. In the Ukraine they shot innocent people *three days* after arrest. [Just] to listen to them – Beria is responsible for everything, while they simply followed orders. Lawyers at the Nuremberg Trials used exactly the same arguments. It seemed that only Hitler was guilty. But this was not good enough. A new concept even appeared in German – 'a murderer at the desk'. I do not doubt that this concept will some day also find a place in Ukrainian.

Maybe the KGB men have changed, have become different? No, they proudly regard themselves as descendants of Stalin. The Ukrainian KGB representative in the Mordovian camps, Captain Krut', said to me: 'What have you got against Stalin? Well, there were isolated shortcomings, but on the whole he deserves high praise.' In a conversation with Mykhaylo Horyn', Krut' said openly, with regret: 'Pity we're in Mordovia, and not up North.' Nadiradze, the chief of the investigating department of the Georgian KGB, said to the poet Zauri Kobaliya (he is in Camp No. 11) during investigation in 1963: 'Do you know that I was here in 1937? Keep that in mind!'

[1] B. S. Shul'zhenko, First Deputy Chairman of the KGB, deputy of the current Supreme Soviet (1967–71). Died on 4 June 1970. Cf. also ChP, p. 12.

[2] In 1937, NKVD.

[3] e.g. General A. Gorbатов's memoirs 'Gody i voyny' in 'Novy mir' (Mar–May 1964) (for English ed., cf. p. 72, fn. 3 above).

Now they no longer wear 'stalinkas' [1] and they 'study' by correspondence in establishments of higher education. This is study by correspondence in the full sense of the word. The student's credits book is taken to the institute, and the 'professors', hypnotised from the cradle by the word 'KGB', enter his marks without ever having laid eyes on the student. The representative of the Ivano-Frankovsk KGB, Kazakov, admitted to me: 'You spoke here of totalitarianism. *But I am not a totalisator.*' [2] Harashchenko, a representative of the Ukrainian KGB at Camp No. 11, made short work at one blow of all Masyutko's evidence concerning the unresolved nationalities problem in the Ukraine: 'You say—the nationalities problem. . . . But when a widow asks the chairman of the collective farm for some straw, surely he won't refuse?' These are the intellectuals who have been entrusted with the making of final peremptory decisions on questions which are subjects for discussion even in specialist journals. Kazakov, Krut', and the KGB man from Kiev, Litvin, were all three 're-educating' me. 'Well, what did you need? You had a good job, a flat . . . ' They spent several hours proving that a man had nothing more than a stomach and so many metres of intestines. An idea? Protection of the Ukraine from the threat of Russification? Here, as far as my interlocutors were concerned, the discussion definitely left realistic ground and moved into the realm of children's fairy tales. They did not pretend to take this conversation seriously.

An idea. . . . Of course, much is written about this in books and, in general, it is not done to say openly that one is unidea'd. But that an idea should actually be a motive of human activity – this they have not come across in their environment. Mykhaylo Horyn' heard in the L'vov KGB [offices]: 'Today is Chekists' day.' 'What kind of Chekists' day?' 'It's pay day.' Well, even if an idea is to be given serious consideration, then only as a myth by means of which someone has befuddled people's heads, and which distracts people from normal existence, which stands on three whales [3]: money, lust for power, and women. An idea is a kind of psychological disorder which is, admittedly, not completely understandable; but it has to be taken into consideration as a factor along with the three others, which are normal and understandable. Captain Kozlov (Ivano-Frankovsk) explained it to me like this: 'One man is bought for money, another through women, and some are caught by an idea.' The possibility that a man's brain could *independently* give birth to an idea is never admitted. Such are the men who have been entrusted with the 'regulation' of the spiritual life of society.

It would be naïve to consider this state of affairs a chance 'violation of socialist legality', a deviation from the norm. On the contrary – this is the standard at certain stages of the development of society. An order [of society] in which a poet receives a catalogue of permissible imagery, and a painter a list of permissible and forbidden paints, has strong roots in the past and is an outcome of certain forces and relationships. These forces are gradually fading before our eyes and these relationships are ceasing to be the standard of relationships among people. The KGB men feel this and put the entire blame on Khrushchev, who supposedly toppled the idols before whom one had previously bowed without stopping to think. One can, with equal success, regard the cockerel as the creator of dawn, but

[1] Peak-caps or tunics of the pattern worn by Stalin.

[2] The semi-literate KGB Captain Kazakov (cf. pp. 132, 143, 147 below and p. 75 above) confuses 'totalitarian' with 'totalisator'.

[3] According to ancient cosmological mythology, carried over into Old Slavonic literature and Slavonic folklore, the earth stands on three whales.

this is too great a truth to fit into the skulls of generals and majors with blue collar tabs [1].

'When There Was Stalin - Then There Was Order'

These words spoken by Captain Volodin (L'vov) at Masyutko's interrogation provide for a better understanding of the origins of the KGB and the role it plays at present than whole volumes.

Order is of various kinds. When the ice breaks up in the spring and rivers carry the chaos of icy fragments, this is nothing other than order, a conformity to an exact law failing which the further progress of life is impossible. There is also order in the calm of a cemetery achieved at the cost of killing all that is alive. So it is in society: there is stability achieved through a harmonious balance of all social forces and factors, and there is 'order' built after their destruction. Such an 'order' is not difficult to achieve; the degree of maturity of a nation, however, is measured not by it, but by the power to achieve social stability while allowing maximum scope for the individual's creative activity, the only force of progress.

Intellect is an individual matter. The history of progress is therefore the history of the development of individuality. The so-called masses *create nothing*; they are the building-material of history. 'Everything gained through the activity of the intellect must be created in the minds of individual persons. . . . Only the excitations of a lower, undeveloped level, which may generally be classified as moods, arise as epidemics in many people simultaneously and are in proportion to the intellectual make-up of a nation. Intellectual achievements are the business of individual persons'. (Ratzel) [2].

The emergence of something new (progress) is possible only as a stepping beyond the existing standard, as the emergence of something which previously did not exist. The very nature of creativity is rooted in the unprecedented and in the *unrepeatable*, and the carrier of the latter is the individual. Each individual consciousness embraces *one* facet of the all-embracing, boundless existence, an *unrepeatable* facet which can be reflected *only* by this particular individual and by no other. The more of these facets of consciousness there are, the more complete is our picture of the world. In this lies the value of the individual; with the disappearance of each individual point of view, we *irrevocably* lose one of the possibilities, and at the same time one facet of the million-faceted mosaic of the human spirit stops sparkling.

In society there always have been and will be forces to whom progress is undesirable, for whom the maintenance of the status quo is a guarantee of the maintenance of their privileges. (A typical example is Stalin in the past, and the Stalinists who have survived him.) Time, however, does not stand still; within twenty-four hours, today becomes yesterday, and it is yesterday that the forces which oppose changes are always defending. But who will admit that he is swimming against the current of the mighty river called History? Therefore, all standardisers, from the stupid Sergeant-Major Prishibeyev [3] to Plato, the genius, have repeated the same thesis on various levels: 'Changes destroy order; they destroy society.' Since the seed of all changes is hidden in the uniqueness of the individual, they have,

[1] The insignia of the KGB.

[2] Friedrich Ratzel (1844-1904): a German geographer and traveller.

[3] From Chekhov's story 'Unter Prishibeyev' (1885).

for a start, tried to standardise him, to kill originality within him. This cannot be achieved completely, but the degree of standardisation of the individual has always been the measure of the power of the brake at the disposal of the forces of stagnation. Plato exiled Homer from his ideal state [1] and gave high praise to the tyrant who ordered the lyre strings above the 'prescribed' seven to be broken. Why? With primeval candour Plato argues that poetry and music are the Trojan horse which imperceptibly introduces changes into the spirit of the nation. Poetry and music are therefore best driven out and, since this cannot be done, should be rigidly standardised to ensure against obscurities and innovations. Later reactionaries were no longer so candid; they assumed the mask of 'the workers' interests'. In the thirties, innovation became a negative concept, while poetic experiment [was], 'if not always a catastrophe, then always at least both a creative and ideological setback' ('Soviet Literature' [2] (1938) no. 78, p. 224), which leads to a situation in which 'creativity begins to serve as a mask for enemy ideology' ('Literary Gazette' [3], 24 June 1934). 'The poetry of socialist realism must not tolerate obscurity, even if beautiful' ('The Fatherland' [4] (1949) p. 147).

But the whole point lies in the fact that changes do not destroy society at all; they destroy only those social standards which have become obsolete and a hindrance. Evolution must not be set against tradition. Evolution is not the denial of tradition; it is its natural continuation, the life sap which prevents it from ossifying. An explosion by no means always destroys; it is also used to remove obstacles when building new roads. And when a man begins to hold different opinions, this does not at all mean that he puts himself outside the standards of his society. The general is an abstraction; *in reality* it exists and manifests itself only in the *particular*, the individual. 'The raven is perched in the forest' is an abstraction; in reality it has to perch on one of the trees. When a man begins to hold different opinions he does not destroy the standards of society; on the contrary, he makes them more full-blooded. 'They be two things, Unity and Uniformity' (Francis Bacon) [5]. *Uniformity* is not at all essential for achieving *unity*. This is the point at which it is quite easy to catch any despot red-handed at cheating when he tries to equate unity and uniformity. Every despot's point of view, which he wishes to impose on all under the guise of 'truth', is just as individual as all others, and has by no means greater rights than any of the others. Therefore the maintenance of an order that all points of view must fit the Procrustean bed of a 'truth' proclaimed by the great 'Dalai Lama' is necessary, not to society, but to the 'Dalai Lama' himself, for whom development means death.

An explorer of Africa (Segeli) wrote of the Africans:

When the chief loved hunting, all his people got themselves dogs and hunted with him. If he loved music and dancing, all showed an inclination for this entertainment. If he loved beer, everyone got drunk on it. . . . The chiefs paid their sycophants. So among all the tribes of the Bechuanas there are individuals who have mastered the art of pleasing their chief's ear with songs of praise in his honour. In this they develop quite considerable eloquence and always have a great number of images at their disposal; they are skilled at dances with battle-axes and gourds. The chief rewards their sweet words with a bull or a sheep.

[1] 'Republic', x.

[3] 'Literaturna gazeta' (Kiev).

[5] Essay 'Of Unity in Religion' ('Works' (1870) vi 382).

[2] 'Radyans'ka literatura' (Kiev).

[4] 'Vitchyzna' (Kiev).

These songs which endlessly repeat one and the same theme unfortunately hold first place in the poetry of the Negroes [1].

If it were not for the word 'Negroes' everyone would have been certain that this was a description of our own not too distant past. It is not only in Negro poetry that songs with battle-axes endlessly repeated before the chief's throne hold first place. When we recall the speed with which every word not only of Stalin but also of Khrushchev was seized upon, and how half the collection of aphorisms entitled 'In the World of Wise Thoughts' [2] was filled with the drunken babblings of Khrushchev, one must admit that the Africans have lagged far behind. 'Such are our people: it is enough to wink and they understand immediately' (Khrushchev). Twin societies, one might think. But this is far from being the case. Such an order was not forced by anyone on the Africans; it was their natural state, dictated by the level of their development. For them the chief was simultaneously an idol, an object of rapture, a magician, a doctor, a sage, and a warrior leader – a demigod-like figure. The slavish adoration was therefore sincere and did not infringe the inner harmony of individuality. The African court singer's songs were praises of the chief, and yet artistic creations in their own right, because the creative personality of the singer was not split. Ratzel [3] wrote of the Africans of the nineteenth century that they 'submitted only to absolute and irresistible rule, the origins of which are hidden in the darkness of the past; or, if it originates in the present, which they are able to connect with a belief in the supernatural', and therefore 'even the best rulers of the Africans in our sense of the word must be called despots. *Even if they themselves do not want to be despots, their subjects will force them to be such.*'

Thus, primeval despotism was natural, based less on power than on voluntary worship. (This is the solution of the mystery that has always puzzled Europeans – how an African or American[-Indian] despot could maintain his dominion over great territories with almost no military-bureaucratic apparatus.) How can despotism be maintained in the twentieth century among people for whom he who holds power has long ceased to be a god and is simply the first among equals, an individual chosen to perform certain functions? How can a stone-age despotism be set up in the soul of a Ukrainian who [in his tradition], as early as the Middle Ages, elected and deposed a 'koshovy' [4] and could himself become a 'koshovy'; who gave birth to Skovoroda's [5] philosophy – a hymn to human individuality, even though in traditional scholastic garb, with the motto 'Know thyself' on the first page? – a philosophy in which the Ego is the basis of everything, even of the kingdom of God, and in which even God Himself is nothing other than a fully developed Ego: 'He who knows himself has found the desired treasure of God. He has found its source and fulfilment in himself'; '*The true man and God are one and the same.*' [6] How can the contemporary artist, for whom the corporal-despot [7] is

[1] Not located. ('Segeli' may be a copyist's misreading.)

[2] 'V mire mudrykh mysley' (Moscow, 1962). Out of a total of thirty pages of source references, nearly a whole page is taken up by references to Khrushchev – more than the space occupied by any other author.

[3] Cf. fn. 2 to p. 129 above.

[4] Head of the Zaporozhian Cossacks (sixteenth to eighteenth centuries).

[5] Cf. p. 92, fn. 1 above.

[6] 'Askhan', f. 15r.; 'Narkiss', f. 20r. (H. Skovoroda, 'Tvory' (Kiev, 1961) i 47, 103).

[7] An allusion to Shevchenko's 'corporal-satrap' in the poem 'Yurodyvy' (1857) (cf. his 'Selected Works' (Moscow, 1964) pp. 242–4). (Shevchenko thus described the former Governor-General of Kiev, Podolia and Volynia, General D. G. Bibikov, an uncommonly reactionary and despotic individual.)

simply an inferior being, be forced to perform a battle-axe dance before the despot's throne?

No one worshipped Khrushchev: on the contrary, he was a public laughing-stock. And yet, dozens of toadies leaped at a flick of his finger, and a system of 'levers' was set moving. How was this managed? Very simply. When worship passes away, the brute force of compulsion begins to act. Only this can force contemporary man to endure a despot. As individuality develops, the more man resists attempts to enslave him, the greater the efforts that despotism must make in order to maintain the standards that earlier existed 'by force of inertia'. In the end, it sheds its patriarchal features and changes into an octopus that fetters all movement in the social organism. The twentieth century has seen the emergence of unprecedented controls over all aspects of community life, including even family life. The entire course of a man's life – from the cradle to the grave – is controlled. Even leisure is standardised; an evasion from the herd-like 'cultural excursion' to the museum is proclaimed a sin. Despotic forms become more and more disgusting, and degenerate into Auschwitzes. In this some see a retrograde movement, 'the end of the world'. Actually, it is the proof of the opposite: despotism ceases to be the standard of human relationships and must continually exert fresh efforts in order to survive.

But even with the maximum of standardisation, and of the subjection of life to controls, the despot meets a problem that cannot be solved by purely bureaucratic means. One can dress people in identical grey, build grey barrack-like buildings, burn all books except the official Talmud, and still a tiny crack remains through which a ray of light, lethal to the mustiness of despotism, penetrates. Man's spiritual world remains. KGB Captain Kazakov, sent from Ivano-Frankovsk to Mordovia to check how far I had been 're-educated' (i.e. [how far] my individuality had been eroded), quite frankly admitted to me that: *'Unfortunately we can't see what is in your head. If we could do this, and throw out (!!!) everything that prevents you from being a normal Soviet man, there would be no need for so much talk.'*

This would indeed be very convenient – to remove and insert thoughts into a person's head, like an element into an electronic device. Firstly, it would then be easy to destroy all memory of the past. For example, a campaign to condemn the cult of Stalin must be started, so a certain program is inserted; tomorrow it is removed, and there is no further mention of Stalin. Or it has been decided to liquidate nations and national languages: the same procedure, and there is no bother with such unsuitable things for programming as national dignity, honour, or the desire to preserve spiritual and cultural values. Secondly, there would be a guarantee that nothing unknown or uncontrolled existed anywhere.

But this is only a dream. You cannot catch thought and put it behind bars. You cannot even see it. How horrible! – Even a thought forced into a man's head does not lie there like an element in an electronic device; it grows and develops (sometimes in the direction opposite from that programmed), and no apparatus can control this process. Many a tyrant has woken up in a cold sweat, paralysed by the realisation that he is powerless to stop this invisible but constant movement within human skulls. The fear of this force, which is subject to nobody, made Stalin spend the last years of his life in a voluntary prison and turned him into a maniac. Hence the desire to remove the Homers from society, to break 'superfluous' strings in the lyre, and the age-old hatred that corporals feel for the intellectual

who remains unstandardised and potentially explosive even in a soldier's uniform [1] or a prisoner's rags.

'Comrades, fear those who have concealed their thoughts behind obscurity of expression. They have concealed a hostile class nature.' (Pokrovsky) [2]. Hence the wholesale struggle not only – needless to say – against those who think *differently* but also against those who think *for themselves*. During my arrest a poem by Ivan Drach, 'Tale about Wings', was confiscated from me. I asked, 'What's the matter?' The poem had been published and the author himself had long since stopped being berated for his 'washed trousers' [3] and had suddenly begun to be praised. They gave me an explanation: there was nothing against either the poem or the author, but the poem had been typed *on someone's own* initiative. And that unknown someone had distributed it, also on his own initiative. In this lies the greatest sin: a man generates thoughts *on his own* and does not accept them ready-made. One can do everything, but only when ordered. One may drink only from that spring of distilled water which is common to all and which is strictly controlled; all other springs must be filled in, even though the water in them is in no way different. In 1964 the representative of the Volyn' KGB, whose task it was to note the appearance of every thinking being in the local pedagogical institute and immediately switch on an alarm light, persistently put the question to me: 'What is this association of thinking people?' The idea of forming an association of thinking people was started over a drink, as a joke, but it alarmed the KGB men beyond a joke. The Constitution gives the right to form associations [4]; the KGB men know this. But provided the order to form an association comes *from above*. Then everything is all right – even if this association intended to organise an earthquake. But if some people wished to form even an association for the protection of cattle *independently*, the KGB would doubtless look into the matter.

How then can this endless spontaneous movement of thought be stopped when it remains alive after undergoing all stages of standardisation and sterilisation? One last resort remains – to *freeze* it. To freeze it by means of icy *terror*. To build a giant refrigerator for human minds. Shooting three days after arrest, mysterious disappearance in the middle of the night, shooting for failing to fulfil the quota, Kolyma, from which one does not return – these are the bricks with which Stalin constructed his 'Empire of Terror'. Terror filled both days and nights. Terror was in the air, and a single mention of it paralysed thought. The goal was reached: people were *afraid to think*, the human brain stopped producing criteria and standards *on its own* and instead considered it normal to accept them ready-made. Despotism dates its chronology from the time when people stop regarding violence aimed at them as evil and begin to think of it as the normal state. ('The authorities make things awkward. – And what of it? That is what authorities are for – to make things awkward.') There grew up a whole generation of *people in fear*, and on the ruins of individuality arose –

[1] An allusion to Shevchenko, who was punished in 1847 for his revolutionary poetry by military service of indefinite period as a private in remote regions. He was amnestied in 1857.

[2] M. N. Pokrovsky (1868–1932): a leading Soviet Russian Marxist historian.

[3] The 'Ballad about Washed Trousers' was included in Drach's (cf. p. 5, fn. 9 above) first book of poetry, 'Sonyashnyk' (Kiev, 1962); exception was taken to it by some critics.

[4] USSR Constitution, Art. 126.

An Empire of Cogs

Stalin did not recognise cybernetics. Yet he made a great contribution to this discipline: he invented the programmed man. Stalin is the creator of the Cog. There were cases when, after reading Solzhenitsyn's novel, people said: 'One wants to hide in a corner and not show oneself in any way.' It is easy to imagine how much stronger this feeling was twenty years ago, when people were eye-witnesses of mass executions and other horrors and one did not know in the evening where one would be by the morning. The desire not to be conspicuous in any way whatsoever, to press oneself into the mass, to get to look like the next person in order not to draw attention to oneself, became universal. This meant a complete levelling of individuality. At one time the separation of the individual from the mass of matter meant the birth of life, the origin of the organic world. Now the opposite process had begun: the blending of individuals into a grey mass, a return to a solid non-organic, non-individual existence. Society was overcome by the spirit of grey facelessness. It was considered a crime to be an individual. 'What do you think you are – a special person?' One has had to hear this dozens of times both before and after arrest. The team method had reached even poetry and produced such a marvel as a collective poem. A collective poem, 'Ivan Holota' [1], appeared in 1937, signed in alphabetical order, as in a telephone directory: Bazhan, Holovaniv's'ky, Yohansen, Kulyk, Pervomays'ky, Ryl's'ky, Sosyura, Tereshchenko, Tychyna, Feffer, Usenko, Ushakov. But even this seemed inadequate; a year later there was an order to compose the 'Duma about Ostap Nechay' [2], which had twenty signatures under it. This was probably a record.

Here are some impressions of a former member of the Communist Party of the Western Ukraine, who was arrested five times by the Polish *Defenzywa* [3] and after 1939 finally got to the Eastern Ukraine about which he had dreamed in prison for years:

The train crossed the line of the no longer existing border. The first stop was in the Zhitomir Region. A crowd on the platform. The first thing that caught my eye was the unaccustomed monotonous greyness of the people, who were dressed in sweaters. Some woman in a red coat looked like an exotic flower, strange and even out of place here.

But clothes may become colourful, even gaudy, yet the greyness will not vanish. It does not spring from the clothes. And no matter how Cogs may publicise themselves and bedeck themselves with tapestries hired from a shop for the visit of a delegation, a bystander will always notice the greyness – it floats in the air, people breathe it, they cannot imagine themselves without it. It has become their daily bread.

Lastly, the ruling power claims to be the only fount of 'the mind, honour and conscience' of the whole society – and then solemnly proclaims the 'politico-moral unity of society'. In so far as the Cog is concerned, the eternal question, 'Where to go?', is made into a formula which requires no exertion of the intellect: 'Wherever they lead me.' A human being deprived of the ability to distinguish between good and evil for himself becomes [like] a police dog, which is moved to rage only on

[1] 'Duma pro kozaka Holotu'.

[2] M. Bazhan, S. Voskreskasenko, etc., 'Duma pro Ostapa Nechaya (kolektyvna poema)' (Kiev, 1938).

[3] Security police, pre-1938.

orders and perceives only the evil that is pointed out to it. A Cog reads in the paper that Blacks are forbidden to live in Capetown or Johannesburg, that Africans are forbidden to live in South African cities without permits, and he regards this as [a manifestation of] arbitrary power. But his frozen brain is unable to discriminate between facts and draw the conclusion that registration in towns, familiar to him since birth, is just as much of a violation of Art. 13 of the Declaration of Human Rights ('Everyone has the right to freedom of movement and residence within the borders of each state') and that in our reality *the pale* is legalised, and not as formerly just for Jews, but *for everybody*. For those not born in a large city a ghetto has been designated whose boundaries end in the suburbs of Kiev, L'vov, [or] Odessa [1]. The Cog writes angry poems about Buchenwald: this is allowed. 'Your hearts have turned into ashes, but your voice has not been consumed.' But the ashes of victims mouldering in the Siberian tundras do not perturb the Cog. And it would be a mistake to see only fear in this; it is already a feature of character.

Everyone condemns the crimes of fascism against the Jewish population. Yet one walks serenely over the gravestones from Jewish cemeteries with which the pavements of many cities are laid. True, the pavements were laid by the Germans. The Germans, however, have long since departed, but one goes on walking over the desecrated names of the dead in the courtyards of the L'vov and Ivano-Frankovsk prisons. Lecturers and candidates of sciences of the Ivano-Frankovsk Pedagogical Institute walk over them. And if by now any of them have succeeded in defending their doctoral theses, professors also walk over people's names. A spare pile of gravestones lay in the courtyard of the Institute before my arrest. They were broken up and used for domestic needs. They were broken up to the accompaniment of lectures on aesthetics and philosophy [2]. This will go on until an order from above is issued [that one is] to show indignation at German barbarousness and to erect a monument [made] of these gravestones. Until then they may be slighted.

The Cog is the dream of every 'totalisator' [3]. An obedient herd of Cogs may be called a parliament or an academic council, and it will give rise to no worries or surprises. A Cog called a professor or an academician will never say anything new, and if he does surprise one it will not be by saying something new but by the lightning speed of the change in his beliefs overnight. A herd of Cogs can be called the Red Cross, and it will count calories in Africa but say nothing of the hunger in its own land. The Cog will be released from prison and immediately write that he was never there, and will also call whoever demanded his release a liar (as Ostap

[1] Registration in towns is effected by means of entries in the Soviet citizen's internal passport. However, residents of rural areas (collective farmers), unlike townspeople, are, as a rule, not issued with passports; as a consequence, they are tied to their village and are not permitted to stay in any town or urban settlement longer than five days, and even this only within the boundaries of their own region (A. Lunev (ed.), 'Administrativnoye pravo' (Moscow, 1967) pp. 488-90). (Cf. also p. 39, fn. 2 above.)

[2] Cf. a report from Lithuania: 'Local authorities, with obvious connivance or even tacit consent from above, are destroying Jewish cemeteries, while the cattle of the townspeople graze on those that remain. Tombstones are used as building material even for public buildings. . . . Quite recently, without any warning, the Jewish cemetery in Jonava was destroyed. . . . Pink marble from the old Jewish cemetery in Vilnius was used for the pedestal of the Pushkin monument. . . .' (Letter of the 26, Vilnius, 15 Feb 1968, in 'Midstream' (Dec 1968) 66; cf. 'New York Times', 30 Oct 1968.)

[3] A semi-literate KGB man of the type of Kazakov (p. 128, fn. 2 above).

Vyshnya did) [1]. The Cog will shoot whomever he is told to and then, at an order, fight for peace. Last and most important, it is safe to introduce any constitution and grant every kind of rights after turning people into Cogs. The whole trick is in the fact that it will not even occur to the Cog to take advantage of these rights.

It is not surprising that the Cog was highly publicised and held up as an ideal. That is not history; it is reality. In some school corridor, pupils enthusiastically read Symonenko: 'We are not an infinity of standard egos, but an infinity of different universes' [2], while the standard wall newspaper [3] hangs close by, placed there by the Pioneer [4] leader, and tells the story of the Pioneer girl who saved some calves during a fire. Everything was enveloped by flames, the roof was about to cave in, but she herded out the calves. And if the girl had perished, the Cogs would not have seen anything strange in this; on the contrary, they would have made this case an example for others.

In the society of Cogs there are laws which protect tigers and boa constrictors from poachers. 'Humanitarianism' has reached a level such that men were imprisoned in Moscow for killing Bor'ka, a swan. It is to be hoped that humanitarianism will some day extend to humans as well. But as long as the life of a Pioneer girl is valued below that of a calf, one cannot take the slogan 'All for man, all for the good of man' seriously. The value of individuality is realised only where it is regarded as unique and separate. Where it has been turned into a Cog, a component which can be replaced by another, an individual's value is measured by his muscular power. In such a society, humanitarianism is perceived to be a false slogan which has nothing in common with reality. A calf is the material-technical basis, the prime principle, by comparison with which a spiritual principle (found in the Pioneer) is a pitiful superstructure. The calf is a finished product; the Pioneer is a kind of raw material which is known as manpower reserves. In cannibal days this Pioneer would undoubtedly have been valued higher: she would at least have been regarded as having material value, along with the calf.

An 'edifying' article about a fireman appeared in 'Izvestia'. The engine that had brought a train to Finland developed trouble at one of the Finnish stations. The furnace had to be put out for the engine to be repaired. But the fireman decided to show the Finns 'how to do it': repairing without putting out the furnace. That is, the fireman decided what his protectors, who had solicitously accompanied him across the frontier so that he should not get lost, 'advised' him to decide. True, the paper forgot to mention this. But be that as it may, the furnace was not put out and the fireman risked his life and carried out the repair. The paper says that the Finns were impressed by the fireman's courage. Yes, the Finns were impressed,

[1] The most popular Soviet Ukrainian humoristic writer (1889-1956); in 1933 arrested and sentenced to death on a trumped-up charge of planning the assassination of Postyshev and others; the sentence was commuted to ten years' labour camp. One of the very few survivors (cf. Conquest, 'The Great Terror', p. 325), he wrote to official requirements after his release in 1943. In 'My life story' ('Twenty-five Stories from the Soviet Republics' (Moscow, 1958) pp. 319-25) he derided those in the West who had been indignant about his presumed liquidation. (Cf. also p. 205, fn. 2 below.)

[2] From V. Symonenko's (cf. p. 2 above) poem 'Ya . . .' ('I . . .'), first published in the USSR not earlier than October 1965 (in 'Den' poeziyi, 1965' (Kiev) p. 149). Before Moroz's arrest (August 1965) the pupils could, however, have been reading MS. copies of the poem.

[3] 'Dadzibao' in the original, the Chinese word for a 'wall poster' of Cultural Revolution fame, used in this form in the Soviet press.

[4] The junior arm of the Komsomol.

but not by [his] courage. It was simply the first time that they had seen a man value his life less than a hundred kilos of coal. This, however, is regarded as heroism among the Cogs.

Behind the drums
The calves do trot.
They themselves
Supply the drum skins.
(Brecht) [1]

An Orgy on the Ruins of Individuality

An intelligent engineer, when asked why he had become an engineer rather than, say, an art historian, replied: 'There are fewer x's here.' That is the essential difference between the so-called exact sciences and the humanities which stand, together with art, with one foot on the plane of logic and with the other on the plane of the irrational. The so-called technical *intelligent* who is firmly convinced that philosophy is 'concerned with nonsense' and 'is mere empty talk' has not learnt the simple truth: [that] the philosophy which he looks down on draws the objects of investigation out of the fog of irrational underground depths and puts them in his hands to enable him to measure them with a tape measure. It gives him things which have stopped being x's, [and] which can be measured with a tape measure. But the point is that the whole set of spiritual concepts, as a result of which human beings became human beings, cannot be measured with a tape measure or a stop-watch. This is a higher sphere, not accessible to the applied sciences. 'Mathematics, medicine, physics, mechanics . . . ; the more plentifully we partake of them, the more is our heart consumed by thirst and hunger, and our crude stupidity cannot grasp that they are all *the servants of the lady of the house* and the tail to a head without which the whole body is not real' (Skovoroda) [2]. A chemist taking out and adding substances into a test tube can demonstrate exactly which is the cause of the reaction. A historian, even if he has no doubts about his [vision of the] truth, can never show the causes of a historical phenomenon so convincingly and graphically: he cannot carry out an experiment; he has to deal with an abstraction. After losing the war against Japan in 1894 the Chinese concluded that the cause of the failure was – the replacement of bows by firelocks. Attempts were made to prove to them that the cause lay in the complete stifling of individuality which had also led to a standstill in material production, but no one could demonstrate this to them *perfectly*, with mathematical precision. No wonder Shaw wrote: 'We learn from history that men never learn anything from history.' [3]

Yes, it is much more difficult to take a history than a chemistry lesson. This has always been convenient for despots: they proclaimed themselves to be the authors of all the achievements of society, and their enemies the cause of all evil. Not everyone will understand that the 'order' introduced by Stalin decades ago is the direct cause of the present bedlam in agriculture, or that it is the 'lofty ideas' forcibly fed to people for decades, and not 'bourgeois propaganda', that are the

[1] 'Der Kälbermarsch' (1942), included in 'Schweyk im zweiten Weltkrieg', scene 7.

[2] 'Razgovor pyati putnikov', f. 22r. (Skovoroda, *Tvory* (Kiev, 1961) i 222–3).

[3] Preface to 'Heartbreak House' (1913) (similarly in 'The Revolutionist's Handbook' (1903); ultimately from G. W. F. Hegel, introduction to 'Philosophy of History' (1816)).

cause of the notorious absence of ideas among present-day youth. When a man is taught to accept unhesitatingly all spiritual values ready-made from a single source, and when the mechanism for producing them independently is destroyed within him, society, so it would seem, must become an indestructible monolith. All the conditions for this appear to be present: first, the identical nature of human needs and values; secondly, the unconditional, though naïve, worship of one idol, leading to unanimity. It would seem that such a society must also be militarily strong. Let us take China as an example, where medical standards have not changed for four thousand years. The Chinese really believed their empire to be an indestructible monolith, the most powerful in the world. And then? At the beginning of the twentieth century one European power after another tore hunks off [this] vast centralised China, virtually without opposition.

In Paris or London a Russian nobleman would look down on the demonstrations and revolutions which had become a common occurrence there, and see in them a symptom of weakness in comparison with the serene peace of his Mother Russia. A myth was even created about the 'rotten West' which has cheerfully survived down to our own times. The philistine who acquires it daily from the newspapers and novels does not even suspect that this wisdom stems from the Slavophiles [1] and Dostoyevsky. As early as the middle of the nineteenth century one could read in the pages of 'Moskvityanin' [2] the admonitions to 'Europe, old and blind, sick with a dog's old age'. Mother Russia flowered and was fragrant in uniformity and indivisibility; the rotten West lived on, admittedly contriving meanwhile to give birth to the theory of relativity and the quantum theory. Russia adopted them, fifty years late, and with the reservation that Lomonosov had foreseen these discoveries two hundred years ago, and went on speaking of the 'rotten West'. A typical example of complete atrophy of thought! 'In Petersburg they sing songs which have gone out of fashion in Paris', wrote Chernyshevsky a hundred years ago. He could write the same today. So Russia is mighty; the West is rotten. And then? The Crimean War came, and it became evident to everyone that one could not speak of an equal battle between these forces. The Russian fleet had to be sunk at the entrance to Sebastopol Bay. Not only could it not win, it could not even engage in battle with the Anglo-French fleet. This was an encounter between two worlds: (1) that which regarded individuality as the prime source of all power, and (2) that which saw in it the principal evil. The first, too, has been victorious many a time, but the ultimate victory has always been carried off by the second [3]. This was already demonstrated in ancient times by the Greek phalanxes and the Roman legions, which looked like David against Goliath facing the gigantic armies of the Eastern despots, and which yet routed them, because *individuals* opposed *Cogs*.

Such encounters opened the eyes of many – but not of all by a long chalk. The majority managed to see only the results: 'With our order we would do wonders if only we had their weapons.' But that is just the point: this very 'order' is the cause of lagging both in production and arms. Nothing will replace the free, unregimented thought of an individual whose creative ability is the only motive force of progress. We owe progress to those who have kept their ability to think and preserved their individuality despite all attempts to erase it. A person without an

[1] The opponents of the Westernisers (the other main school of thought in Russian intellectual life in the 1840s).

[2] The Slavophiles' journal.

[3] Moroz obviously means the other way round.

individuality becomes an automaton who will *execute* everything but will not *create* anything. He is spiritually impotent – the manure of progress, but not its motor. All totalitarian concepts, regardless of the garb in which they appear, regard man precisely in this way – as manure. 'Like you we will manure the earth with ourselves – for future generations.' But can it be that man has travelled the long road of evolution to *Homo sapiens* solely in order to become manure, and the world a garden bed in which Utopian despots conduct mad experiments to satisfy their ambition?

No programme can foresee everything needed for all-round social development; only the unfettered creative force of individuality can cope with this. Before it could become a factor of social development and be supported by the state, cybernetics had to be born and exist as an individual idea in an individual brain. After driving thousands of slaves to the Ural mountains, Peter I gained first place in the world for Russia in steel production, alongside England. But a century later, England's output was *tens of times* greater than that of Russia in this field! [1] One can still make use of Peter I's method; it does not require a great deal of intelligence. But one cannot expect lasting results [from it]. The mechanism of cause and effect, at the source of which stands creative individuality and which culminates in a practical result, is very complex and hidden from view. It is not easy to spot. A savage could not grasp the connection between a shot on one bank of a river and the death of a living being on the other, but the mechanism of interaction between the gunpowder, the bullet and the gun could be explained to him in half an hour. If only it were as simple to explain the workings of social causes and effects!

The Cog spreads a similar deadening [atmosphere] in the realm of morals and ethics. If anyone considers that the present-day Tower of Babel in China is the outcome of fanaticism, and that a Red Guard is a fanatic, he is greatly mistaken. Herds of thousands pushed their way to the last remains of the earthly god during Stalin's funeral, crushing dozens of weaker men to death, and the world also thought that they were fanatics. Three years went by. The embalmed body of the 'Dalai Lama' was first reviled and later thrown out of the mausoleum altogether. And so what? Perhaps a revolt occurred? Perhaps thousands of fanatics shielded the shrine with their bodies? Not a cheep! The herd trampled over the body of the herd leader and then ate up all his remains. Those who were taken for fanatics filled with blind devotion turned out to be quite empty. They turned out to be mere automata. There was an order to love and mourn Stalin and everyone wore crape armbands. Their wrath, grief, joy, enthusiasm – all were programmed. The 'wrath' against 'the traitor Tito' which the 'citizenry' has shown at 'meetings' today will tomorrow automatically turn into 'enthusiasm', while the 'citizenry' itself, neatly drawn up along the road from the airport to the city centre, will obediently and even sincerely hold placards and wave their arms.

In vain does the 'older generation', ensconced in its comfortable chairs, wonder where this 'younger generation' which 'holds nothing sacred' has come from. The business with Stalin showed that the older set held nothing sacred either. They merely did not notice this because of their blindness and the atrophy of their reasoning ability. The 'young set' finally noticed that the emperor had no clothes. This is a good thing. Only those who have lost their illusions and can see the broken trough [2] will begin to seek new values.

[1] In the 1730s Russia produced more than one-third of the world's iron, but only 2·7 per cent in 1885.

[2] An allusion to Pushkin's 'The Tale of the Fisherman and the Fish' (1835).

An *empty man* – that is probably the main charge against despotism and its essential product. For when a despot proclaims his monopoly over reason, honour and conscience, and forbids [anyone] to develop these qualities independently, it is the beginning of the spiritual emptying of man. But each living being needs self-expression. When this need cannot be exercised in the spiritual sphere, an individual's spiritual faculties become useless, atrophy and fall into last place. Even the idea that a man can develop something *independently* is not permitted.

Before and after our trial we were repeatedly told that we were 'the brood of Antonenko-Davydovych [1] and company'. From a KGB man's point of view an idea is something which can be put into a man's head only *from outside*. And when a movement against intellectual and moral stagnation and a chauvinist stranglehold developed among the young Ukrainian intelligentsia, the KGB men first rushed to discover: who had *introduced* [it], who had influenced [them]?

The instinct of self-determination, banished from the realm of the spirit, rushes with redoubled energy into the material sphere. So we see a man 'set free' from spiritual inwardness, at the expense of which his material shell has developed out of all proportion. Passions of the lowest order become the sole force motivating behaviour. But no one dares to say so openly. It is officially agreed that the Cog is guided by motives such as dedication, self-denial, honour, etc. The Cog, however, does not perceive them within himself and concludes that all these moral principles are simply ridiculous superstitions, which everyone talks about but which in this world lead one to perdition. A double moral standard thus comes into existence, and falsehood becomes a social standard. The force of inertia causes the dictator to receive divine honours, his portraits hang on every pillar, but it is the centre forward who becomes the real god. It is only in the stadium and in the tea shop that the Cog wakes up for a short time from his lethargic slumber.

The Cog develops real virtuosity in deadening everything he touches. When he is ordered to join some newly-formed association of protectors of Nature, he will not refuse, and in a month's time the association will have as many members as there are Cogs, but Nature will not be any better off. This association will be stillborn like every other. No net can draw the Cog into any kind of live, useful work; he is like an amoeba: a shapeless jelly-like mass, lacking definite outlines, will flow through the thickest net. One can carry out the most extravagant experiments, and the Cogs will silently accept them. Factories rise in places where it is planned to supply power twenty years later, or where there are no raw materials for them; all production is destined to vegetate for long years in a state of collapse.

In this way order has been – and is being – built on the ruins of individuality, sowing the earth with deadliness. 'It is worse than the pest. [. . .] The pest kills indiscriminately, but despotism chooses its victims from the flower of the nation', wrote Stepanyak-Kravchinsky [2].

[1] B. Antonenko-Davydovych (1899–): a Soviet Ukrainian writer; sent to a labour camp in 1934, rehabilitated in 1956. His recent works have been objects of controversy, in which he has maintained a firm stand. He signed Doc. 25 (p. 193 below).

[2] S. Stepiak, 'Russia under the Tsars' (1885) ii 69. The English edition is the original one, and has 'the present regime' (i.e. tsarism) and not 'despotism'. Moroz quotes from a recent translation from English into Russian (S. Stepanyak-Kravchinsky, 'Rossiya pod vlast'yu tsarey' (Moscow, 1964) p. 238), where 'the present regime' is translated by the Russian 'despotizm'.

The Dragon

Icy terror, without which an empire of Cogs cannot be built, must be constantly maintained. Ice cannot exist for ever in its natural state, and so a special refrigerator is essential. Each dictator must create one – this is a matter of life or death for him. In Stalin's dominions the KGB became such a refrigerator, in which the spiritual development of society was frozen for decades. The total destruction of thought in human minds and the mass standardisation of thinking and life placed a great burden on the KGB, and along with this gave it unlimited power. This has always been the case: the organic agency engaged in draining the blood from all parts of the living [body] grows and is grossly gorged with the blood it has sucked from them. Its functional role comes to an end; it no longer fulfils any useful function in the organism and becomes a parasite. It transforms the body which has given it birth into a nourishing medium for itself, into food. A satellite has been launched from the planet. And it suddenly turns out that not only has it entered its own orbit, but has captured the whole gravity of the planet, concentrated it in itself, and forced the planet to orbit around it. In the end, the parasite loses any semblance of connection with the organism. It grows to the proportions of a dragon and demands regular sacrifices. As a rule it swallows even the despot who has reared it. So it was with the praetorian guard in Rome when it developed from the emperor's bodyguard into the power which raised them to the throne or deposed them from it. The same was true of the janissaries. Stalin realised this well and feared that the same fate awaited him. Consequently, just in case, he dispatched Yezhov and Yagoda into the hereafter. But even so the principle [almost] prevailed, although only after Stalin's death: Beria nearly became the new dictator.

The dragon becomes the quintessence and the symbol of the terror required for the manufacture of Cogs. The position of the KGB above society is perhaps evidenced first and foremost less by their exclusive material privileges (including private hunting grounds) than by the magic terror which 'KGB' spells everywhere. In order to justify their position of a state within the state, the 'agencies' must constantly create an impression that they are protecting society from terrible dangers. They first of all put up a signboard: protectors of 'state security'. The dragon must regularly devour people in order to remain alive. All energy is directed at fabricating 'anti-Soviet' plots and organisations. All cultural forces were destroyed, 95 per cent of the General Staff was executed – and then the KGB men began shooting each other. They reached a mad, nightmarish condition when the question: 'Where is Comrade Ivanov? I have come to arrest him', was answered by: 'He left not long ago to arrest you.' The rabid serpent began to devour its own tail, while the actual function of the 'agencies' – the protection of state security – receded into last place. Real spies never had it so good. In the madness of wholesale suspicion and spy-mania, when all feeling of reality vanished, their work was very easy. This became obvious during the first years of the war.

In Camp No. 11 there was a mentally ill Estonian, Heino Nurmsaar, who claims to be the pantheistic god in human form. In his conception [of things] all evil on earth is due to the fact that he is badly treated. Because of this the ice sheet has moved down, and the polar lands are still ice-bound. But when he is released and well fed, everything will change and it will be possible to plant potatoes on the North Pole, while he will live in the forest planting trees and keeping bees. Nikolay Tregubov, a Siberian, has proclaimed himself president of 'United

Russia' and thus signs his appeals. And so the KGB men, together with the camp authorities, some ten men all told, in all seriousness made a concerted effort to persuade him to abandon this anti-Soviet intention of becoming president. The Siberian proved adamant: 'I will die as president!' Both men were sent to Vladimir prison as 'incurable anti-Soviets'. Both are regarded as malingerers, although everyone knows that they are mentally ill. A third, Yura Kazinsky, is the 'ruler of the world'. He thinks he is a shaman. He formulates his anti-Soviet intentions thus: 'One must stick feathers in one's hair, put on an old jacket, take off one's trousers, bind one's legs with coloured ribbons and perform the dance of the Rattlesnake. Then the prisons, the camps and . . . the collective farms (an interesting classification of things!) will fly across to America.' He is in the camp prison for 'anti-Sovietism' and will probably also go to Vladimir soon.

This is how the KGB men take the sting out of the numerous dangers that threaten the state. It is a lunatic asylum in which the demarcation between doctors and patients vanished long ago. Not only children but even some adults should never be allowed to play with matches. But, strange as it may seem, they have been given the sole monopoly to control the spiritual life of society!

However, no one has yet succeeded in creating everlasting terror or everlasting ice. Every story of a dragon, whether it is the one which ruled the Kievites, or Smok who lived in the Wawel Hill [1] above Kraków, finishes in the same way: along comes Kyrilo Kozhumiaka [2] and makes an end of it. Refrigeration works only while there is something to be frozen. But when people have become Cogs, the mechanism is automatically cut off. The Cog is interested neither in social nor in political questions ('this is not a matter for the minds of the likes of us'; 'never get mixed up in politics'); this is a realm beyond his interests. But in all other things, in judging football matches, for example, the Cog feels completely at ease and makes up his own criteria. So the next generation of Cogs is freed from a feeling of inferiority. It is the product no longer of terror, but of tradition. And no matter how primitive his world may be, it is nevertheless a world founded on common sense. A score of 4-0 is better than 2-0; there is no room for sophistry here. All the dogmas which are pumped under pressure into the young Cog contradict his world of the primitively obvious, founded on common sense. It is a very important moment when the heavyweight champion replaces the dictator as god. No one openly opposes dogmas, but they are felt to be something alien. And since the young Cog is no longer familiar with his parents' terror, he begins to view dogmas with silent scepticism and imperceptibly moves on to the road of silent opposition – destructive, because he still has no programme of constructive opposition.

But thought does not stand still. First it shyly peeps in, and then ventures ever further into the forbidden area of history, philosophy, literature. It now begins to regard everything that it sees there from the point of view of common sense. And imperceptibly a miracle takes place – the Cog becomes human!

The dragon suspects nothing as yet, but he has already been morally slain. His rule could be maintained only because he had stolen people's awareness of their own power, because he was able to convince people that they were nothing. But sooner or later, a Prometheus gets into his kingdom and restores to men the power stolen from them. Everything appears to be the same: those who incur

[1] A chalk hill in Kraków with a cave, where Smok, the fairy-tale fire-breathing dragon, is supposed to have lived.

[2] Cf. 'Nikita Kozhemyaka' (Moscow, 1965) pp. 55-7.

displeasure are put behind bars or fired from their jobs, but the curse no longer holds. Before, they had feared even to raise their eyes at the dragon, let alone rummage inside him. Now he is morally dead, and one can start the autopsy without hesitation. It turns out that there is more of the swine inside him than of the devil.

A new generation has thus entered Ukrainian life and set a completely new problem for the defenders of the Stalinist order. 'Order' was maintained on the basis that the people *themselves* had renounced all rights and reconciled themselves to their absence. As a result everything could be promised, it being known in advance that nothing need be given. Now, a new generation has arrived and said: 'The Constitution mentions freedom of speech and we want to take advantage of it.' This variation had not been foreseen. It has suddenly turned out that the dummy gun made for display can shoot. The gods have always hated Prometheus who light up the darkness and show men that nothing is there except what their own fear has created and that the power of evil comes only from their own weakness.

It is very important to gag the first man to cry out: 'The king has no clothes!' – before others pick up the cry. But the king really is naked. That is the truth. To whose disadvantage is it? To those who will lose their privileges when Stalinist lawlessness has been completely wiped out. First of all, it will be the KGB men. Next, the collective farm chairman who is afraid that if all legal norms are actually complied with he will not even be given the job of a swineherd. The academician who walked to his chair over the bodies of his comrades betrayed in 1937. The chauvinist who will have to give up his Russification programme. *These are the powers which defend the past and with their dead weight block the path of progress in society. They are the only ones who require men to be Cogs. Yet they claim, with all their might, to be protectors of society and defenders of 'socialist legality'.* Behind their closed office doors, however, the KGB men express an entirely different view of 'socialist legality'.

When Levko Lukyanenko asked Captain Denisov, the investigator of the L'vov KGB, 'For what purpose does Article 17, which gives each Republic the right to secede freely from the USSR, exist?', the latter answered, '*For foreign use*' (!) [1]. That's how it is! It transpires that the KGB men are perfectly aware that they are not defending 'socialist legality' but the right to violate it with impunity. They have no illusions about their organisation and see it simply as a place where the pay is highest and there is no queue for housing.

The KGB officer Kazakov brought me a letter from the principal of the Ivano-Frankovsk Pedagogical Institute where I had worked. I told him, 'If anyone wants to write to me, let him send it through the post.' Kazakov answered, '*That would be too great an honour.*' So he considers that the KGB can never command even the respect that the Post Office deserves. Why then do the KGB men dislike it when people despise them?

Litvin, the representative of the Kiev KGB, said to me, 'We arrested you because the public demanded it. People would have torn you to bits.' Strange! Why then are political prisoners tried in camera, and not a word said about them in the papers? The KGB men are well aware of the illegality of their actions and therefore conceal political trials from the people, while trials of German police assassins [2] are widely publicised.

In general all the means used by the KGB to deal with those who incur [its] displeasure are a continuous sequence of illegal acts. Immediately after the

[1] Cf. p. 89 above.

[2] Cf. p. 105, fn. 2 above.

conviction of Dmytro Ivashchenko in Lutsk, his wife, Vera Ivashchenko, was dismissed from her position as a teacher of Ukrainian literature in school No. 3. On what grounds? She had for many years been considered an exemplary teacher, the journal 'Soviet Woman' [1] had written about her achievements, and as a result of her efforts a Lesya Ukrainka [2] museum was opened in the city on a voluntary basis. But she refused to sign the incriminating testimony against her husband demanded by the KGB men – and was thrown out of her job on their orders. What law has given the KGB men the right to fire people from their jobs?

A student of the Lutsk Pedagogical Institute, Anatoliya Panas, who appeared as a witness at the trial, dared to speak about the chauvinist stranglehold in the Crimea where she did her practical [training] as a teacher of Ukrainian literature. They called her a 'Bandera-ite' to her face, and her teacher colleagues openly declared: 'If Lenin were [still] alive, he would have gagged the *national riff-raff*', and advised her not to speak Ukrainian 'if you want to be on good terms with us'. Article 66 UCC states: 'Propaganda or agitation for the purpose of arousing hostility or dissension between races or nationalities, or the direct or indirect restriction of rights or the establishment of direct or indirect privileges for citizens depending on the race or nationality to which they belong' shall be punished by 6 months' to 3 years' imprisonment or 2 to 5 years' exile [3]. No one mentioned any punishment for the chauvinists in the Crimea, but the student who dared to uphold the law and her national dignity was failed in her state examinations.

The KGB men always talk as if they were faced with a 'small group of renegades' whom 'the people' oppose. But they themselves are well aware that this is a lie. Otherwise they would not hide political prisoners from the people behind the doors of secret trials which are a mockery of justice. Nor do the KGB men have the right to include among their supporters those who remain silent. Silence is not always a sign of consent. This was convincingly shown by the Fifth Writers' Congress of the Ukraine. Not only the speakers but also the audience of the Congress were carefully screened. There were, so it would seem, no 'wrong-minded' [people] present. Yet the Congress became a platform from which voices for the defence of national culture and against the [Russian] chauvinist stranglehold rang out. It was the defenders of Stalinist survivals who turned out to be a small group. At the Byelorussian Writers' Congress, Bykaw [4] criticised great-power assimilationists; at the Georgian Congress, Abashidze [5] did so.

The KGB register of 'renegades' is increasing catastrophically. To Osadchy's question, 'Why didn't you bring Novychenko [6] to Mordovia? For he said the same things as we did' [7], Marusenko (L'vov KGB) replied, '*Honchar* [8] *deserves it too*.' A valuable admission! This is the kind of society served by the KGB men! This society is not adverse to putting Honchar behind bars, or the Vice-Chairman

[1] 'Radyans'ka zhinka' (Kiev).

[2] An eminent Ukrainian poetess (1871–1913).

[3] Corresponds to RCC 74.

[4] V. Bykaw (1924–): a notable Byelorussian prose writer.

[5] I. Abashidze (1909–): a Georgian poet; chairman of the Board of the Writers' Union of Georgia.

[6] L. Novychenko (1914–): Ukrainian literary critic and scholar; usually follows the Party line.

[7] For a brief account of the Fifth Writers' Congress of the Ukraine (19–23 November 1966), cf. Kolasky, 'Education in Soviet Ukraine', pp. 202–3.

[8] Cf. p. 46, fn. 1 above.

of the Soviet of Nationalities Stel'makh [1], or Malyshko [2], or many other well-known intellectuals in the Ukraine who protested against the arbitrary arrests in 1965 in the Ukraine. [The KGB] is an isolated clique which makes every effort to hang on to society's neck, where it has been since Stalin's days. The ring of isolation around it is irresistibly shrinking as people cast off their shameful, slavish fear. Marusenko himself admitted this. In reply to Osadchy's question, 'What is the mood of the L'vov intelligentsia?', he said, 'Some have accepted the Writers' Congress line, other vacillate. They do not want to live in the old way, they dare not live in the new way.'

They do not want the old way, they cannot have the new way. . . . The situation is not new, it has always characterised epochal turning points. The present events in the Ukraine are also a turning point: the glacier of terror which for many years has immovably fettered the spiritual life of the nation is breaking up. People are as ever thrown behind bars and as ever transported to the East. But this time they have not sunk into the unknown. To the great surprise of the KGB men, *public opinion* has risen up for the first time in recent decades. For the first time a protest campaign has emerged; for the first time the journalist Chornovil has refused to testify at a closed illegal trumped-up trial – and for the first time the KGB men have felt powerless to suppress all this. With all the more pleasure they get their own back on those who have fallen into their hands, those who are –

In the Reservation

This is the only place where the KGB men may dispense absolutely with all laws and standards. This is the place where terror continues to be forged. Their main effort is directed at destroying the human element in man; only then does he become putty which can be given any shape. A prisoner may not break the rules of the regime in any way, but as soon as the KGB men feel that he has not submitted, that he has not yet accepted evil and violence as the normal state [of affairs] and that he has preserved his dignity, they will use every means to put pressure on him. They will only be at rest when they are convinced that a man has sunk to the level of a food consumer.

The Ossete Fedor Byazrov was a thief. Then he became a Jehovah's Witness and stopped stealing. One would think that the 're-educators' should be satisfied. Byazrov thought so too. 'What do you want from me? I no longer steal and I am doing no wrong. Nobody is forbidden to believe in God.' *'It would be better if you stole.'* This is no exception. Many political prisoners were shown the criminal offenders and told: 'They are thieves but they are *our people*. You are enemies.' These are the people whom the KGB men protect. They feel like fish in water with a morally corrupt individual. A bandit is a bird of the same feather [to them]. The KGB man knows how to talk to him. He is a willing informer [in return] for a dose of drugs. There is no dignity, an incomprehensible, although powerful, force, to destroy in him.

Agents are not used only as eavesdroppers. Prisoner Lashchuk was a known KGB agent. Everyone was aware of this: in Tayshet Camp No. 11, in 1958, [the

[1] He is in fact a Deputy Chairman of the Council of the Union (cf. p. 4, fn. 8 above and ChP, p. 191).

[2] See p. 4 and p. 5, fn. 1 above.

prisoners] took a denunciation he had written from him. In April 1964 in Mordovian Camp No. 7 he wounded Stepan Virun (one of the jurists' group sentenced in L'vov in 1961) with a knife. When, after his release from the hospital, Virun spoke to Captain Krut' about this, the latter said without fussing: '*You'll lose your head too if you don't grow wiser.*' (Virun was refusing to acknowledge the legality of his sentence and wrote appeals.)

Art. 22 UCC states: 'Punishment does not have the purpose of causing physical suffering or the lowering of human dignity.' [1]. Therefore, *all the methods which the KGB applies to put pressure on the prisoners are in violation of the law.* But where are those who have been appointed to supervise adherence to the law, i.e. the procuracy? There is a procuracy in Mordovia. It would be untrue to say that it shuts its eyes to arbitrary action or washes its hands of it. On the contrary, rolling up their sleeves, the local procurators join in and spare no efforts to help the KGB men perpetrate their dirty deeds. During a conversation with the deputy procurator of the Dubrovlag camp administration, I drew his attention to the fact that people seriously ill with stomach ulcers were kept on a starvation diet, which was contrary to the law. He answered me with great calm: '*That's just what the punishment consists of – hitting the stomach.*' What right do these sadists have to call themselves defenders of legality?

Compulsory labour for political prisoners is a violation of the United Nations Convention Concerning the Abolition of Forced Labour [2]. But then the KGB men themselves admit that they regard labour as a means of pressure. They have told many a prisoner: 'We don't need your work; we want you to correct yourself.' Those prisoners who have to be put in the camp prison ['kartser'] are transferred to heavy work where it is impossible to fulfil the quota, and are punished for not fulfilling their quota. All prisoners' rights are looked upon as privileges which can be withdrawn. For example, Lukyanenko and Mykhaylo Horyn' are deprived of a personal visit from their families in 1967 [3], although this is a right (and not a privilege) which cannot be withdrawn [4] by anybody, any more than the right to food. Only one single visit a year from one's family, and even this may be taken away! For comparison it is enough to mention that in England a prisoner has the right to see his family *every week!* [5].

The system of education by hunger is also unprecedented. Political prisoners have always and everywhere received food parcels in unlimited quantities [6], while we have the right to receive two parcels a year after completing half our sentence, 'subject to good conduct' [7]. Is there any need to comment on this?

[1] Corresponds to RCC 20 (ii).

[2] Convention No. 105, adopted by the 40th ILO General Conference on 25 June 1957, has so far (by 1 June 1970) been ratified by 88 countries, but not by the USSR (Poland and Cuba are the only Communist countries to have done so).

[3] Cf. p. 72, fn. 7 above.

[4] Now it is known that visits can be forfeited under the pretext of 'violation of the requirements of the regime' by the prisoner (see p. 72, fn. 7 above). 'The procedure for applying [this and other] measures of punishment to convicted persons is established by the Union-Republican correctional labour codes' (FCL 34); cf. p. 73, fn. 1 above.

[5] 'At least one visit is allowed every four weeks in England and Wales . . . (a larger number of visits are prescribed for prisoners under 21 years), and the governor has discretion to allow additional visits' ('Treatment of Offenders in Britain', Central Office of Information Reference Pamphlet 35 (1968) p. 18). There is no counterpart to Soviet 'long-period' visits in this country.

[6] It is impossible to generalise, as conditions vary enormously from country to country and often from case to case.

[7] This prerequisite is not mentioned in Art. 25 FCL (see fn. 1 on p. 73 above),

The essential food minimum specified by the FAO (a UNESCO agency) is 2,700 calories; the famine line is drawn at 2,400. Below this, a man's physical and mental abilities begin to deteriorate [1]. In the camp prison where I am held, the 'higher' quota is 2,020 calories. But there is also the lower one, a mere 1,324 calories [2]. *A continuous crime has thus been perpetrated for decades. Nobody should forget that the Nuremberg Trials were not only for murder by steel, but also for murder by hunger. One wonders whether the Ukrainian Red Cross will take at least as much interest in the Mordovian crimes as in those committed in Africa.* The camp diet has made half the people ill. A new means of pressure – medicine – comes into action at this point. Indeed, it is not necessary to have anything to do with medicine in order to be a doctor or a doctor's assistant in a camp. In Camp No. 7, Malykhin, an ex-policeman [in the service] of the Germans and the murderer of many people, was the doctor's assistant (he is [now] in Camp No. 11). He has no medical education, or indeed any education whatsoever. Instead, he has been of service to the KGB. True, this is not always so. At present we are looked after by an Estonian, Braun, who once worked as an ambulance driver. Say what you like, one cannot call him a stranger to medicine.

The rules state that prisoners thrown into the camp prison are not to be deprived of medical aid. But what do rules matter when the camp doctors openly say: '*We are chekists first, and doctors only second.*' Mykhaylo Masyutko is in a serious condition, ill with a stomach ulcer. But all attempts to obtain his release [3] or at least a special diet have been useless. The KGB men in white coats said, '*Of course we should send you back – but we would pay for it.*' 'You are not allowed any injections', and some simply say, 'You shouldn't have got caught' [4]. This of course does not exhaust the tales of camp medicine. Is the high rate of mental illness in camps accidental? *The function of camp medicine still awaits its researcher. . . .*

The tentacles of the octopus also hold the prisoner tight after he goes out through the camp gates. Captain Krut' told Yarema Tkachuk, sentenced in 1958 in Stanislav: 'You won't have any life unless you get wiser. We'll see to it that you have neither family nor a roof over your head.' Kazakov promised me that I 'would live to regret it'.

And this is not [simply] intimidation. In 1957, Danylo Shumuk (now in Camp No. 11) was arrested in Dnepropetrovsk for 'anti-Soviet agitation'. Major Sverdlov of the Republican KGB admitted without much ado that the charge was a trumped-up one. Something else was at stake. Shumuk, a man who had recently been released from imprisonment, was given a choice: Either you go back behind bars or you become an informer, as a man who enjoys a spotless reputation among ex-prisoners and will therefore not be suspected. Shumuk was illegally detained for two days at the KGB administration office without being shown an order for arrest while they tried to persuade him. Major Sverdlov declared: 'If you agree to

although it may well be in the codes now being published. Kandyba (p. 73 above) refers to a slightly different condition for receiving parcels.

[1] The FAO (an Economic and Social Council agency) quotes these requirements for different degrees of activity: sedentary, 2,800; moderate, 3,200; heavy, 4,400 cal/day ('Nutrition and Working Efficiency', FFHC Basic Study No. 5 (Rome, 1962) p. 9).

[2] Cf. p. 74, fn. 1 above.

[3] Apparently from the camp prison.

[4] Medical aid is regularly refused to those put into a camp prison for the duration of their stay there, which may be up to six months (according to Marchenko, 'My Testimony' (1969) p. 357). Cf. also p. 114 above. Masyutko was put into the camp prison in December 1966 for six months (cf. p. 97, fn. 1 above and ChP, p. 140). His condition is said to be still serious.

co-operate with us, I will here, in front of you, tear up this order for arrest and these records of the interrogations.' Art. 174 UCC states that 'The institution of criminal proceedings against a person known to be innocent . . . combined with an accusation of an especially dangerous crime against the state . . . shall be punished by deprivation of freedom for a term not exceeding eight years' [1]. Nobody sentenced Sverdlov to either eight years or even eight months – he had the right to violate all laws with impunity. He is not a KGB man for nothing. Shumuk returned to Siberia to do ten [more] years of penal servitude for remaining an honest man. And now, before his release, the sick man who began his prison career back in [the days of] the Polish *Defenzywa* [2] and has spent 27 years behind bars is again summoned by Captain Krut' and promised, 'You'll have no life.' Shumuk has been put in the camp prison for 'preparing anti-Soviet manuscripts'. That is how the KGB described his account of his experiences: five arrests under Polish [rule]; a German prisoner-of-war camp; escaping from it and crossing the whole Ukraine from the Poltava Region to Volynia on foot, avoiding roads and the German police.

When someone has to be put in the camp prison, he will be put there not only for 'anti-Soviet utterances' but also for 'anti-Soviet silence'. The prisoner Vovchans'ky is in detention because he is 'bitter against Soviet rule' – that is how it appears in the order! To end up in a camp, one still has to have [at least] a 'dangerous way of thinking'. The way from camp to camp prison is much simpler: as we can see, people are put there not merely for [their] thoughts but even for [their] *moods*. Masyutko, Lukyanenko, Shumuk and I were put here for appeals which were treated as 'anti-Soviet manuscripts'. Mykhaylo Horyn' did not write any 'manuscripts' but he was put here with us all the same. What for? Captain Krut' asserts that he found Ivan Dzyuba's memorandum addressed to the CC CPU [3] among Horyn's belongings. Bohdan Horyn', in a conversation with Litvin and Marusenko, asked, 'Is Dzyuba's memorandum an anti-Soviet document?' – 'No, it is not.' – 'Then why has my brother been jailed?' Marusenko replied, 'There has been a misunderstanding.' There was no misunderstanding. Horyn', like the others, is kept in the camp prison because they brought the truth about events in the Ukraine into the camp and were not prepared to keep silent about it.

Certain aspects of the camp regime have been brought down direct from the times of Nicholas Palkin [4]. A portrait of the Latvian poet Knut Skujenieks was taken from the painter Zalyvakha and the painter himself (!) was forced to cut up his work! Does such a society have the right to criticise the Chinese Red Guards? The robots in uniforms destroyed all Zalyvakha's paintings they could find and took away his paints. When the painter demanded to be shown the law which allowed them to do all this, the answer he received was this: '*I am your law!*' The corporal [5] told the truth. He is the embodiment of the law introduced back in the time of Shevchenko, who was also forbidden to write and paint.

Such are the methods of 're-education' used by the KGB. What do the results

[1] Corresponds to RCC 176, but the latter provides for a term of three to ten years.

[2] Cf. p. 134, fn. 3 above.

[3] A MS. copy in the original Ukrainian of either the whole of Dzyuba's 'Internationalism or Russification?' or only the letter to P. Shelest and V. Shcherbyts'ky (pp. 1–8 of the English ed.).

[4] Nicholas I, Emperor of Russia 1825–55. It was his personal rider to Shevchenko's sentence (cf. p. 133, fn. 1 above) which forbade him to write or paint.

[5] Cf. p. 131, fn. 7 above.

look like? What do [the individuals] who 'have mended their ways' and are held up to us as examples and receive parcels and drugs from the KGB men look like? One can see them gathered at celebration concerts before May Day or 7 November [1]. On stage – a rare collection of faces ravaged by all possible vices, a bouquet of criminals of all hues who seem to have emerged specially [for the occasion] from the pages of a criminology textbook. Here are all the war criminals who killed thousands upon thousands of Jewish children, specimens of all sexual perversions, and drug addicts who even inject cat's blood into their veins when nothing else is handy. This is the choir. 'The Party is Our Helmsman', 'Lenin is Ever Alive' [2] ring out solemnly. *If even a single KGB man really believed in the ideals which he claims to defend, would he allow this?* The 're-educated' walk around camp with little diamond-shaped insignia on their sleeves bearing the letters SVP ('Sektsiya Vnutrennego Poryadka' – Section for Internal Order, i.e. auxiliary police). The prisoners interpret these initials as 'Soyuz Voyennykh Prestupnikov' (Union of War Criminals).

Can one seriously say after all this that the KGB men *defend* the Soviet order? On the contrary: all their activity *undermines* and *compromises* it, and drives people to the road of oppositionism.

A Finn, Vilho Forsel (now in Vladimir prison), graduated from Petrozavodsk University with distinction and worked in the Karelian National Economic Council. He accompanied a Canadian communist delegation touring Karelia as an interpreter. After the tour, the KGB men demanded that Forsel should report the contents of conversations carried on by the Canadians with individuals who had met them. Forsel refused, saying that the law did not give anyone the right to treat him in this way. So he was told: 'All right, a time will come when you will be begging to co-operate with us.' A few days later Forsel was dismissed from his work and could not get another job anywhere. If this is a crime, only the KGB should be tried [for it].

Churchill said: 'No anti-communist wrought as much damage to communism as Khrushchev.' Who but the KGB men picked up Khrushchev's shoe [3], like a baton in a relay-race, and now bang away with it on every rostrum, at the United Nations and elsewhere, and successfully degrade the state, the defenders of which they proclaim themselves to be? When searching us they regularly confiscate the UN Declaration of Human Rights [4]. To my demand to have it returned, Krut' replied: '*The Declaration is not allowed.*' The assistant procurator to whom I spoke admitted that he had not read it. At the 'political training' sessions conducted by semi-literate corporals for artists and writers, the prisoners once began a discussion with Senior Lieutenant Lyubayev (Camp No. 11) using the Declaration as an argument. He retorted indulgently: '*Listen, but that is for Negroes.*'

Indeed, there is no need to show which particular actions compromise communism. Poltorats'ky, who has lately been specialising in the Chinese Red Guards,

[1] The anniversary of the October 1917 Revolution.

[2] The first two songs from a standard song-book ('Pesennik' (Moscow, 1964)), they probably open practically every concert (cf. Marchenko, op. cit., p. 253).

[3] The reference is to Khrushchev's behaviour at the United Nations General Assembly on 12 October 1960 (cf. 'The Times', 13 Oct 1960).

[4] The Universal Declaration of Human Rights was published in the USSR in a small number of copies only. A typed copy was confiscated from former General P. Grigorenko's flat on 19 November 1968 ('Problems of Communism', xviii 3 (May-June, 1969) 62). It was also published in Russian in the 'UNESCO Courier' (cf. p. 74, fn. 4 above) and in 'Mezhdunarodnaya zhizn', no. 12 (Moscow, 1955) 145-8.

clearly indicates what should be regarded as 'a malicious caricature, an attempt to discredit the just socialist society which has been the dream of centuries' [1]. This is, first and foremost, Mao's command 'to send actors, poets and scholars . . . "to be re-educated" in the villages, that is, in those very "people's communes"'. It is not hard to imagine what will happen to an aged scholar or writer if he spends several days tilling the soil harnessed to a wooden plough' ('Literary Ukraine' [2], 24 Feb 1967). Indeed it is not hard to imagine. Let Poltorats'ky come to Mordovia and see how the painter Zalyvakh, sent here to be re-educated, shovels coal into a furnace. He was given a stoker's job on purpose, so that this work would kill all his desires except one – to sleep.

If Poltorats'ky's new 'hobby' has not yet dimmed his interest in linguistics, I can inform him that here, just as in China, the word 'to plough' is a popular one. We were all sent here 'to plough' in order to be turned into mindless beasts of burden. But it is not only here that one 'ploughs', and the village is regarded as a place of exile not only in China. Harashchenko, a camp representative of the Ukrainian KGB, when demanding 'repentance' from Osadchy, threatened to take away the latter's L'vov flat and 'chase him out to the countryside'. Harashchenko may be congratulated. Osadchy is the only one among us whom they managed to 're-educate'. On the evening of 11 April he wrote a petition for pardon, and expressed a hope that he might benefit the people (?) by working as a lecturer at the university. (Osadchy did not mention whether he counted on any benefit for himself.) A few hours before this, on the morning of 11 April, he wrote, and read to his friends a document, in which he denied his guilt, called the 1965 arrests a blood-letting of the Ukrainian intelligentsia, and accused the investigator, Gal'sky, of rough physical treatment. On the next day, after his comrades had unanimously expressed their contempt for Osadchy, he wrote a new document, *the third in two days*, in which he withdrew his repentance. It is not known how many more repentances and withdrawals Osadchy will write. He can write – after all, he is a journalist. . . . One thing is clear – if Osadchy follows his present road [any] further, he will not be thrown out of his L'vov flat. And he will be allowed to lecture at the university 'for the benefit of the people'. Curious that Gal'sky did not dare to beat anyone other than Osadchy – this is not 1937. But he did beat Osadchy – his ears and neck, as he himself [3] later related. But then Gal'sky is an experienced Chekist; he well knew with whom he was dealing.

The next point: Forcing dunces' caps on people's heads is considered to be a degradation of communism. 'The fact that the female workers in the factory wore kerchiefs of various colours or no kerchiefs at all was immediately apparent. Apprentices and women who were not fulfilling their quota wore no kerchiefs. Those who fulfilled their quota wore yellow kerchiefs. And only those who exceeded their quota could put on red kerchiefs.' ('Science and Religion' [4],

[1] In his article 'Literatura i khunveybiny' ('Literature and the Chinese Red Guards') published in the issue of 'Literary Ukraine' mentioned below, Poltorats'ky uses the words 'a malicious caricature of socialism' to describe Jerome K. Jerome's essay 'The New Utopia' (in his 'Diary of a Pilgrimage (and Six Essays)' (Bristol, 1891) pp. 261–79). Poltorats'ky concludes that Jerome's picture of a future socialist society, 'which the reader used to regard as a malicious caricature, an attempt to discredit the just socialist society which has been the dream of centuries', has in fact turned out to be an accurate prediction of Mao's present-day system.

[2] 'Literaturna Ukraina' (Kiev).

[3] It is not clear whether Gal'sky or Osadchy is meant.

[4] G. Rozanov, 'V predgor'yakh Pamira', in 'Nauka i religiya' (Moscow).

No. 3 (1967) 7.) If this had happened in Tientsin or Wuhan, Poltorats'ky would immediately have talked about holding human beings up to ridicule. But I must spread disillusionment: this routine has been adopted in the sewing factory in Osh in Kirghizia. This being so, there can be no question of ridiculing. It is simply a means of emancipating women in Central Asia.

Poltorats'ky derides Chinese poetry: 'The general Party line, like a spring breeze sweeping over the land, gives life to the crops.' Is it really only in Chinese periodicals that such poetry can be found? His eyesight seems to be failing. . . . Here is an article reviewing the illustrations in a periodical: 'The saturation of black makes them difficult to understand. The editors *are directed* to note the necessity . . .', etc. Where was this printed? In China? No, this is the paper 'Youth of the Ukraine' [1] re-educating the periodical 'Dnieper' [2]. To attack Mao, whose vision of the China of the future is "a communist barracks" [3] with hungry but obedient slave Cogs' ('Literary Ukraine', 24 Feb 1967) and at the same time to *direct* an artist what colours he is to use – what an Everest of hypocrisy! Poltorats'ky is struck most of all by the 'absolute lack of a sense of humour' in China. He quotes these lines as an example:

If you must sing, sing revolutionary songs,
If you must read, read books by Chairman Mao. . . .
.
If you are one of us. But if you are detached
and love the dreamt-of times,
rear your culture in a swamp,
like a stork. . . . Not for us!
We need song – storm, thunder,
We need – words like bombs! . . .
We need each one a soldier
For our everydays and our fronts!

Who would notice that the first part is a poem by Liao Chu-tsan, a Chinese, and the second part a poem by Oleksa Vlyz'ko [4], published in 1927 in 'Literary Gazette'? [5] Poltorats'ky began his career as a critic by publicising such poems. For some reason he did not mention a sense of humour then. . . . Poets such as Liao Chu-tsan learned from such models. Honestly, it isn't nice to censure one's own children like this. . . .

The newspaper 'Izvestia' [6] (no. 78, 1967) wrote that 'the Maoists, openly challenging Marxism–Leninism . . . , have declared as their goal the assimilation of the non-Han (non-Chinese – V.M.) peoples'. If this is a 'challenge' to Marxism–Leninism, then one must include among the Maoists such learned men as

[1] 'Molod' Ukrainy' (Kiev).

[2] 'Dnipro' (Kiev).

[3] 'Barracks communism' is the phrase used to characterise Bakunin's blueprint for the future society by Marx and Engels in their 'L'Alliance de la Démocratie Socialiste et l'Association Internationale des Travailleurs' (London and Hamburg, 1873), chap. viii (1) (cf. their 'Sochineniya', xviii (Moscow, 1961) 414).

[4] Soviet Ukrainian poet (1908–34). A deaf mute, he was shot together with several other writers on faked charges of belonging to a 'fascist Ukrainian nationalist organisation' and of 'organising sabotage'. Now rehabilitated.

[5] 'Literaturna gazeta' (Kiev). This poem, entitled 'Poetovi' ('To the poet'), has now been reprinted in O. Vlyz'ko, 'Vohon' lyubovi. Poeziyi' (Kiev, 1968) pp. 34–5.

[6] 2 Apr 1967; CDSP, xix 13 (19 Apr 1967) 21.

Agayev [1] and Kravtsev [2]. Their 'works' are regularly published in Moscow and Kiev. The former maintains that all the languages of the USSR, except for Lithuanian, Latvian, Estonian, Georgian and Armenian, have no future – in other words, they must be Russified. The latter tries to persuade Ukrainians that being 'up to date' means substituting Russian for their native tongue.

As we see, Mao is not the only author of 'malicious caricatures and attempts to discredit the socialist society which has been the dream of centuries'.

When men are sentenced for 'a dangerous way of thinking';

when those who think differently are re-educated by means of hunger in camp prisons;

when an artist is ordered what colours to use;

when the UN Declaration of Human Rights is considered to be a seditious document even though it has been ratified by the Government;

when officials in the Ukraine call the Ukrainian language the 'Bandera-ite tongue' with impunity;

when men who fight against the [Russian] chauvinist stranglehold in the Ukraine are thrown behind bars while the world passes through an era of the rebirth of nations:

all this is a degradation of the state which allows such phenomena.

The height of the degradation is the rule of Beria's brood over the spiritual life of society. Wretched is the society in which philosophical problems are solved behind barbed wire by the penal agencies. It is doomed to an everlasting lurching from kok-saghyz [3] to maize [4], to 'great leaps forward' and to 'cultural revolutions'. It will always accept Einstein and cybernetics with a delay of fifty years – so long as the KGB regulates social life. And in that society men who wish to drag it out of the mire will always be sitting behind bars. One prisoner began his complaints with the words: 'Demented horses, . . . into what other jungles of horror, shame and idiocy are they thinking of leading us?'

In 1946 Europe put the last full stop to [the verdict of] the Nuremberg Trials. The nightmares of Auschwitz had passed into history. The knell of Buchenwald rang out and petals fluttered over the world from a small flower that had faded in the dawn of life – a young Jewish girl, Anne Frank, who left only a diary. And meanwhile permafrost still held sway in the distant Siberian tundra. There they crushed innocent, worn-out human beings with tanks for demanding humane treatment for themselves [5]. One hand was signing the sentence at Nuremberg, the other a sentence of death by starvation for hundreds of thousands of people in Noril'sk and Verkhoyansk.

[1] Cf. p. 111, fn. 3 above.

[2] I. Kravtsev (1918–66), Candidate of Philosophy, known particularly for his article 'V. I. Lenin pro rosiys'ku i natsional'ni movy nashoyi krainy' ('Lenin on Russian and the national languages of our country'), in 'Radyans'ka Ukraina' ('Soviet Ukraine') (Kiev) 13 Apr 1960.

[3] *Taraxacum kok-saghyz*, a dandelion of the class *Scoriosae*. After its discovery in 1932 as a rubber-bearing plant, great hopes were aroused that it would fill all Soviet needs for rubber. It soon turned out to be a failure.

[4] Khrushchev's belief that this crop would solve difficulties in agriculture has been abandoned by his successors.

[5] Hundreds of prisoners were thus crushed as the 1954 Kingir camp strike was being suppressed, in addition to mass executions; USSR Procurator-General R. Rudenko, who had also been the chief prosecutor for the USSR at the Nuremberg Trials (cf. p. 33, fn. 1 above), was in charge of the firing squads at one such execution in Vorkuta in 1953 ('National Review', loc. cit. in fn. 6 on p. 104 above).

Tomorrow I shall go out to work and meet, as always, the truck with sawdust leaving 'for freedom', beyond the camp gates. And as always a figure in a great-coat will jump on to the truck and start prodding the sawdust to the very bottom with a long pike, every centimetre of it. Quietly and efficiently. Lest a prisoner should hide under the sawdust. True, the law allows him to be punished with three years' imprisonment for escaping [1]. Nobody is allowed to kill him. It is a criminal offence. Yet the automaton in the uniform prods with his pike again and again. Quietly and efficiently. In the hope that he will hit something resistant. . . . That is an advertisement by the KGB: 'Look at what all the rights and laws to which you appeal are worth. Our most insignificant wage slave can spike them through and through with a single movement, and you as well!'

But does anyone really naïvely imagine that there will be no need to answer for all this? No – on these great plains everything comes about fifty years late. . . . But it inevitably comes about!

And when they had driven us to the cursed site,
We saw human leg bones . . .

That is a song that will yet stride through the world's concert halls together with 'The Knell of Buchenwald' [2].

A crime is a crime and it is inevitably followed by retribution. In accordance with the Constitution which, after all, will some day become the law, there will be no evading responsibility for those who were shot and those who were put to death by hunger. Someone will also have to be held responsible for the automaton capable of calmly running man through with a pike – someone who robbed his soul and sucked humanity out of him.

A lie has short legs — that has long been known. But it is [only] half the truth. Let no one forget:

TRUTH HAS LONG ARMS!

15 April 1967

Valentyn Moroz

The author's manuscript has been retyped without alterations [3]. Several words which could not be deciphered have been omitted.

The excessively harsh judgment of the fellow-prisoner M. Osadchy, obviously due to the recent impression created by this thoughtless act, gives rise to some qualifications. Osadchy's behaviour in the camp both before and after 11 April (the statement to the CC CPU 'What I was tried for and how' [4] and his literary activity [5]) gives grounds for regarding his 'semi-repentance' as a momentary weakness caused by gross blackmail.

[1] Cf. p. 122, fn. 2 above.

[2] Marchenko (op. cit., p. 253) writes that it was once sung at a Mordovian camp concert, 'but for some reason Admin didn't like this very much'.

[3] Postscript by Chornovil (cf. p. 119, fn. 1 above).

[4] Written some time after his trial (18 April 1966) and before April 1967; mentioned in Chornovil, 'Lykho z rozumu' (Paris, 1967) p. 14, fn. 1.

[5] Several poems written in prison and dated 6 May to 2 June 1966, and in the camp, probably in the second half of 1966, are reproduced in the original Ukrainian, *ibid.*, pp. 232–62. In December 1966 more of his poetry and his translations from Lorca and some Baltic poets were confiscated from him in the camp (ChP, pp. 154–5). Cf. also pp. 189–90 below.



PART FOUR

The Chornovil Case

To:

*The Central Committee of the Communist Party of the Ukraine,
The Presidium of the Supreme Soviet of the Ukrainian SSR,
The Procuracy of the Ukrainian SSR,*

Copy to:

The L'vov Regional Court

From:

Citizen V. M. Chornovil, illegally arrested and indicted under Article 187-1 UCC [1]

DECLARATION

On 3 August 1967, I was arrested on an order of the procurator of the L'vov Region. I was presented with a completely unfounded accusation of spreading slanderous fabrications which defamed the Soviet state and social system. In this way, accounts have been settled with me for criticising the trials [held] in camera and the illegal actions of the investigation and judicial agencies during the arrest and conviction of a group of Ukrainian intellectuals in 1965-6. For there was not in the documents transmitted by me to Republican institutions a single fact which I could have fabricated. Everything I wrote was based on documents and the testimonies of citizens.

Despite my requests, not one of the concrete facts about the disregard of the law which I quoted in the statements [that I] submitted was examined during the investigation. Not a single witness among those citizens who provided me with the information was questioned. Finally, the investigation has not established a single instance of the dissemination of my statements by me personally, unless, of course, one regards as 'dissemination' the right, guaranteed by the Soviet Constitution, to address Republican Party and Soviet agencies [2]. Yet, however paradoxical it may be, the whole indictment rests on this alone. It turns out that, as objects of my 'slanderous' activity, I chose the First Secretary of the CC CPU P. Yu. Shelest, the Chairman of the KGB attached to the Council of Ministers of the Ukrainian SSR, Nikitchenko, [and] the Chairman of the Union of Artists of the Ukrainian SSR and Deputy of the Supreme Soviet, V. I. Kasiyan [3], since it was to them that I sent my statement. According to the logic of the L'vov Procuracy, I apparently intended somehow to influence by my 'slanders' the outlook of these leading comrades, which had not yet become firmly set.

What is more, it is even held against me that, to fulfil the request of one of the convicted, I forwarded his statement to four deputies of the Supreme Soviet of the Ukrainian SSR (among them, the Chairman and the Secretary of the Presidium of the Supreme Soviet of the Ukrainian SSR) [4]. According to the same strange

[1] Cf. p. 162, fn. 3 below. On Chornovil, see pp. 2, 12-16, 22-4, 27 above.

[2] No such explicit right is embodied in the Soviet Constitution. Cf., however, p. 158, fn. 1 below.

[3] V. Kasiyan (1896-) was dropped as the Chairman of the Union of Artists in April 1968.

[4] Cf. p. 167 below.

logic, the responsibility for the content of this statement which I did not write is fastened on me, while the deputies of the Supreme Soviet are made out to be ideologically suspect individuals at whom I directed my slanderous activity, together with the author of the statement, political prisoner Moroz.

All this can be regarded only as open suppression of criticism from below, as an attempt to kill any wish among Soviet citizens to address appeals to Party [and] Soviet agencies. But how does this tally with the recent resolution of the CC CPSU concerning the handling of letters and appeals from the workers? [1] Where in this resolution is it written that signs of criticism may be answered by prison? How does this, in the last resort, tally with Lenin's directives? [2]

Soon after my arrest, I sent a letter to the CC CPU and to the Presidium of the Supreme Soviet of the Ukrainian SSR asking them to intervene in the actions of the L'vov Procuracy and to put a stop to arbitrary behaviour. But it was not considered necessary to reply to me. My 'case' has now been transmitted to the court, and I have reason to fear that once again the L'vov court will not break its traditional solidarity with the L'vov Procuracy. I have exhausted all the possibilities of protest against arbitrary behaviour and must now resort to the final measure. At present the press and radio are carrying news of the labour vigil in honour of the fiftieth anniversary of Soviet rule. I, meanwhile, am forced to hold a hunger vigil before and during the festive days. . . . By declaring a protest hunger strike from 1 November before the October [Revolution anniversary] [3] I hope that I shall at least draw attention to the survivals of Stalin-Beria 'legality' and to the arbitrary behaviour towards me in particular.

*L'vov, the Prison,
30 October 1967*

[1] 'On improving the work in regard to investigating letters from workers and arranging interviews for them' of 29 August 1967 ('Spravochnik partiynogo rabotnika' (Moscow, 1968) viii 298-301; 'Pravda', 17 Sep 1967; CDSP xix 37 (4 Oct 1967) 12-13. More recently this resolution was followed up by a decree of the Presidium of the USSR Supreme Soviet of 12 April 1968 'On the procedure for examining citizens' proposals, petitions and complaints' ('Izvestia', 26 Apr 1968; CDSP xx 17 (15 May 1968) 7).

[2] Cf. e.g. p. 191, fn. 5 below.

[3] 7 November.

Citizen Judges!

I must admit that I have always been an incorrigible optimist and will probably die as one. At first, I used to send statements to high offices naïvely expecting some positive results. Even a totally unexpected result – prison – did not completely disillusion me. The shreds of my rosy optimism remained with me until the start of this morning's court session. My innocence seemed much too obvious to me. But as the trial proceeded, my rosy optimism gradually began to change into black pessimism. I saw clear prejudice and understood that I would not succeed in stopping the operation – and proving that I was not a camel [2]. My request that witnesses be called and documents included was rejected without any reasoned explanation [3]; the evidence I gave at the beginning of the trial was not discussed; they tried not to touch on the substance of the case by making use of a limited armoury of 'labels'. A tense atmosphere gradually built up, and [the proceedings] finally culminated in procurator Sadovsky's indictment speech. I even learned about things from him of which I had known nothing either from the investigator or the conclusion to the indictment [4].

It seems that I am a nationalist as well. If only it could be established whether [I am] a bourgeois or, maybe, a socialist one? I did not dwell on the nationalities question in my statements [5]. The conclusion [that I am a nationalist] has been drawn solely on the basis of the fact that I wrote about violations of legality committed in the Ukraine. And if I lived in Tambov [6] and wrote something similar, what kind of nationalist would I be then – a Tambovian one? The procurators in L'vov cannot help dragging nationalism into 'cases' like mine. It seems that in L'vov they see a bourgeois nationalist in every second person.

The procurator recalls Lenin's much-quoted words about 'united action by the Great Russian and Ukrainian proletarians' [7]. But one cannot make do with one quotation all the time: one must consider Lenin's nationalities theory in its entirety. I must remind the state prosecutor that it was in Soviet times, when the USSR already existed, that V. I. Lenin untiringly stressed that local nationalism did not vanish of its own accord, that it was always a reaction against great-power chauvinism, and that the best method of combating nationalism was to eradicate its source – chauvinism [8]. These Leninist directives were reflected in the decisions of Party congresses until the beginning of the 1930s, when Stalin finally introduced his own nationalities policy.

The prosecutor made one more discovery: it seems that I am singing to someone

[1] At his trial on 15 November 1967.

[2] A popular expression: trying – and failing – to prove the much too obvious.

[3] In breach of UCCP 296 (corresponds to RCCP 276).

[4] This is drawn up at the completion of the preliminary investigation (cf. UCCP 223, RCCP 199, 205).

[5] The two documents published in ChP.

[6] In the RSFSR.

[7] 'Coll. Works', xx 31 (written in 1913).

[8] Cf. *ibid.*, xxxvi 607, 609.

else's tune. He makes some American by the name of Evenstein [1] the source of my ideas. Perhaps the state prosecutor would tell me where I could read this Evenstein whom he quotes? But people are tried here under Article 62 of the Criminal Code [2] merely for reading such books, regardless of whether or not they agree with the content. The state prosecutor is quite incapable of imagining that it is possible to form one's own ideas, one's own convictions, without the aid of Evensteins or anyone else. I am, you see, also guilty of the fact that my covering letter to P. Yu. Shelest [3] was broadcast by Radio Liberty and was published by the journal 'Suchasnist' [4]. And this fact is made much of, although it has not the slightest bearing on today's charge. The state prosecutor even makes the suggestion that I perhaps personally handed over these documents, and that the garbled personal information given about me [in the broadcast and in the journal] [5] is merely a ruse. On what grounds is this supposition based? Solely on the wish to build up the pressure in court.

The procurator mentioned here P. Yu. Shelest's speech at the XXIIIrd Congress of the CPSU, in which the First Secretary of the CC CPU referred to creative young talents by name [6]. The state prosecutor draws a distinction between me and these creative young people. But does the honourable prosecutor know that both published and unpublished works of the people named by Shelest also appear in these journals and are broadcast by these radio stations regardless of their authors' wishes? [7] Yet they are not put on trial for this and are even singled out as the best from the Party Congress rostrum.

In the procurator's long and 'passionate' speech there is little which is [at all] to the point and would require an answer. For one cannot regard as arguments expressions which reflect no credit on a lawyer, such as 'He raised a frenzied uproar', 'He spreads lampoons throughout the world', 'sneering', 'like a drunken hooligan', and suchlike. I do not wish to insult the honourable procurator in the same way as he insults me. Yet I must express regret that no attention at all was paid at a certain time in one of the establishments of higher legal education to formal logic while some of the precepts of Demosthenes were studied. The state prosecutor makes the same mistake in logic which is also contained in the indictment: he raises the particular to the level of the general, or simply draws generalising conclusions from nothing, from his own subjective notions. The procurator emphasises several times that by my 'slandorous statements I wanted to influence, and did influence, certain unstable groups of the population'. However, the investigation did not establish any instance of my having disseminated the statement 'Woe from Wit' [8] apart from sending it to official Republican agencies;

[1] Not identified.

[2] Cf. p. 102, fn. 1 above.

[3] Dated 22 May 1966. The text is in ChP, pp. 73-5.

[4] Oct 1967, pp. 87-8 (i.e. after Chornovil's arrest and only just before his trial). The broadcast followed the journal publication.

[5] Thus, his age was given as about forty (instead of twenty-nine), and he was said to have passed a Candidate's (approx. Ph.D.) examination in the faculty of Marxism-Leninism ('Suchasnist', no. 10 (1967) 86), while in fact it was a Candidate's qualifying examination in the faculty of philology.

[6] In fact, Shelest mentioned no names on that occasion. It is obviously a slip for 'the XXIIIrd Congress of the CPU', where Shelest said that 'The works of young poets D. Pavlychko, I. Drach, V. Korotych, B. Oliynyk and a number of others enjoy popularity' ('Radyans'ka Ukraina' (Kiev) 16 Mar 1966, p. 5). (Cf. ChP, p. 72.)

[7] Poetry of all the four young poets mentioned has been published at various times in Ukrainian periodicals and anthologies in the West.

[8] ChP, pp. 77-221, 227-46.

therefore, according to the procurator's logic, 'the unstable groups of the population' are the First Secretary of the CC CPU, P. Yu. Shelest, the chief of the KGB attached to the Council of Ministers of the Ukrainian SSR, Nikitchenko, and other leaders on the Republican level. Basing an accusation on the procurator's subjective assumptions about my intentions is, from a legal point of view, a pitiful device.

Another unsound device is to transfer the centre of gravity [of the accusation] to Karavans'ky. I wrote about twenty convicted persons, and not about Karavans'ky alone. But those convicted were mostly young people, while Karavans'ky's past can be played upon by mounting a favourite hobby-horse – nationalism. But I never wrote that I excused Karavans'ky's past; I only maintained, and continue to maintain, that the reimprisonment of an able translator and linguist like Karavans'ky five years after amnesty is legally unjustified, while a 25-year term of imprisonment is truly cannibalistic.

The procurator's speech could have been cut by half if he had not addressed his objections to the work by Valentyn Moroz, 'A Report from the Beria Reservation', to me. I never wrote about, or voiced, my attitude to Moroz's statement. I did what any decent person would have done in my place: at Moroz's request, I forwarded his statement to the addressees, the deputies of the Supreme Soviet of the Ukrainian SSR. I am also morally justified by the circumstance that, as far as I know, the administration of the Mordovian camps does not allow complaints and statements written by prisoners about the camp regime to go through, and that prisoners must therefore resort to methods of circumventing the censorship in order to send petitions to high authorities [1]. I learnt during the preliminary investigation of my case that political prisoner Valentyn Moroz is being held criminally responsible for a second time, on this occasion for writing the 'Report from the Beria Reservation' [2]. Procurator Sadovsky thus has the opportunity to offer his services and appear at Moroz's trial and direct at him what he has directed at me here.

Nevertheless, I completely agree with certain points in the indictment. For example, I agree that one can see buses marked 'L'vov' in many countries, that

[1] The situation has since been codified as follows: 'Convicted persons have the right to address complaints, statements and letters to state agencies, public organisations and officials. Complaints, statements and letters from convicted persons are forwarded to the proper destination and are dealt with according to the procedure established by law. Complaints, statements and letters addressed to a procurator are not subject to inspection and are forwarded to the proper destination within 24 hours' (FCL 26). 'Convicted persons' correspondence is subject to censorship' (FCL 19). It may be inferred that all communications addressed to public bodies or officials (except procurators) are subject to censorship and therefore, one must assume, liable to confiscation if they contain anything unacceptable to the camp administration.

The 'procedure established by law' according to which complaints and petitions surmounting this hurdle are dealt with must be that decreed by the Presidium of the USSR Supreme Soviet on 12 April 1968 (cf. p. 158, fn. 1 above). There have always been serious deficiencies in the handling of complaints even from free citizens, despite sporadic attempts at improvement (e.g. the decrees on the consideration of workers' complaints passed by the USSR Central Executive Committee on 14 December 1935 and by the Soviet Control Commission attached to the USSR Council of People's Commissars of 30 May 1936, and the CC CPSU resolution on improving the work of investigating letters of 29 August 1967 mentioned in the footnote just referred to). There is nothing in these decrees referring specifically to complaints from prisoners; however, as past evidence shows, such complaints stand only an infinitesimal chance of being treated fairly. For further details of rules governing prisoners' correspondence, cf. p. 75, fn. 1 above.

[2] See fn. 1 on p. 119 above.

much oil and gas is extracted in the L'vov Region, that the economy of Kazakhstan must be developed. I agree that the friendship of nations is a great cause and not only in so far as the nations of the Soviet Union are concerned. Only if it is a friendship of equal nations, of course, and if it spiritually enriches all nations. I also agree with many other well-known truths. But I do not understand what connection all of this has with the charges laid against me. Perhaps, once again, the state prosecutor was put in an awkward position by not having in his time properly learnt his formal logic.

I shall waste no more time on the procurator, because [one can only] carry on polemics about such theses as are supported by arguments. And I do not know how to answer vituperation with vituperation. Nor will I once more repeat the proofs of my innocence. I have already said a great deal about this today; in addition to which I agree with what advocate Vetrinsky has just said.

Let us instead, Citizen Judges, leave aside for a moment the very serious investigations as to which of the two epigraphs [1] which I selected is more libellous, and whether or not I added a comma of my own while retyping Osadchy's camp poems [2]. Let us also stop trying to guess, as the procurator is doing, what I wished to do, or what I might have done. Let us leave this sophistry and let us examine what is taking place here in this room, from an outsider's point of view.

I consider that my trial is far from being a routine trial, and is even to a certain extent in the nature of a milestone. Because it is not only I as a person who am on trial here; thought is on trial here. Therefore, the decision that you pass will affect not only Chornovil as such, but equally certain principles of the life of our society. I think I am the first to be tried in the Ukraine under Article 187-1 [3]. I wrote from prison to the Presidium of the Supreme Soviet of the Ukrainian SSR that, as my arrest showed, the article of the Criminal Code which it adopted in the fiftieth year of Soviet rule was not a step forward in the development of socialist democracy. On the contrary, it extended unjustifiably wide powers to investigation

[1] Here are the two epigraphs which appear on the title-page of Chornovil's original MS. 'Woe from Wit' and are reproduced in his 'Lykho z rozumu' (Paris, 1967) p. 5 (but not in ChP):

Read thus, too, that you should see,
Not in a dream of sleep,
All her [the Ukraine's] wrongs . . .
.
.
.
That you should then inquire
Of the martyrs: who are they, [when,]
For what they were crucified?

(T. Shevchenko, 'To the Dead, the Living and the Unborn Fellow-Countrymen of Mine . . . Epistle', English version from his 'Selected Works' (Moscow, 1964) p. 180.)

To claim that self-determination is superfluous under socialism is therefore *just as nonsensical* and just as hopelessly confusing as to claim that democracy is *superfluous under socialism* (V. Lenin, 'Coll. Works', xxiii 74-5). (Chornovil's italics.)

[2] Cf. p. 153, fn. 5 above.

[3] Art. 187-1 UCC was introduced by the Decree of the Presidium of the Ukrainian SSR Supreme Soviet of 9 November 1966 and confirmed by the Ukrainian SSR Law of 24 December 1966. It corresponds to RCC 190-1: 'The systematic oral circulation of known falsehoods derogatory to the Soviet state and social system and, similarly, the preparation, or circulation of works containing the same in written, printed or any other form, is punishable by deprivation of freedom for a period not to exceed three years, by corrective labour for a period not to exceed one year or by a fine not to exceed one hundred roubles' ('Vedomosti Verkhovnogo Soveta RSFSR', no. 38 (22 Sep 1966) 819; CDSP, xviii 41 (2 Nov 1966) 3).

and judicial agencies, allowed them to intrude into spheres of ideology which lie beyond their competence, and forced them, as we have seen today, to become philosophers and literary critics, economists and sociologists – and to pass final judgments in all those questions which, at times, are matters of controversy even for experts. Article 187-1, as my trial shows, opens possibilities for a direct attack on the right of a human being to have his own thoughts, his own convictions.

Let us then consider carefully what the current interpretation of 'slander against the Soviet order or Soviet reality' means. It is clear what slander is in general. If I say that Major Gal'sky of the L'vov KGB is a latter-day Sergeant-Major Prishibeyev because he is free with his fists [1], while Sergadeyev and Klimenko, the investigators from the same KGB Administration, do not hesitate to use threats and obscenities in order to obtain testimony [2], and if, on investigation, these facts are not proved, this constitutes slander; and if I made all this up, it will be intentional slander. But this would not constitute slander against Soviet reality – merely against the persons of the major and his two colleagues. There is an appropriate article in the Criminal Code to deal with this [3]. If on the basis of these invented facts I draw the conclusion that obscenities and blows in the face are the style of work of the L'vov KGB Administration in general, it will be intentional slander against the institution, but in no way against Soviet order. What then constitutes slander against the Soviet state and social system?

If, for example, I began to claim in a learned article, or speaking from a rostrum, that centralism under conditions of socialism was not the best principle of internal political and economic life and that in the framework of socialism and the Soviet system decentralisation, as well as the widest industrial and territorial self-government, would be more effective, and if I based my thesis on an economic argument and referred to the experience of other countries such as Yugoslavia, for example, then, even if my thesis is rejected, can I be put on trial for it as slander against Soviet reality? What is it – slander or my convictions? If, having carefully studied the works of Lenin, I began to maintain that in theory we subscribed to correct Leninist teachings on the nationalities question, but that in practice we committed deviations from them, and if I based my thesis on Leninist principles and an analysis of concrete data about questions of contemporary cultural construction, economics and so on, what would this represent on my part – a point of view, my convictions, or slander against Soviet reality?

Finally, if, standing four-square on the platform of the XXIIIrd Congress of the CPSU, I began to maintain in the wake of Palmiro Togliatti that the democratisation of Soviet life which had begun at the XXth Congress of the CPSU was proceeding much too slowly, that some citizens had not completely got rid of the mentality of cultist times, that regrettable digressions into the past occurred; if, with Yevtushenko,

... I, addressing our Government, petition them to double,
and triple the soldiers on guard by this slab,
lest Stalin rise again

and, with Stalin,

the past [4]

[1] Cf. p. 129, fn. 3, and p. 150 above.

[2] Cf. p. 31 above.

[3] UCC 125, RCC 130.

[4] 'The Heirs of Stalin', in Patricia Blake and Max Hayward (eds), 'Half-Way to the Moon' (1964) p. 219.

(this poem was published in 'Pravda' [1] in its time), would this, on my part, be [an exercise of] my constitutional right to appeal, with my ideas, to the authorities I have elected or 'the dissemination of slanderous fabrications'?

But even if I was wrong in all three cases (because, honourable procurator, even the Supreme Court can err; only gods do not err, but, as we know, they do not exist) and it proves possible to counter my arguments with a series of other arguments which turn out to be more weighty, does this mean that I should be put on trial so that I and everybody in future would not dare to think at all?

But in my statements I did not make any such wide generalisations as those enumerated above. The conclusions I reached are distinctly narrower and have a specific addressee. I am nevertheless being tried for two or three general statements, while it has not been considered necessary to look into any of a dozen facts on the basis of which I formed these conclusions. Directly after my arrest I spent days and nights thinking over every detail of the content of my statements, remembering all the facts, and wondering where I could have slipped into slander. Not intentional, of course, but where had I allowed myself to be misled? At one of the first interrogations I told the investigator something like this: 'You know, I have written a surname incorrectly here, and I am not sure about this fact because I had it at third hand.' But Kriklivets, the investigator, brushed this aside: 'These facts do not interest me at all, even if they are all true, but what exactly were you thinking when you gave your statement such a title? . . .' How then can I not conclude that I am on trial for my convictions, that someone has the need to brainwash me, to force my mind into a ready-made standard mould?

I say that my trial is not an ordinary trial and that it may therefore have far-reaching repercussions not least because I do not recall a case in recent years when a man was so openly tried for his convictions. This was not the case even at those trials with which I dealt in my statements. When I asked Captain Klimenko of the L'vov KGB in June 1966: 'Please tell me for what [crime] Candidate of Sciences [2] Osadchy was sentenced to two years in a severe regime camp, when all is said and done? Could it be for reading these two articles?', the captain replied, 'Well, if only you knew what is written in his diary!' Yet the diary was not mentioned in the verdict, only the two seditious articles. I, on the other hand, even in a formal sense, am on trial for [my] *convictions*, although this word is coyly replaced by the word 'slander'. I am sure that in their heart of hearts both the procurator and the judges realise just how ridiculous is the charge of disseminating slander by the novel method of sending it to the CC of the Party and to the KGB. And yet you are trying me. . . .

Finally, the last point. When I explained to the judge of the Lenin District of L'vov in the summer of 1966 why I considered the closed trial in the case of the Horyn' brothers illegal, he asked me straight out: 'Who are you, Chornovil, to decide whether something is being done legally or illegally? There are appropriate agencies for this.' [3] Today this same argument was openly and unequivocally put forward both by judge Nazaruk and by procurator Sadovsky. I am a Soviet citizen. It seems that this is not sufficient. If some other Soviet citizen had, like

[1] 21 October 1962.

[2] Shortened (or general) title; in full, Candidate of Philological Sciences, or, more simply, of Philology (cf. ChP, pp. 236-9).

[3] A reference to Chornovil's trial of 8 July 1966 for refusal to testify at the trial in camera of the Horyn' brothers and others on 15 April 1966 (cf. pp. 13-14 above, Epilogue below, and UI, p. 43).

myself, wished to take note of the mistakes made by the investigation and judicial agencies, which I have registered, but held an appointment as procurator of the Republic, the errors would have been rectified and the guilty, perhaps, punished. But [as things stand] it is I who am being punished. . . . When the Revolution triumphed and the construction of a new type of state began, V. I. Lenin constantly insisted that as many citizens as possible should take part in governing the state and society; in this he saw the only guarantee of a successful development of socialism. His famous phrase that a cook should be able to govern the state [1] should obviously not be interpreted in the vulgar sense – that a cook should necessarily be put in the prime minister's seat, or that being able to govern a state is [merely] the ability to raise one's hand in answer to the question, 'Who is in favour?' These words should be understood to mean that under socialism each ordinary citizen should be able to think in statesmanlike terms, formulate his point of view even in the most complicated case, and not wait until someone writes the next program into him. As proof of this, one can quote other words of V. I. Lenin's which he uttered during the first months of Soviet rule:

All citizens must take part in the work of the courts and in the government of the country. It is important for us to draw literally all working people into the government of the state. It is a task of tremendous difficulty. But socialism cannot be implemented by a minority, by the Party. It can be implemented only by tens of millions when they have learned to do it themselves [2].

I tried to act according to these Leninist precepts, and you will now inform me of the result of this attempt.

[1] Cf. 'Coll. Works', xxvi 113.

[2] Ibid., xxvii 135.

To the First Secretary of the CC CPU, P. Yu. Shelest

Copies to :

The Chairman for the Committee for State Security, Deputy V. F. Nikitchenko [1];

The Chairman of the Writers' Union of the Ukraine, Deputy O. T. Honchar [2];

The Chairman of the Artists' Union of the Ukraine, Deputy V. I. Kasiyan [3];

*The Chairman of the Presidium of the Supreme Soviet of the Ukrainian SSR,
Deputy D. S. Korotchenko;*

*The Secretary of the Presidium of the Supreme Soviet of the Ukrainian SSR,
Deputy A. Zlenko;*

Deputy S. V. Stefanyk;

Deputy M. Kikh [4]

Respected Petro Yukhymovych!

We appeal to you on a matter which perturbs and distresses us deeply.

On 15 November 1967 we attended the trial of V. M. Chornovil in L'vov. Unlike the political trials which took place during 1965–6, this case was tried in a public court session. The defendant was given the opportunity to express his point of view with regard to the substance of the case tried, and to refute the charges laid against him; the court did not prevent the defendant from making a closing statement, nor did it place any restrictions on the time he needed to do this. Strictly speaking, all this is guaranteed by Soviet law and it may seem that there is no need to express particular satisfaction about something which should be self-evident. But it is notorious that during the 1965–6 political trials these basic procedural standards were repeatedly violated. Therefore, the re-establishment of legality at least within these limits, if it becomes a common standard, should be regarded as an important advance in the practice of our courts.

All the more distressing were the other violations of procedural standards and, as their consequence, a glaring discrepancy between the verdict and the significance of the documents featured in the trial, as well as the standard of argumentation and proof [provided] in the indictment. It is to this that we wish to draw your attention, because the trend revealed here goes far beyond the limits of one actual instance or, at any rate, can serve as a bad precedent.

Violations of procedural standards began at the very outset of the trial. The defendant, V. M. Chornovil, asked that Procurator Sadovsky and the President of the Court, Nazaruk, be withdrawn on the grounds that they were, personally, not disinterested parties in this case. In the documents he was charged with writing and which were the subject of this trial, V. M. Chornovil had sharply criticised these individuals for flagrantly violating socialist legality and procedural standards

[1] Although Nikitchenko was a member of the Ukrainian SSR Council of Ministers (by virtue of being, until July 1970, the Chairman of the KGB), he was in fact a deputy not of the Ukrainian SSR Supreme Soviet but of the USSR Supreme Soviet.

[2] A deputy of the USSR Supreme Soviet. (Cf. also p. 46, fn. 1 above.)

[3] Cf. p. 157, fn. 3 above.

[4] Cf. Doc. 20 below.

at earlier political trials [1]. They were therefore directly involved in the case and could have participated in the trial as, say, injured parties, but never as procurator and judge. According to Soviet criminal procedural standards, in such cases the participants in a trial are obliged to declare their own withdrawal [from it]. However, neither the procurator nor the judge did this. Instead, they did not even give consideration to the defendant's lawful and motivated plea, which was fully supported by his advocate (with reference to the appropriate article of the code of criminal procedure [2]). The plea was rejected without any legal justification. This, surely, was one of the reasons why throughout its whole course the trial did not aim at an objective examination of the materials of the case but in many respects looked like a settling of accounts between the injured parties and the person who had dared to criticise them.

In the indictment, V. M. Chornovil was charged with the 'preparation and dissemination' of intentionally slanderous fabrications about the activities of state agencies. In fact the issue at stake was that he had compiled and sent to four addressees – the First Secretary of the CC CPU, P. Yu. Shelest; the Chairman of the Committee of State Security; Deputy O. T. Honchar; and the Chairman of the Artists' Union of the Ukraine, Deputy V. I. Kasiyan – documents about political prisoners sentenced during 1965–6, entitled 'Woe From Wit', and that he had also at the author's request forwarded V. Ya. Moroz's statement [in the form of an] article to another four addressees: Deputies D. S. Korotchenko, A. Zlenko, S. V. Stefanyk and M. Kikh. No other addressees were named at the trial; no evidence was presented to indicate that Chornovil had passed these documents to anyone else; not even one witness corroborated this (in fact, only two witnesses figured at the trial [3] and the testimony given by both had no bearing on the substance of the charges – that is, it corroborated neither that Chornovil had disseminated his documents [4], nor that he had resorted to 'intentional slanderous fabrications', that is, invented non-existent things, presenting them as true facts). Nevertheless V. M. Chornovil was charged with precisely this – 'dissemination' of the above-mentioned documents.

It is obvious that all the addressees are official and honoured individuals and therefore that, regardless of the contents of the documents, it would be a great exaggeration, if not an intolerable sin against truth, to consider that V. M. Chornovil 'prepared and spread slanderous fabrications which discredit the Soviet state and social system' by these means. Is it possible that Soviet citizens have no right to address their deputies and state leaders on any subject, or with any kind of pleas or suggestions? Nor was any other evidence on dissemination by V. M. Chornovil of his documents presented, quite apart from the fact that neither the

[1] Cf. ChP, p. 68, where Sadovsky is mentioned. Nazaruk's name does not seem to figure in ChP, though sharp criticism of the judiciary in L'vov expressed there *passim* may be taken as directed implicitly against both these men. Both names do, however, appear in the documentation attached to the dossier which Chornovil submitted to the President of the Ukrainian SSR Supreme Court in December 1966 (cf. p. 14 above and UI, pp. 95–117 *passim*).

[2] Challenge by the accused or his advocate of judge or procurator, or their self-disqualification, on the grounds mentioned is provided for in UCCP Arts. 43 (ii), 48 (ii), 54, 56–8, 219, 287, which roughly correspond to RCCP Arts. 23, 46 (iii), 51 (ii), 59, 61–3, 202 (5), 272.

[3] Osadchy was one of them (cf. p. 190 below). 'Of the two witnesses . . ., one did not appear in court' (p. 192 below).

[4] Osadchy was released some four weeks after Chornovil's arrest, and could hardly have any direct personal knowledge whether Chornovil disseminated his documents or not.

procurator nor the court were in the least interested in examining the facts; nor did they attempt to establish what was factual and what was invented in V. M. Chornovil's writings. None of the documents in V. M. Chornovil's case were examined, verified, corroborated or refuted from the point of view of their authenticity and truthfulness. None of the defendant's requests – to call witnesses and to include additional documents in [the file of] the case which would prove the authenticity of the documents he had collected – were fulfilled. Nevertheless, it was precisely for 'slandorous fabrications' that the court passed the most severe sentence provided for by the article under which V. M. Chornovil was tried: three years' imprisonment in corrective labour camps. And this in spite of the fact that during the court session all the charges preferred against V. M. Chornovil and all the 'evidence' presented by the procurator and the preliminary investigation were refuted by the defendant and by his advocate, and in spite of the fact that the court did not find any conclusive proof that V. M. Chornovil had been engaged in the 'dissemination' of the given documents and, therefore, that the entire charge remained unsubstantiated.

The court may actually have been convinced of V. M. Chornovil's guilt. However, the subjective moods of the participants in a trial can have no objective legal validity and must not influence the court's decision. The court is obliged to prove the defendant's guilt by incontrovertible facts, testimony and other legal evidence.

We who attended the court session in V. M. Chornovil's case saw that the court did not fulfil this duty. The trial was conducted in an unprofessional way and with a lack of objectivity. The verdict is flagrantly incompatible with the documents of the [preliminary] investigation and of the charges, resembling [an act of] personal revenge, the rough justice dealt out at the hands of individuals clothed in authority over a man who holds different views and dares to criticise the acts of certain representatives of Soviet institutions – in other words, a man who avails himself of his constitutional right [1].

This is why we are appealing to you to intervene personally in V. M. Chornovil's case and not to allow yet another flagrant violation of socialist legality, yet another ominous precedent. We enclose with this letter V. M. Chornovil's statement of 30 October 1967 and the text of his closing statement [2].

Ivan Dzyuba
Ivan Svitlychny
Nadiya Svitlychna [3]
Lina Kostenko [4]

[1] This may be understood to be broadly covered by the freedom of speech guaranteed by Art. 125 of the USSR Constitution. Cf. also p. 158, fn. 1 above.

[2] i.e. Docs. 12 and 13 above.

[3] Ivan Svitlychny's sister. Cf. ChP, p. 5. Dismissed from her employment, presumably as a reprisal for signing this letter, not later than June 1968.

[4] Cf. p. 5, fn. 8 above. On all the four signatories, cf. also the Introduction above, *passim*.

My dear friends,

Do not be surprised that I am still entirely hale and able to write to you. The day before May Day, on which I was to have begun my hunger strike, I was summoned by the camp commandant who promised me mountains of gold.

Since I have no great faith in these promises (it could have been a less than ethical way of ensuring order in the camp on May Day), I have merely postponed the day of my 'ultimatum' by fifteen days. I shall see how these generous promises are carried out meanwhile and test the lieutenant-colonel's ethical standards.

I will not give up my intention until at least the most basic of my requests are met. Although a hunger strike is more than mere physical torment brought about by an insult to human dignity, I had no other means of opposing coolly polite barbarity which even attempts to put on the toga of culture.

The main reason for my decision is not, of course, the groundless ban on visitors, nor the ban on receiving letters, nor the uncivil treatment (this occurs infrequently; on the whole I am treated formally and politely) – although all these petty stings are quite painful for a prisoner. The main reason is the absolutely groundless confiscation of all the documents from the trial and preliminary investigation: not only a notebook containing a systematised account of all the documents in my case, which some stunted and terrified imagination even saw as a 'publicistic work', but also various copies of quite official trial documents (the Supreme Court's decision, my appeal, remarks on the record [of the trial] [2], and so on) [3].

I repeated then and I repeat now: formally, there were no grounds for my trial; they artificially applied a newly created, even far from constitutional, article of the criminal code to my case. The facts quoted in my works were not slanderous, either intentionally or unintentionally, and no 'dissemination' was proved by the preliminary investigation. And it was only because they feared the truth, feared the revelation of falsifications and manipulations, that these men, the appointed guardians of legality, resorted to an illegal arbitrary act such as the confiscation from me of the documents of the preliminary investigation and trial.

Rumours are reaching me through various channels both in prison and here in camp that some low creatures, powerless in the face of the logic of facts and argu-

[1] Chornovil was sentenced under UCC 187-1, which article is outside the chapter on 'especially dangerous crimes against the state' (cf. p. 46, fn. 2 above). He was therefore detained in a camp of general regime (cf. p. 187, fn. 7 below), and not deported outside the Ukraine (such deportation is the standard practice with regard to political prisoners sentenced under the chapter mentioned above; cf. p. 122, fn. 6 above). The camp in which he was detained is situated in Trudovoye village, Kryzhopol' District, Vinnitsa Region, near the border of the Moldavian SSR (cf. the map of the Ukraine, p. xx above).

[2] These are the written remarks on the record of judicial sessions which the prisoner has the right to submit within three days after the compilation of the record, pointing out its incorrectness or incompleteness, according to UCCP 88 (cf. RCCP 265).

[3] Chornovil is reported to have eventually declared a hunger strike four weeks later, on 29 May, which he kept up until 16 July when some of his trial documents were returned to him.

ments, resort to means regarded as despicable by intelligent men as far back as two or three thousand years ago: instead of criticising their opponent's views, they resort to maligning him personally. First, the idea was apparently fostered of publishing a satirical article in the press (in the same 'Perets' [1] it seems) about Chornovil's 'amorality'. But any amount of pushing and prodding, even in the most unlikely places, clearly failed to produce anything even slightly credible concerning this 'amorality'. Or maybe the embarrassment caused by the lampoon against the critic Ivan Dzyuba had proved instructive.

Later it was stated, from a middling high official rostrum, that: 'We have not heard of such writers as Osadchy and Chornovil.' [2] I will not speak of Osadchy; his poetry, the best examples of which can be the envy of many a unionised scribbler, is better fitted to speak of him. But where and when did Chornovil call himself a writer? What is this – another newfangled method of official criticism: forcing some non-existent features upon a person and then proceeding to refute them? However, the speaker on this middling high rostrum could not say that there was no such journalist and publicist – because that would have been a lie. Since he has shown interest in my person, he would also have noticed that several reviews and articles on literature by Chornovil did after all appear in journals and newspapers [3]. To tell the truth, these are only a part of his not very large literary output. The reasons why most of his works have not seen the light of day must be sought not merely in the author's creative potentialities, but perhaps also in the conditions which recruits to literature and criticism have encountered in recent years. After all, nobody will deny that Ivan Dzyuba or Ivan Svitychny, for example, who became well known in the first half of the sixties, are talented critics. But have you often come across these names on the pages of periodicals during the last three years? And does this mean that great talents suddenly became extinct, incapable for [many] years of creating anything of value? And what if they had happened to start their creative work precisely during these years? Perhaps their contemporaries would never have heard of them, just as even in literary circles the critic and highly talented poet Vasyly Stus [4] is not known, or very little known (and he is not the only one).

Finally, I have been hearing utterly unbelievable things. It seems that they have begun to 'process' those who are speaking up in my defence and demanding my release [5]. One person is said to have been told something like this: 'Do you know whom you are defending, in defence of whom you are writing? Chornovil has said that all communists and Komsomol members should have their bellies ripped open and stuffed with the Programme.' [6] It would be difficult to think up anything more wild and senseless. If one were to believe this even for a minute, I

[1] Viz. in the same journal where the lampoon against Dzyuba, mentioned in the same paragraph, was published in August 1966 (cf. also p. 21 above).

[2] Cf. p. 200 below.

[3] A list of them was published in 'Homin Ukrainy' (a Ukrainian paper in Canada), 18 Nov 1967.

[4] Born in 1938. Dzyuba mentions him (IorR, p. 142) among poets who 'have for years been unable to publish their collections'; the secretary of the Kiev Party Committee, V. Boychenko, attacked him (together with Dzyuba and Lina Kostenko), deploring that they had 'succumbed to nihilist moods, enthuse about formalist trends, and sometimes come out with ideologically harmful assertions (like the bourgeois slogan about some supra-class "creative freedom")' ('Komunist Ukrainy' (Kiev) no. 6 (1966) 17). Cf. also p. 15, fn. 7 above.

[5] This may apply among others to the signatories of Doc. 14.

[6] Eleven weeks later, Poltorats'ky repeated this in print (p. 201 below).

would be the first who would have to commit hara-kiri because I was a Komsomol member myself until the age of 28 [1], a volunteer on two Komsomol shock-worker construction projects, and even held an elective office in the Komsomol. Many of my friends and comrades are Komsomol members or communists. Can the bloodthirsty Chornovil really have conceived such a terrible punishment for them? Nevertheless, it seems to me that a surgical intervention of a somewhat different kind would not come amiss.

It would not do any harm to cut open the skulls of the creators of such nonsense in order to blow out the chaff and add some oil. It would do them nothing but good.

I categorically state, contrary to all illogical assertions (such for example as: 'The Mel'nykites [2] are writing about him abroad, therefore he is tarred with the same brush'), that I have always firmly adhered to the principles of socialism and continue to do so. But not of that socialism which tries to regiment not merely the actions but also the thoughts of the individual. I cannot imagine *true* socialism without guaranteed democratic freedoms, without the widest political and economic self-government of all the cells of the state organism down to and including the smallest, without a real guarantee – and not merely a paper one – of the rights of all nations within a multinational state.

Historical experience shows that two paths have become discernible in socialism: that along which Yugoslavia, and now Czechoslovakia, are feeling their way, and that of Stalin and Mao Tse-tung. Centralism is a very shaky and uncertain position which must inevitably lean towards one of these two paths, throwing the masses off their bearings by its wavering and undermining their faith in any ideals, except that of a more or less secure and neutrally peaceful vegetation.

Forgive me for such an extremely superficial exposition of complicated questions. But even by such primitive means (I have been deprived of others) I should like to state my attitude in order to put an end to dirty insinuations which I could in fact have ignored if they had affected only me personally.

With thoughts of you – my known and unknown friends who share my views, with thoughts about Freedom, Reason and Justice, I end this letter, to return to the ugly reality which surrounds me.

Yours,

Vyacheslav Chornovil

3 May 1968

[1] Presumably expelled when prosecuted for the first time in April-July 1966 (cf. p. 14 above).

[2] The other faction of the OUN (known as the OUN-M) resulting from the 1940 split (cf. p. 35, fn. 4 above) and led by A. Mel'nyk (1890-1964), previously the leader of the original pre-war OUN. After the war the OUN-M became known as the OUN-s (solidarist) (Armstrong, op. cit., pp. 33, 313 and *passim*). It controls the *Première Imprimerie Ukrainienne en France* (PIUF) and 'La Parole Ukrainienne' (cf. pp. xvii-xviii above).

PART FIVE

The Aftermath

16

Another Soviet Trial Expected [1]

John Miller, Daily Telegraph Staff Correspondent.

Kiev, Thursday.

The Ukrainian Writers' Union confirmed today the arrest of a prominent professor of literature. He is accused of smuggling 'anti-Soviet' manuscripts to the West.

Officials indicated that another Sinyavsky-type trial would be held in Kiev soon. The professor, Ivan Svitlychny, 41 [2], was arrested by security police several weeks [3] ago. Reports which have appeared in some Western newspapers said he had already been sentenced and exiled [4].

Leading officials of the union said today in an exclusive interview that the 'investigation of Prof. Svitlychny' was continuing. They were deliberately vague on the reason for his arrest.

'Slandering' charge expected

But they left no doubt that he would stand trial for an offence similar to that committed by Andrei Sinyavsky, the critic now serving a seven-year sentence for 'slandering' the Soviet Union in articles smuggled to the West.

According to reports which have reached the West, Prof. Svitlychny smuggled 'unofficial' works abroad through [5] Vasyl Symonenko, a young poet who died in 1963.

Mr Yuri Zbanatsky [6], deputy chairman of the union, said: 'Svitlychny was not a member, so we are not really concerned with his case.

'But we are disgusted with people who defame Soviet society and who go out of their way to peddle their works, and those of others, to the West.'

[1] 'Daily Telegraph', Friday, 22 Apr 1966 (cf. p. 11 above).

[2] In fact he was born in 1929.

[3] In fact, eight months (ChP, p. 53).

[4] e.g. 'The Times', 7 Apr 1966.

[5] An error for 'works of V. Symonenko'.

[6] Yu. Zbanats'ky (1914—): a Soviet Ukrainian writer; Party member, several war service decorations.



SOVIET NEWS BULLETIN

Published by the Press Office
of the USSR Embassy in Canada

161 AUGUSTA STREET
OTTAWA 2, TEL 236-7228

PRESS RELEASE

Friday, May 27, 1966

FABRICATIONS ABOUT DETENTION
OF UKRAINIAN AUTHORS

Kiev. Some newspapers published by Ukrainian nationalists abroad have claimed lately that the Ukrainian authors Ivan Svetlichny and Ivan Dziuba have been arrested and convicted.

These rumours are groundless and have a purely provocative nature. The writers Ivan Svetlichny and Ivan Dziuba have never been committed to trial and are at liberty.

This Bulletin was issued four weeks after Svitlychny's release from eight months' detention for investigation. Cf. p. 12, fn. 2, p. 175 above and p. 177 below.

This question, and answering it, is very painful for us, for me personally, because there are my friends among the names of those arrested (some of them have been released). And, in fact, this year [1966] which has gone by has been connected in many ways with events, [reports about] which have only now reached these parts, as a sort of echo. And the echo is not quite fair. You see, it is essentially untrue precisely in the sense that these people are actually portrayed only as fighters for the cause of Ukrainian culture, of the Ukrainian language. This business is rather more complicated. When . . . I mean, that is the first point. Now for some purely . . . practical corrections. Ivan Dzyuba was not arrested. Ivan Svitlychny was arrested but has been released, maybe on 29 or 30 April, just before May Day. Among those whom I know, those actually still under arrest are Bohdan Horyn' – a critic and art scholar from L'vov. . . .

Pavlychko: And his brother.

Drach: . . . Panas Zalyvakha, the artist from Ivano-Frankovsk [3]; Bohdan Horyn's brother, Mykhaylo Horyn', a psychologist. And quite a number of people whom I do not know personally. The point is that, actually, according to all the facts and documents we had before us, which we have seen, have noted – the fact of the matter was that in these people's circles there were individuals who had once been connected with underground nationalist organisations which had existed in the Ukraine, even connected with the German Gestapo [4]. And, in fact, they got round many of these people in such a way that there was even a beginning of direct propaganda against our system, our order, so that documents were disseminated – photocopies, retyped, mailed and handed out throughout the entire Ukraine – in which the nature of our system was described, its hostility to things Ukrainian as such, the red fascism that prevails in our land, and so on. . . . So that, you see, this business has been represented in the press, the Ukrainian nationalist press, not like this, not . . . not in this way. It is another matter that it would seem to me – this is my own opinion, which I have maintained, and I still maintain, and I think so even now – that perhaps Soviet authority in the Ukraine is not so weak that it could not have dealt with these people so as, perhaps, not to arrest them, but to subject them to some purely social sanction. In fact, somewhere, at meetings, at . . . in various establishments where they work. . . . Much could have been done to prevent these people from being brought to the condition, actually to . . . into which they have got. Yes. . . . But when I . . . that is, when I

[1] Cf. p. 5, fns 9, 10 and also p. 133, fn. 3 above.

[2] Drach and D. Pavlychko (born in 1929; a prominent Soviet Ukrainian poet; Party member), both members of the Ukrainian SSR delegation at the United Nations General Assembly in the second half of 1966, were invited by American Ukrainian intellectuals and the Round Table Club to give a literary evening in New York at the Overseas Press Club on 11 November 1966 ('Robitnycha gazeta' ['Workers' Gazette', Kiev], 16 Nov, and 'Literaturna Ukraina', 17 Nov 1966). During question time at the end of the evening, there was a question from the floor about the 1965 arrests in the Ukraine, to which this was Drach's answer.

[3] Drach's portrait, painted by Zalyvakha (cf. pp. 8–9 above) in 1964, is reproduced in Chornovil, 'Lykho z rozumu', p. 59.

[4] Apparently an allusion to S. Karavans'ky; cf. pp. 21, 24–5 above.

said to such . . . when I turned to certain agencies, the Party agencies and our state agencies, in this connection, they said: 'Ivan, we actually did warn these people, and we warned them repeatedly, but these activities continued, and so as not to allow it in fact to come to the creation of entire underground nationalist organisations' – and by then the business must have got to a more serious stage – 'it is, in fact, for this reason that these people have been arrested.' Actually, I believe that at this time, when we are coming up to the fiftieth anniversary of Soviet rule, we shall do everything so that the people who have taken part in these activities [only] to the smallest extent – I think that Bohdan Horyn' [1] is among these – well, and Panas Zalyvakha [2] – well, that they will be released in the nearest future. That is what we are actually doing and what we . . . I think that we shall succeed in achieving something towards this.

[1] Reported to have been released in August 1968.

[2] Arrested in August 1965 and sentenced to five years. Reported to have been released in August 1970, having served his full term.

Le Bureau de la Fédération Internationale . . . [1]

Le Bureau de la Fédération Internationale des Droits de l'Homme s'est réuni à Paris le 20 novembre sous la présidence de M. André Boissarie, vice-président, remplaçant le Président Paul-Boncour.

La plupart des membres du Bureau étaient présents ou représentés. Après un exposé de chacun des délégués des Ligues sur son activité propre, des résolutions ont été adoptées à l'unanimité.

. . . demande au gouvernement soviétique
la mise en liberté d'intellectuels ukrainiens.

Le Bureau de la Fédération internationale des Droits de l'Homme, s'est préoccupé des poursuites judiciaires dont continuent d'être victimes en URSS un certain nombre d'écrivains et d'intellectuels accusés d'exercer une activité culturelle non conforme à la ligne édictée par les autorités gouvernementales.

La Fédération est particulièrement émue des arrestations et des lourdes sanctions qui ont frappé, dans les milieux littéraires et intellectuels ukrainiens, plus de 70 personnes dont l'activité intellectuelle ne serait pas conforme à la ligne édictée par le gouvernement et qui ont été jugées l'été dernier au cours de procès ayant eu lieu généralement à huis-clos, successivement à Lvov, à Loutsk, à Tarnopol, à Ivano-Frankivsk.

La Fédération internationale des Droits de l'Homme demande instamment au gouvernement soviétique la mise en liberté des intellectuels ukrainiens, qu'elle estime injustement condamnés.

En donnant une suite favorable à une telle mesure de justice, de générosité et de sagesse, l'Union Soviétique ne manquerait pas de servir utilement sa réputation auprès de l'opinion mondiale [2].

[1] 'La Ligue des Droits de l'Homme. Bulletin National', no. 26 (Jan 1967) 4.

[2] There has been no Soviet reaction to this appeal.

The recent report that 'Russification' is under way in the Ukraine [2] is not true to the facts. Ukrainian is an official language recognised by law: it is used in all official (and unofficial) sittings [3], including court trials [4]. Most of our newspapers, magazines [5] and books [6] are printed in Ukrainian. Tuition at the vast majority of educational establishments is conducted in the Ukrainian [7].

Take the example of L'vov, where I live. In 1642 secondary general educational schools out of a total of 1739 [8], as well as in all higher educational

[1] A letter to the Editor, 'Sunday Telegraph', 26 Feb 1967.

[2] The reference is to Christopher Russell's report ('Sunday Telegraph', 8 Jan 1967, p. 2) that 'A large group of Ukrainian intellectuals who staged protests against the "Russification" of the Ukraine have been arrested and deported to the Mordva region, east of Moscow.' In his report he mentions some of the twenty prisoners whose names and terms of imprisonment were known, refers to UCC 62, describes what the intellectuals' demands were ('... that the Ukraine should be accorded equal status with all the other republics of the Soviet Union and that in particular the Ukrainian language should be recognised as the official language of the Ukraine') and quotes I. Drach's 'confirmation of the arrests and trials and of the extent of discontent in the Ukraine' from his New York statement (Doc. 18 above). Cf. also p. 21 above.

[3] I. Dzyuba testifies that 'Official life and official relations are, with rare exceptions, conducted in Russian', 'Party, Communist Youth League [Komsomol], Trade Union and other social and civic activities are also conducted almost exclusively in Russian', 'economic life and economic relations ... are conducted in Russian ...; business administration, likewise' (IorR, pp. 156-7).

[4] Cf., however, pp. 50, 63 above.

[5] In 1966, the total number of newspaper and magazine subscriptions in the Ukraine exceeded 40 million copies, of which 14.1 million copies were in Ukrainian (P. Shelest's report to the XXIIIrd GPU Congress, 'Radyans'ka Ukraina', 16 Mar 1966, p. 5), thus leaving some 65 per cent for periodicals in Russian.

[6] The percentage of Ukrainian titles published in the Ukrainian SSR dropped from 44 to 39 between 1964 and 1968, while the percentage of copies printed increased from 70 in 1964-5 to 76 in 1968. Out of the total number of copies of books printed in the Soviet Union, not more than 6.3 per cent were in Ukrainian in 1964-6, rising to 7.4 per cent in 1968 (IorR, 2nd ed., p. 223), while 17.84 per cent of the population of the Soviet Union are Ukrainians (1959 census). Thus, if the total book consumption of the Ukrainians is around the Union average, 65 per cent of it must have been of Russian books in 1964-6, and 59 per cent in 1968.

[7] According to Dzyuba, 'Teaching in establishments of higher and secondary technical education is conducted in Russian, unlike that in other Union Republics (the Baltic and Transcaucasian ones) ... 'Factory, trades and similar schools recruit predominantly rural youth and for several years mercilessly mutilate their language. ... In the cities of the Ukraine in 1958 only 21 per cent of the children attended Ukrainian schools (in 1927, 75.9 per cent did so). Also in 1958 even in ... Kiev there were only 22,000 pupils in Ukrainian schools, but 61,000 in Russian schools. ... In a number of large cities (Kharkov, Donetsk, Odessa and others) Ukrainian schools are the exception. ... The relevant statistics have not been published for a long time.' 'Kindergartens and day nurseries in the cities are, but for a few exceptions, completely Russian' (IorR, 2nd ed., pp. 125, 157, 159). John Kolasky, 'Education in Soviet Ukraine' (Toronto, 1968) gives more data pointing the same way.

[8] The figures are incorrect. In 1964-5, there were 62 Ukrainian and 24 Russian schools in L'vov (ibid., p. 58); in the next school year, 1965-6, there were six fewer Ukrainian and five more Russian schools, viz. 56 and 29 respectively (V. Malanchuk in 'Pravda', 16 Dec 1965). Kolasky (op. cit., p. 59) was told that most of the Ukrainian

establishments, all subjects are taught in the Ukrainian language [1]. As many as 60 per cent of all scientific workers and 80 per cent of office workers in state organs and local self-government bodies in L'vov and the region are local inhabitants who speak only Ukrainian [2].

Maria Kikh [3],
Director,
Ivan Franko Memorial Museum,
L'vov, U.S.S.R.

schools 'were mixed, with Russian as the dominant language'. Malanchuk quotes in the same article 1658 Ukrainian general educational schools (of all grades) out of the total number of 1740 in the L'vov Region; it is therefore quite likely that M. Kikh's figures are in fact for 1966-7 for the L'vov Region (though not of secondary schools alone), and thus show, within one year, sixteen fewer Ukrainian schools and fifteen more Russian ones.

[1] Only slightly more than 25 per cent of the lectures in the University of L'vov are in Ukrainian (Kolasky, op. cit., p. 137), although this university is one of the most 'Ukrainian' ones; there is strong evidence that the L'vov Institutes of Commerce and Economics and of Forestry are fully Russian.

[2] This is impossible if Dzyuba's testimony (fn. 3 on p. 180 above) is true.

[3] M. Kikh (1914-) was a member of the Communist Party of the Western Ukraine in pre-war Poland; in October 1939 she was elected a deputy to the People's Assembly of the Western Ukraine and sent by it in a delegation to Moscow to thank Stalin for liberation and to ask for the incorporation of the Western Ukraine into the Ukrainian SSR. She is a deputy of the Ukrainian SSR Supreme Soviet and a member of its standing committee on learning and culture. It is noteworthy that the original letter is signed in the Russian script (*Kux*) rather than the Ukrainian (*Kix*), thus invalidating much of her own argument.

[Communist Party of Canada]

Report of Delegation to Ukraine [1]

Central Committee Meeting – September 16, 17 and 18, 1967

[Excerpt] [2]

However, these positive developments do not proceed uniformly and more is required in the opinion of our delegation. We see a need for stronger direction from government and party bodies and more consistent ideological work in combating remnants of harmful concepts and practices. For example, we were told of cases of bourgeois nationalism among writers and students but in no instance could we get the specifics of the charges. Bourgeois nationalism was not defined. There has been a tendency in some quarters to brand as bourgeois nationalism or some kind of deviation, demands for the greater use of the Ukrainian language in public institutions. Such carry-overs from the Stalin era do not help in correctly resolving the language problem.

Similarly, with cases of violation of Socialist democracy and denial of civil rights. When enquiries were made about the sentencing of Ukrainian writers and others, we were told that they were not recognised writers, that they were not imprisoned for their writings, that they were convicted as enemies of the state. But the specific charges against them were not revealed. Although we do not claim to know what considerations of state security led to the trials of these writers being conducted in secret, we must make the point that such in camera trials never serve to dispel doubts and questioning. [3]

[1] A six-man delegation of the Central Committee of the Communist Party of Canada visited the Ukraine from 31 March till 21 April 1967 'on a mission of enquiry and discussion concerning the policy and the experience of the Communist Party and the Government of Ukraine in dealing with the national question', and presented a 13-page report to the September 1967 Central Committee meeting.

[2] 'Viewpoint' (Discussion Bulletin issued by the Central Executive Committee, Communist Party of Canada), v 1 (Toronto, Jan 1968) 11.

[3] In the concluding paragraphs (p. 13) the delegation declared that: 'As soon as possible our report must be made public through meetings, press articles, interviews, etc. It cannot be treated as an inner-party question. We close with an expression of the Delegation's warm hope that the report on its work will not be limited to our party members alone. The experiences of our Delegation and the lessons that they convey should be publicised as widely as possible . . .' However, under Soviet pressure the report was retracted as an official document in October 1969 (see Epilogue below), and the CC CPC now opposes further publication of the report or any part of it.

[Ye. Kuznetsova's [1] *Letter to Swedish Scientists*] [2]

Greetings, Citizens Christer Nilsson and Kerstin Mellgren.

Yevheniya Fedorivna Kuznetsova writes to you from the city of Kiev. I inform you that the letters which you wrote to various establishments in the city of Kiev [3] and which concerned my person have been forwarded to me personally from the establishments to which you sent them.

Your first letters caused me some perplexity and originally I had no intention of replying. I am surprised how you – two Swedish scientists who work, according to what you write, in the field of physics – could know of my humble self and show such an interest in my case [4]. I must mention first of all that regrettably I am not (as you style me) a scientist. I have never published any scientific works and my name could hardly have been known to you beforehand.

I work as a rank-and-file specialist. I have a secondary education. Secondly, I have never worked in the field of physics. The information that you have received about me does not quite correspond to the real facts. Following a whole series of your letters, and seeing your stubborn persistence, I have decided, for the sake of the science which you serve (in order to prevent you from wasting time in scribbling similar letters in future), to satisfy your curiosity and tell you a little about myself, although this is not exactly pleasant for me.

It is true that I was sentenced and underwent [well-]deserved punishment for an act, and was where people such as I used to be must go.

True, these places are not located 'south-east of Moscow' [5], as you write – but this is beside the point.

[1] Born in 1913; a graduate of a chemical technical school; holder of two patents for inventions. In the year prior to her arrest she worked as a laboratory assistant in the faculty of chemistry, University of Kiev. She was arrested on 25 August 1965 and sentenced in camera by the Kiev Regional Court to four years' severe regime camps on charges of anti-Soviet propaganda and agitation on 25 March 1966 (cf. p. 9 above). Her indictment and sentence mention that in 1964 she wrote three articles touching upon socio-political problems: 'My Reflections', 'Lessons of History', and 'Nationalists?' (ChP, p. 133). In July 1965 copies of her 'sharply-worded protest to the authorities in Ukraine against Russification of education... were... being secretly circulated' (Kolasky, op. cit., p. 199).

[2] The postmark on the envelope is 'Kiev GPO, 19 December 1967'; there is no sender's address. On the origin of the letter cf. pp. 21–3 above.

[3] They included: letters to the Kiev Regional Procurator and the Kiev Regional Court (in August), and to P. Shelest, Prime Minister V. Shcherbyts'ky, the Ministry of Justice, the Chairman of the Ukrainian SSR KGB, the Ministry of Public Order, the Kiev Regional Committee of the CPU, and the Academy of Sciences (in October).

[4] Kuznetsova's name was mentioned in a report about the 1965–6 arrests and trials of students, scholars and scientists in the Ukraine published in 'Minerva: A review of science, learning and policy', v 1 (autumn 1966) 151; she was described there as a 'research worker'.

[5] In fact, they are so located (230 miles ESE of Moscow, to be precise): Kuznetsova was detained in the Mordovian camps Nos. 17a and 6, and several of her known letters are dated from Pot'ma (found in full addresses of Mordovian camps; cf. the first pages of Docs 2–4, 7), October 1966 to January 1967 (ChP, pp. 133–7). The reason for this denial may well be the wish of the Soviet authorities to conceal their violation of the 1956 decree about places of detention (p. 122, fn. 6 above).

During my stay there I weighed everything up well and came to realise that I had got my bearings wrong in many matters, as a result of which I committed forbidden actions in relation to my people. I understood my errors, condemned them of my own accord and appealed to the Government of my country to forgive me for my act and give me the opportunity of working honestly together with the whole people. My appeal was granted – I have been released and am once again living in Kiev with my son and daughter-in-law.

Actually, I did not want to reply to you, since I do not find in my case anything whereby I could arouse the interest of foreigners whom I have never met. However, once again, you persistently keep on writing letters, which are in fact stereotyped, to various Kiev establishments and in which you quote precise addresses – street and houses. Surely, they are not listed in the telephone directory. In these matters you are well informed, but the fact that I have already been home for the last half-year is supposedly not known to you [1]. It is this which makes me wonder about the sincerity of your personal concern for me.

I am now working in my own profession, [and] experiencing both moral and material satisfaction. And I will tell you frankly that I require neither moral nor material outside support. I should like to ask you in this connection not to bother worrying yourselves about me in the future, [and] not to interfere in my personal affairs and in the affairs of my country.

Ye. F. Kuznetsova

[1] In fact, no reports about her release had reached the West prior to the receipt of this letter.

It is now known that Ye. Kuznetsova was mortally ill at the time of her release and died within about a year of it.

The Ukrainian Radio Broadcasting Service 'recently' [2] carried 'the following statement made by' [3] Hrihoriy Maliy, Head of 'the Procurator's Department' [4] of the Ukrainian SSR, in answer to questions posed by foreign listeners as to the trials of 'several Ukrainian citizens' [5] accused of 'anti-Soviet' [6] activities.

In view of the fact that the questions touched upon by H. Maliy are also of interest to our readers, 'News from Ukraine' asked Ukrainian Radio for permission to publish the text of the interview, to which the latter kindly consented [7].

'The following is a transcript of what Hrihoriy Maliy said in his broadcast.' [8].

I <can easily> understand why your listeners ask questions on this topic. This is only natural when you take into account that foreign newspapers hostile to Soviet Ukraine which are 'put out' [9] by nationalist outcasts, the radio station 'Svoboda' [10], and even some bourgeois 'official' [11] organs such as the 'New York Times' or the London 'Times', have of late been actively trying to create an atmosphere of political tension and sensationalism in connection with the trials of 'certain Ukrainian' [12] citizens guilty of serious crimes against their homeland, their Government and people.

Naturally, one would hardly expect loyalty or even <a trace of> elementary objectivity from those people who hate our country so bitterly (even though everything has been done to conceal the real political motives under a veil of <ostensible> objectivity). Mind you, only 'documents' are printed (sometimes even

[1] This document exists in four versions: the original broadcast of 12 April 1968, the publication of the broadcast in 'Visti z Ukrainy', no. 16 (506) (Kiev, Apr 1968) (a paper published by the Society for Cultural Relations with Ukrainians Abroad), and an offprint of this under the heading 'Visti z Ukrainy' with an English translation overleaf headed 'News from Ukraine'. This translation is reprinted here, and essential differences between it and the other versions are noted below in the following manner: the Kiev translator's unwarranted additions, as compared with the Ukrainian original, are printed within angular brackets, < >; mistranslated words or phrases are put within half-brackets, ' ', accompanied by a correct translation in the footnote; the translator's omissions are marked by a leader within half-brackets, ' . . . ', with the omitted part likewise translated in the footnote. Cf. also pp. 22-3 above.

[2] Ukrainian printed text: 'on 12 April'.

[3] Ibid.: 'an interview taken by her [?—"Radio" is neuter in Ukrainian] correspondent from'.

[4] The Ukrainian may also mean 'a department of the Procuracy'.

[5] Ukrainian printed text: 'some citizens of the Ukrainian SSR'.

[6] Ibid.: 'Anti-state'.

[7] The broadcast was introduced as follows: 'Dear listeners, the editorial office of the Ukrainian Radio has received inquiries from Ukrainians living abroad asking to be told about the trials of Chornovil, Karavans'ky and other citizens sentenced to imprisonment for anti-Soviet activities. In this connection a correspondent of the Ukrainian Radio, Viktor Stel'makh, asked the Head of a Department of the Procuracy of the Ukrainian SSR, Hryhoriy Maliy, for an interview.'

[8] Ukrainian: 'This is what Hryhoriy Maly had to say.' (In fact, Maly did not broadcast: both the introduction and interview itself were read out by the same announcer.)

[9] 'patronised'.

[10] Viz. Radio Liberty.

[11] Ukr.: 'ofitsiozy', 'semi-official'.

[12] 'some of our'.

without comments), <or to be more exact,> the letters of the imprisoned individuals. It is up to the reader, so to say, to draw his own conclusion from the 'facts' presented. However, he is given only one side of the story, one explanation of the facts and events, that is, the point of view of those persons who were <supposedly> treated 'unjustly' by Soviet law. . . .

<In order to make a bigger impression,> the skilful sensation-mongers go <even> further: they clothe the guilty persons in false vestments of 'scientists', 'writers' and 'outstanding figures', who were <supposedly> concerned with vital problems of the national language and culture. Then, without bothering to conceal or tone down their intentions, they proclaim their basic thesis: the 'wave' of arrests among 'outstanding figures of the Ukrainian intellectuals' shows only too well that . . . and doesn't this prove that . . . ? 'And the invented and puffed-up sensation, tightly packed with the ordinary dribble of banal anti-Soviet demagoguery, which is repeated year in and year out, soars to dizzy heights.' [1]

In actuality, the events depicted by certain foreign newspapers were far from being sensational. It is true that some trials were held – 'as prescribed by law' [2]. It is true that <several> persons were found guilty of committing crimes against their country to which they were indebted for their well-being. But there were no 'martyrs' among 'eminent intellectuals'. The persons concerned were ordinary people, 'of a type that' [3] can be found in any country, people who are excessively ambitious and sometimes lack the elementary 'honesty' [4] of a <good> citizen.

The punishment meted out to them was not any greater than is provided by the corresponding clause of the Criminal Code of the Ukrainian SSR, and often it was less.

Let's take Vyacheslav Chornovol [5]. Prompted by 'a desire for' [6] political sensationalism, foreign newspapers characterised him as an 'outstanding journalist', a 'candidate of sciences', a 'worker of the Academy of Sciences' and so on. In reality he is a person of much more modest caliber. He graduated from the Faculty of Journalism at the Kiev University in 1960. For a very short time he worked on a youth newspaper. Then he held a job of inspector at the book-advertising enterprise 'Kievknihotorh'. Then he moved to Lviv where he got a job as inspector at the local branch of the Protection of Nature Society.

During 1966 and 1967 he indulged in activities directed at undermining the Soviet state system. He found the epistolary form to be the most convenient – he wrote 'poison' [7] letters, which distorted the facts beyond recognition, basing his arguments on a conglomeration of fiction and gossip. He distributed his writings far and wide among the population, although they were ostensibly addressed to higher government bodies. And he did all this with one aim in view: to provoke dissatisfaction as widely as possible.

Attempts were made to bring this relatively young man to reason. In May 1967

[1] 'And off goes the exuberantly conceived sensation along the most usual by-ways of banal anti-Soviet demagoguery, well rutted in the course of very many years. . . .'

[2] 'on general grounds'.

[3] 'many of which'.

[4] 'virtues'.

[5] The form Chornovol' (thus also in the Ukrainian versions of this document) against the correct 'Chornovil' can be explained on the assumption that the broadcast text was itself a translation from Maly's Russian.

[6] 'requirements of'.

[7] 'slanderous'.

the 'Procurator's Department in Lviv' [1] warned Chornovil that his actions were unlawful and that he was 'encroaching on' [2] certain clauses of the Criminal Code of the Ukrainian SSR. This had no effect. Chornovil continued his activities challenging the law. In 'September' [3] 1967 Chornovil was arrested. At an open trial the 'jury' [4] of the Lviv Regional Court found Chornovil guilty of 'anti-Soviet' [5] activities, basing its decision on undeniable facts and evidence.

The verdict was 'a light' [6] one. Chornovil was sentenced to three years 'in prison in a reform labour colony. His confinement did not differ in any way from that of other offenders of the law' [7]. Some time later 'the prison term was curtailed' [8], according to Clause 4 of the Edict of the Presidium of the Supreme Council of the USSR issued on October 31st 1967 [9] (and Vyacheslav Chornovil was released after serving only half his prison term) [10].

Here's another example.

For some time the air waves were cluttered up with programs about Yevheniya Kuznetsova, also convicted for 'anti-Soviet' [11] activities. Official bodies in the Ukraine received letters of appeal from Swedish physicists Krister Nielson and Cherstin Mellgren (they were concerned about their colleague's fate). This was enough to surprise Kuznetsova herself. The assistant chemist of the Chemistry Faculty of the Kiev University was herself non-plussed: why should outstanding scientists suddenly get interested in her person, why all that attention to a person completely unknown in the world of science. In a letter of reply to the Swedish scientists Kuznetsova wrote: 'I am a mere assistant chemist without even a higher education. In order to satisfy your curiosity I'll tell you about myself in brief, although it's not very pleasant for me to do so, as you can probably appreciate.

'It really is true that I was convicted and underwent deserved punishment in a place where people 'like me' [12] belong . . . (But) I have acknowledged my guilt before my people and the state. I condemned my own actions [13] and appealed to the Government of my country to give me the opportunity to honestly work with all the people. . . . And here I am back again in Kiev, together with my son and daughter-in-law. I am 'back at my job' [14]. [15]

[1] 'L'vov Procuracy'.

[2] 'contravening'.

[3] 'August'.

[4] 'Judicial Division for Criminal Cases'.

[5] 'anti-state'.

[6] Ukr.: 'however, a modest'. In actual fact, it was the maximum sentence possible under Art. 187-1 (cf. p. 162, fn. 3 above). Cf. Introduction, pp. 11-12, 21-5 and passim, for discussion of misrepresentation in this and some other documents in this Part.

[7] 'deprivation of freedom in a correctional labour colony of general regime'.

[8] 'Vyacheslav Chornovil's detention term was reduced by one half'.

[9] Art. 4 of the Decree of the USSR Supreme Soviet 'Amnesty in Connection with the Fiftieth Anniversary of the Revolution' ('Vedomosti Verkhovnogo Soveta SSSR', no. 44, 1 Nov 1967, p. 701), as a result of which Chornovil's sentence was halved, was automatically applicable to his case.

[10] Chornovil had in fact still another eight or nine months to serve when this document was published (April or May 1968) (cf. fn. 12 on p. 15 above).

[11] 'anti-state'.

[12] 'such as I had been before imprisonment'.

[13] In the broadcast version and in the first printed version ('Visti z Ukrainy', no. 16) 'I condemned *them* on my own', where 'them' is meaningless, while in the original Doc. 22 (p. 184 above) it referred to 'errors'. In the Ukrainian offprint 'them' was changed to 'it' (so as to refer to 'my guilt').

[14] 'working in my profession'.

[15] There are considerable discrepancies between the two paragraphs quoted and

'Foreign newspapers have also showed deep concern for Svyatoslav Karavansky' [1], who, naturally, was convicted 'without an investigation and a trial, without [interrogation and confrontation] [2] <with his accusers>, without a lawyer, witness or procurator'. [3] And, of course, not just anybody was condemned, but a 'talented poet and translator', a 'capable scholar and linguist', a 'well-known journalist' . . . [4].

Once again the question arises: who's who? – according to the facts and not according to myths invented for naïve readers by a dishonest press.

During the Hitlerite occupation Karavansky made his home in Odessa. He circulated among Ukrainian nationalist quislings under the alias of 'Balzac'. At the same time he got money from the fascist Rumanian intelligence service for his work as a secret agent. On account of the swift offensive of the Soviet Army his bosses whisked him away to Rumania. There he completed a spy school and was infiltrated into the rear of the Soviet Army in a Soviet 'soldier's' [5] uniform under the code 'Y-1103' [6]. In his pocket he had documents identifying him as 'Melnik'. On his arrest he had to give up his radio transmitter, weapons, secret codes and a large sum of money. ' . . . ' [7] Afterwards he tearfully repented and begged to be pardoned. He was set free on the condition that he wouldn't bring harm to his country. But he went back to his old ways of an inveterate enemy. Naturally, he is now back in prison, paying for his great crimes against the people.

As you see, ' . . . ' [8] such biographies could hardly serve for real sensations. The only way out is to touch them up here and there, to 'fire the imagination' [9] and to misinform <the public>.

This is precisely what certain foreign newspapers are doing.

It should be clear to all who value 'justice' [10] for what purpose this is being done.

Doc. 22, as a comparison will show. The most telling of these is the substitution of 'I have acknowledged my guilt before my people and the state' for 'I understood my errors' (Doc. 22) (cf. p. 23 above).

[1] 'Svyatoslav Karavansky's name is surrounded by close attention abroad'.

[2] 'interrogations and confrontations'.

[3] This quotation is not from a foreign source but from Chornovil's petition to the Ukrainian SSR Procurator (in whose office Maly is the head of a department) and others (cf. ChP, p. 64).

[4] Cf. ChP, pp. 64–7, 79, 87–8, 166–70 and, on Karavansky's literary and linguistic activity, Chornovil, 'Lykko z rozumu', pp. 87–110.

[5] 'officer's'.

[6] 'U-1103'.

[7] 'He did a stretch.' (Ukr.: 'Sydiv.')

[8] In the broadcast version: 'Hryhorii Maly stressed'. There were several such insertions elsewhere in the broadcast.

[9] 'invent'.

[10] 'truth'.

The iron curtain policy entirely suited both Soviet state and political leaders and Great Russian chauvinists. Behind such a curtain one could, during the thirties, commit with impunity [acts of] lawlessness not merely against groups or individuals but also against individual nations. In the forties and early fifties Stalinist arbitrariness reached a peak. Even without Party directives judges and people's assessors knew in advance that whoever came before a court was an enemy of the people, and that such a person could not be awarded less than twenty-five years of severe regime camps. Stalin had some grounds for such forms of punishment: he must have realised that he would not manage to build a happy socialist society – which he had so readily promised the whole world after Lenin – with bare ideas and Party resolutions. Stalin needed a material basis in order to compete with capitalism, and he tried to build one as quickly as possible, and build it at minimum cost: in the conditions of the Soviet Union, by the manpower of innocently convicted people. But even these sentences were only 'for foreign use'. Seldom did any of those sentenced return from the camps.

Khrushchev and today's Party leaders have, in this sense, been compelled by the pressure of the whole world to show greater honesty. When even the most closed trials in the world are powerless to keep the regime's lawlessness secret, when messages reach the [outside] world even from the most secret camps, the lackeys of the regime resort to other methods of destroying their opponents, of subduing sound thought.

Let us demonstrate the 'humaneness' of the autocratic regime's lackeys by the example of Mykhaylo Osadchy [1].

Mykhaylo Osadchy (born 1936), a Ukrainian journalist and senior lecturer in the department of journalism of L'vov State University, was held in prison until April 1966 after unjustified arrest in August 1965, although the Code of Criminal Procedure of the Ukrainian SSR now in force permits preliminary imprisonment for only up to two months [2]. On 18 April 1966 he was sentenced by the L'vov Regional Court at a judicial session in camera to two years' deprivation of freedom in severe regime camps for 'anti-Soviet propaganda and agitation' (meaning: for reading a few sheets of 'bootleg literature') [3].

[1] Cf. p. 150, and p. 153, fns 4–5; p. 167, fns 3, 4 above; and ChP, pp. 23–4, 29–30, 83–5, 153–9, 232–40.

[2] UCCP 156, 'Periods of confinement under guard', limits this 'in connection with the investigation of a case' to not more than two months; 'only by reason of the special complexity of the case may this period be prolonged' by superior judiciary authorities to a total of up to three or six months, and 'only in exceptional circumstances by the USSR Procurator-General for a period of not more than an additional three months' (RCCP 97 has analogous provisions). As also in the Sinyavsky–Daniel case (Labeledz and Hayward, 'On Trial', p. 73), there is no indication as to whether formal permission was in fact obtained from the superior authorities, but very likely it was. Cf. also ChP, pp. 28–30.

[3] 'Bootleg' ('zakhalyavna') literature is the Ukrainian counterpart of the Russian 'samizdat'. The allusion in this expression is to the way Shevchenko defied the Tsar's ban on his writing in exile (cf. p. 133, fn. 1, and p. 148, fn. 4 above) by hiding his poetry, recopied in minute script, in the uppers of his military boots (cf. T. Shevchenko, 'The Poetical Works . . . The Kobzar', trans. C. H. Andrusyshen, W. Kirkconnell (Toronto, 1964) p. xxviii).

Inhuman conditions in the political camps undermined the young man's health, while the guards managed to confiscate from him translations done in the camp and his own poetry. After serving his term Mykhaylo Osadchy returned to life with bright hopes of making up for the time which had been forcibly taken from him. But he was due for a greater disappointment than he had expected. Immediately after his return from camp he was 'put to the test' as a witness in the trial of Vyacheslav Chornovil (the author of the book 'Woe from Wit') in November 1967. Osadchy's truthful testimony did little to satisfy the stage managers of the trial and earned him no concessions.

After his imprisonment Mykhaylo Osadchy lost his right to reside in L'vov where his wife lives with their small son. Mykhaylo Osadchy is still not registered anywhere for permanent residence, and those who are not registered are not accepted anywhere for work either [1]. The KGB keeps a careful watch on his wife's flat in L'vov. As soon as he dares to come home in order to visit Tarasyk, his small son, the KGB [men] burst into the flat, fine his wife and throw Osadchy out. Similarly, they fine and threaten [those of] his acquaintances who receive him in their homes.

Thieves and swindlers, criminals who after serving their term of punishment find themselves in a similar situation, commit a new crime in order to get to prison where one can receive some sort of a ration to stave off death by starvation. But Mykhaylo Osadchy is no enemy, no murderer, no criminal – he is an honest worker, an able journalist, a man of intelligence, and so he has to suffer the fate of an exile in his own country and be a beggar among those poor people on behalf of whom he raised his voice.

P. Ts. [2]

[1] Those sentenced to deprivation of freedom have their residence permit withdrawn (A. Lunev (ed.), 'Administrativnoye pravo' (Moscow, 1967) p. 490), but 'released prisoners shall proceed, as a rule, to their place of residence and work before conviction, to their family or relatives, where they shall settle in employment' (V. Tikunov (ed.), 'Ispravitel'no-trudovoye pravo' (Moscow, 1966) p. 301), and 'must be provided with jobs, where possible taking their specialities into account, by the executive committees of local soviets within 15 days after a request is made for assistance in finding employment. When necessary, housing space is granted to individuals released from sentences' (FCL 47). It would thus seem that the treatment of Osadchy has been arbitrary, though it may well have been within the provisions of the 1953 passport regulations (apparently not published in full; cf. Lunev, op. cit., p. 489, and Marchenko, 'My Testimony', p. 409). He has now, however, again been allowed to register for residence in L'vov, and has been employed first in a factory in the L'vov Region, and lately in a newspaper archive in L'vov, but not actually in his 'speciality' in either case.

[2] The author's full name is unknown. Presumably written in L'vov in the first half of 1968.

To:

*the General Secretary of the CC CPSU, L. I. Brezhnev,
the Chairman of the Council of Ministers of the USSR, A. N. Kosygin,
the Chairman of the Presidium of the Supreme Soviet of the USSR, N. V. Podgorny*

Respected Comrades!

We address ourselves to you in a matter which deeply troubles various circles of Soviet society [1].

In the course of the last few years political trials of young people belonging to the creative [2] and scientific intelligentsia have been held in the Soviet Union. We are troubled by these trials for a number of reasons.

First of all, we cannot but be alarmed by the fact that during many of these trials the laws of our country were violated. For example, all the 1965–6 trials in Kiev, L'vov and Ivano-Frankovsk, at which more than 20 persons were sentenced, were held in camera [3] – contrary to what is plainly and unequivocally guaranteed by the Constitution of the USSR, by the Constitutions of the Union Republics, and by their criminal codes [4]. Moreover, the closed nature of the trials was conducive to violations of legality in the very process of the judicial examination.

We consider that violation of the principle of publicity of judicial proceedings is contrary to the decisions of the XXth and XXIIInd Party Congresses on the restoration of socialist legality, contrary to the interests of Soviet society and a mockery of the supreme law of our country – the Constitution of the Union of Soviet Socialist Republics – and cannot be justified in any way.

The principle of publicity includes not only public judicial examination but also a wide and truthful press coverage of the course of such examination. V. I. Lenin's well-known requirement is that the broad masses should know and have the opportunity to judge everything, and that, with particular regard to penal agencies, 'the masses must have the right [. . .] to know and check each smallest step of their activity' (V. I. Lenin, vol. 27, p. 186) [5]. Nonetheless, there has been no reaction in our press to the political trials which have been held in the Ukraine. As for the political trials which were held in Moscow, the short notices about them could only perplex and offend the Soviet reader by their lack of respect for his common sense, rather than give him real information about the cases heard and the course of the judicial examination.

This actual lack of control and publicity has made possible violations of constitutional guarantees and procedural standards. It has become almost a rule at such political trials for the court to refuse to hear witnesses for the defence and confine itself to witnesses for the prosecution only. Facts quoted in P. Litvinov's and L. Bogoraz's open letter [6], which has become widely known, bear eloquent

[1] Cf. pp. 23–4 above.

[2] Viz. writers and artists.

[3] Three individuals were tried nominally (like Sinyavsky and Daniel) in public in January–February 1966; sixteen were tried strictly in camera in February–August 1966; Karavans'ky was deported in November 1965 without any trial.

[4] Actually, criminal procedure codes (cf. p. 84 above).

[5] 'Coll. Works', xxvii 212.

[6] 'New York Times', 13 Jan 1968; see also 'Problems of Communism', xvii 4 (July–Aug 1968) 43–4.

witness to the fact that the trial of Galanskov, Ginzburg, Dobrovol'sky and Lashkova was accompanied by gross violations of procedural standards.

An ominous circumstance which attracts attention is that in many cases the defendant is charged with views expressed and held by him which are in no way anti-Soviet in character, but are merely critical of certain manifestations in our public life, or of obvious deviations from the socialist ideal and obvious violations of standards officially laid down. For example, the journalist Vyacheslav Chornovil was tried by the L'vov Regional Court on 15 November 1967 merely for collecting and submitting to official agencies documents which reveal the illegal and juridically inept character of the political trials held in the Ukraine in 1965-6. And in spite of the fact that the prosecution could not bring forward anything sensible against V. Chornovil, or produce a single witness's testimony against him (of the two witnesses called by the prosecution, one did not appear in court for unknown reasons, and the other retracted his earlier testimony and testified in V. Chornovil's favour [1]), in spite of the fact that the defence convincingly and clearly showed the whole absurdity of the charges made against V. Chornovil, the court, nevertheless, satisfied all the prosecution's demands and sentenced the young journalist to three years' deprivation of freedom.

All these and many other facts indicate that the political trials held in recent years are becoming a form of suppression of those who do not conform in their thinking and a form of suppression of the civic activity and social criticism which is absolutely essential to the health of any society. They bear witness to the intensified restoration of Stalinism against which I. Gabay, Yu. Kim and P. Yakir issue such an energetic and courageous warning in their appeal to the men of learning, culture and art of the USSR [2]. In the Ukraine, where violations of democracy are magnified and aggravated by distortions in [the field of] the nationality question, the symptoms of Stalinism are manifested even more overtly and grossly.

We consider it our duty to express our deep alarm about what is going on. We appeal to you to use your authority and your power to ensure that the agencies of the judiciary and the procuracy strictly adhere to Soviet laws and that difficulties and differences of opinion which arise in our socio-political life are resolved in the realm of ideas and not handed over to the jurisdiction of the agencies of the procuracy and state security.

S. Paradzhanov – film director, laureate of international film festivals [3];

A. M. Korolyov – candidate of physical and mathematical sciences;

Yu. V. Tsekhmistrenko – candidate of physical and mathematical sciences [4];

I. S. Marchuk – artist;

V. H. Bondarchuk – candidate of physical and mathematical sciences [5];

I. H. Zaslav'ska – candidate of physical and mathematical sciences [6];

[1] Apparently Osadchy (cf. p. 190 above).

[2] 'Problems of Communism', vol. cit., pp. 61-3.

[3] (1924-); he was one of the Kiev intellectuals who applied to the CC CPU in late 1965 asking for an explanation of the nature of the arrests and of the fate of the detainees (cf. p. 5, fn. 4 above).

[4] Yuriy Tsekhmistrenko; severely reprimanded by his Party organisation.

[5] Lecturer of the University of Kiev, specialist in cybernetics. Reported to have been dismissed illegally, without the Academic Council's decision, 'for actions incompatible with the high calling of a Soviet teacher'.

[6] Has been dismissed from her position at the Institute of Semiconductors of the AS UkrSSR.

- A. F. Lubchenko – professor, doctor of physical and mathematical sciences, Lenin Prize laureate [1];
 I. P. Dzyub – candidate of physical and mathematical sciences;
 I. O. Svitlychny – man of letters [2];
 V. A. Vyshens'ky – mathematician [3];
 I. M. Dzyuba – member of the Writers' Union of the Ukraine [4];
 Z. S. Gribnikov – candidate of physical and mathematical sciences;
 I. P. Zhad'ko – candidate of physical and mathematical sciences;
 N. N. Grigor'yev – physicist;
 B. D. Shanina – physicist;
 M. I. Bilets'ky – mathematician [5];
 V. Bondar – candidate of physical and mathematical sciences;
 V. A. Tyahay – candidate of physical and mathematical sciences;
 Yu. Kulyupin – candidate of physical and mathematical sciences;
 V. Zuyev – physicist;
 O. H. Sarbey – candidate of physical and mathematical sciences;
 P. M. Tomchuk – candidate of physical and mathematical sciences;
 D. Abakarov – Master of Sport of the USSR;
- V. I. Sheka – candidate of physical and mathematical sciences;
 H. P. Kochur – member of the Writers' Union of the Ukraine [6];
 V. O. Shevchuk – member of the Writers' Union of the Ukraine [7];
 L. Kostenko – member of the Writers' Union of the Ukraine [8];
 Ye. A. Popovych – man of letters;
 M. Kotsyubyns'ka – literary critic [9];
 B. Kharchuk – member of the Writers' Union of the Ukraine [10];
 Z. Franko – woman of letters [11];
 A. Hors'ka – member of the Artists' Union of the Ukraine [12];
 B. Antonenko-Davydovych – member of the Writers' Union of the Ukraine [13];
 B. Hopnyk – member of the USSR Journalists' Union;
 A. V. Skorokhod – professor, doctor of physical and mathematical sciences, corresponding member of the AS UkSSR [14];
 V. B. Bohdanovych – senior engineer;
 V. N. Orayevs'ky – candidate of physical and mathematical sciences;
 V. Pokrovs'ky – physicist;
 P. Dibrova – senior engineer;

[1] (1921–): theoretical physicist; in the Institute of Physics of the AS UkSSR.

[2] Cf. Doc. 1 above. Also signed Doc. 14.

[3] Lecturer of the University of Kiev. Reprimanded.

[4] Cf. Introduction *passim* above. Also signed Docs. 14 and 30.

[5] Mykhaylo Bilets'ky; dismissed from his employment 'at his own request'.

[6] (1908–): translator and critic. His house was searched in November 1968.

[7] (1939–): prose writer.

[8] (1930–): see p. 5, fn. 8 above.

[9] (1931–): literary scholar; a niece of a classic of Ukrainian literature, M. M. Kotsyubyns'ky (1864–1913). Also signed Doc. 30. Dismissed from her position as a research worker at the Institute of Literature of the AS UkSSR.

[10] (1931–): prose writer. He subsequently retracted his signature (cf. p. 198 below).

[11] (1925–): candidate of philology; a granddaughter of the famous Ukrainian writer and scholar, Ivan Franko (1856–1916). Dismissed from her position as a senior research worker at the Institute of Linguistics of the AS UkSSR; the immediate pretext was her letter to a friend in Canada in which she mentioned various facts of discrimination in the Ukraine. The letter was intercepted and discussed at a closed meeting of the Institute's Party organisation.

[12] Appeared as a witness in the pre-trial investigation of Ya. Hevrych in December 1965; wrote two complaints to the Ukrainian SSR Procurator regarding the violation of procedural standards of preliminary investigation and trial (ChP, pp. 5, 21). Cf. fn. 2 on p. 195 below.

[13] Cf. p. 140, fn. 1 above. Together with at least five other signatories of this appeal, he also signed the 'Appeal of the 78' early in 1966 (cf. p. 5, fn. 10 above).

[14] (1930–): professor of mathematics, Kiev University. Has been told to stop teaching.

- A. O. Bilets'ky – doctor of philology [1];
 T. N. Chernysheva – candidate of philology;
 Zh. Sklyarenko – physicist;
 T. Kalustyan – artist, laureate of Ukrainian vocalists' contest;
 Yu. D. Sokolov – professor, doctor of physical and mathematical sciences, corresponding member of the AS UkrSSR [2];
 Yu. M. Berezans'ky – professor, doctor of physical and mathematical sciences, corresponding member of the AS UkrSSR [3];
 Ye. O. Sverstyuk – man of letters [4];
 Yu. N. Kovalenko – candidate of technical sciences;
 A. M. Taran – journalist;
 A. A. Bratko – candidate of philosophy;
 H. T. Kryvoruchko – labourer;
 T. O. Kolomiyets' – member of the Writers' Union of the Ukraine [5];
 A. F. Serhiyenko – student;
 B. Ye. Tyufanov – engineer;
 H. V. Bolotova – sales assistant;
 V. V. Linchevs'ky – student;
 V. A. Fomenko – student;
 M. R. Selivachiv – student;
 L. H. Orel – teacher [6];
 I. A. Chernenko – editor;
 A. T. Bolekhivs'ky – physician;
 M. I. Paliy – student;
 Ya. V. Konopada – physician;
 V. V. Zdorovylo – engineer;
 N. P. Bezpal'ko – accountant;
 L. I. Yashchenko – member of the Composers' Union of the Ukraine [7];
 T. R. Hirnyk – philologist;
 I. I. Rusyn – engineer [8];
 A. V. Zaboy – painter [9];
 V. O. Bezpal'ko – labourer;
 B. F. Matushevs'ky – engineer;
 M. Yu. Braychevs'ky – candidate of historical sciences [10];
 V. P. Savchuk – labourer;
 D. Porkhun – pensioner [11];
 A. N. Datsenko – senior engineer;
 B. D. Shyrots'ky – lawyer;
 V. H. Orel – engineer;
 R. O. Mel'nychenko – philologist;
 L. H. Prosyatkivs'ka – teacher;
 L. I. Lytovchenko – student;
 E. Ashpis – instructor at the Conservatoire;
 O. H. Sytenko – professor, doctor of physical and mathematical sciences, corresponding member of the AS UkrSSR [12];
 I. Ya. Boychak – candidate of philology, member of the Writers' Union of the Ukraine [13];

[1] (1911–): professor of general linguistics, University of Kiev; son of the eminent literary scholar O. I. Bilets'ky (1884–1961).

[2] (1896–): specialist in mathematics and mechanics.

[3] (1925–): mathematician. Has been advised to stop teaching at Kiev University.

[4] (1928–): critic (cf. Bibliography below). Also signed Doc. 30.

[5] (1935–): poetess; Party member.

[6] Lydia Orel was one of the speakers at the 11–15 February conference in Kiev on the problems of Ukrainian (Kolasky, op. cit., p. 193). Has been twice dismissed from employment in different schools. Cf. also UI, p. 195.

[7] Candidate of Arts; has been dismissed from his position at the Institute of Folklore and Art of the AS UkrSSR.

[8] (1937–): engineering geodesist; arrested on 28 August 1965 and sentenced to one year's deprivation of freedom; after release returned to his employment in a Kiev planning institute (cf. pp. 7, 9 above and ChP, p. 161).

[9] L. (?) Zaboy, expelled from the Kiev Fine Arts Institute while in her final year.

[10] (1924–): specialist in the history of the early Slavs. Has been dismissed from his position as a senior research worker at the AS UkrSSR.

[11] A retired teacher; author of a report on the conference mentioned in fn. 6 above, published in 'Nasha kul'tura' (Warsaw, Mar 1963).

[12] (1927–): nuclear physicist.

[13] A critic. Dismissed from the editorial office of the monthly 'Dnipro' for printing, i.e., Svitlychny's and Dzyuba's articles (UI, p. 194).

- V. Kolomiychuk – member of the Writers' Union of the Ukraine [1];
 L. Semykina – member of the Artists' Union of the Ukraine [2];
 H. F. Dvorko – doctor of chemical sciences [3];
 A. L. Put' – candidate of biological sciences [4];
 H. O. Bachyn'sky – candidate of biological sciences [5];
 P. F. Hozhyk – candidate of geological and mineralogical sciences;
 H. F. Matviyenko – biologist [6];
 I. B. Lyurin – biologist;
 A. Shevchenko – journalist;
 L. Kovalenko – candidate of philology, member of the Writers' Union of the Ukraine [7];
 I. Drach – member of the Writers' Union of the Ukraine [8];
 M. Vinhranov'sky – member of the Writers' Union of the Ukraine [9];
 Yu. Serdyuk – member of the Writers' Union of the Ukraine [10];
 H. Sevrjuk – painter [11];
 A. Osyn'ska – actress;
 L. P. Karmazyna – engineer;
 K. B. Tolpyho – professor, doctor of physical and mathematical sciences, corresponding member of the AS UkrSSR [12];
 S. Kyrychenko – honoured artist of the Ukrainian SSR [13];
 A. Semenov – engineer;
 V. Zarets'ky – member of the Artists' Union of the Ukraine [14];
 Semenova – biologist;
 I. Lytovchenko – member of the Artists' Union of the Ukraine [15];
 Plaksiy – artist [16];
 V. Nekrasov – writer, member of the Writers' Union of the Ukraine, state prize laureate [17];
 Komashkov – locksmith [18];
 Nazarenko – electrician;
 Yerdan – labourer;
 Berlins'ka – labourer;
 Nedoshkov'sky – electric motor winder;

[1] (1935–): poet; Party member. He subsequently retracted his signature (cf. p. 198 below).

[2] Lyudmyla Semykina, together with P. Zalyvakha (cf. p. 177, fn. 3, and p. 178, fn. 2 above), A. Hors'ka (p. 193, fn. 12 above) and H. Sevrjuk (fn. 11 below), designed and produced a Shevchenko stained-glass panel for the University of Kiev (ChP, p. 245). The panel was destroyed for 'ideological' reasons. These three signatories (who also signed an appeal for Zalyvakha in 1966; cf. UI 188–9), and also Zarets'ky, Lytovchenko, Zakharchuk, Lutsak and V. Dovhan', have been expelled from the Artists' Union.

[3] Dismissed from the Institute of Physical Chemistry; expelled from the Party.

[4] (1908–): dismissed from his position as a senior research worker at the Institute of Zoology, AS UkrSSR.

[5] Palaeontologist; has been dismissed from his position at the Institute of Zoology of the AS UkrSSR, as well as from a subsequent employment.

[6] Dismissed from his position as a junior research worker at the same Institute.

[7] (1922–): critic and literary scholar; senior research worker of the Institute of Literature, AS UkrSSR; Party member; decorated for war service. Severely reprimanded by the Party organisation.

[8] Cf. Doc. 18 above.

[9] (1935–): a prominent poet of the 'sixties group' as well as a film director.

[10] A young poet.

[11] Cf. fn. 2 above.

[12] (1916–): specialist in semiconductors.

[13] (1911–): painter. Also signed the appeal for Zalyvakha.

[14] (1925–): painter. Also signed the same appeal. Cf. fn. 2 above.

[15] Cf. fn. 2 above.

[16] O. S. Plaksiy (1911–): painter; Honoured Artist of the Ukrainian SSR, Party member.

[17] (1911–): well-known Russian writer living in Kiev. Also signed Doc. 30.

[18] Volodymyr Komashkov, a worker of the Kiev Hydroelectric Power Station, evening student of the Faculty of Philology, University of Kiev; expelled after passing his examinations but before being examined on his dissertation.

Mohyl' – waterproofer;
 Dyriv – electrician;
 Bulay – electrician;
 Manakeyev – labourer;
 Vynohrad – labourer;
 Kasymchuk – foundry worker;
 Hromadyuk – concrete worker;
 Suhonyako – carpenter;
 Ryabokon' – sewerage worker;
 Stefanchuk – waterproofer;
 Horbach – electrician;
 Tsebenko – driver;
 Chyzhevs'ky – concrete worker;
 Hodun – stonemason;

Kyrev – welder;
 Ivanenko – engraver;
 Syrosh – mechanic;
 V. Stus – man of letters [1];
 R. Dovhan' – journalist [2];
 R. Korohods'ky – art critic;
 A. Zakharchuk – painter [3];
 V. Lutsak – sculptor [3];
 V. Dovhan' – sculptor [3];
 V. Bohoslovs'ky – physician;
 Ya. Stupak – man of letters;
 Ya. Kendz'or – labourer [4];
 V. Yaremenko – man of letters.

[1] Cf. p. 170, fn. 4 above. Also took part in the 'Ukraina' cinema protest (cf. p. 4 above, and UI, p. 193).

[2] Rita Dovhan' organised a poetry reading on 8 December 1965, for which she was expelled from the Party and dismissed from her work on a newspaper (Dzyuba, IorR, p. 6).

[3] Cf. fn. 2 on p. 195 above.

[4] May be identical with Yaroslav Kendzir, whose L'vov flat was searched early in 1969.

(Details of non-judicial persecution of the signatories of this Doc. have been mostly reported in the 'Chronicle of Current Events'; cf. Bibliography below.)

Vasyl' Kozachenko [1]

A Sacred duty, a Lofty Calling
[Excerpts] [2]

At their Party meeting which has recently taken place the communist men of letters of Kiev subjected manifestations of apoliticism on the part of some writers to sharp criticism. Indignation and censure were caused by the fact that several men of letters who had no proper knowledge of the substance of the matter put their signatures to a letter in defence of persons who had engaged in anti-Soviet activities.

This is a distasteful incident for the entire great – and on the whole mature – writers' collective. It is distasteful because there unfortunately turned out to be several unprincipled comrades who were unable to make a fitting assessment of someone's 'skilfully' fabricated fake. You talk to such comrades, and it turns out that they did not by any means know everything, that they had been misled and that they readily retract their signatures on that dirty piece of paper [3]. It is obviously a good thing that people should have understood their mistake, but we cannot help seeing mere indifferent apoliticism, civic vagueness or even simply irresponsibility in the ease with which some people can 'make a present' of their signatures to our enemies.

Both senior and younger writers must ponder this well. Let us say that I am convinced that the statement by some authors of a purely aestheticist stand in [matters of] creative activity is reminiscent of that political indifference which was displayed in signing the above-mentioned letter in defence of the 'men of letters' Ginzburg, Galanskov, Dobrovol'sky, Karavans'ky [4], Chornovil. . . .

The incident with the letter, of course, is an unpleasant exception in the life of the writers' organisation. Yet we must pay particular attention to this and be careful about the improvement of ideological educational work. This was justly stressed by the Party meeting of the Kiev writers.

[1] Born in 1913; Soviet Ukrainian prose writer; until March 1969 the Party Committee secretary of the Kiev branch of the Party organisation in the Writers' Union of the Ukraine (now chairman of the Kiev Writers' Organisation Executive Committee). He is also the author of an attack on Svitlychny four months before his arrest (cf. p. 3, fn. 3 above).

[2] From an article in 'Literaturna Ukraina', 21 May 1968, under the above title.

[3] Apparently Kharchuk and Kolomiyets' (cf. Doc. 27 below).

[4] He was not mentioned in the letter (Doc. 25 above).

Importance and Responsible Nature of the Tasks

[Report] from the Party Committee [meeting] of the Writers' Union of the Ukraine
[Excerpt] [1]

... In particular, the cases of lack of principle among certain communist men of letters who signed the 'letter' in defence of individuals who had engaged in anti-Soviet activities were subjected to censure.

Our ideological enemies, said the secretary of the Party Committee V. Kozachenko [2], make use of everything in order to discredit the Soviet way of life, [and] to mislead the public abroad. Political renegades, [and] criminals have received their just reward, yet they are portrayed there as writers, 'fighters', 'martyrs', etc. It is therefore distasteful that some of our comrades, who have not understood the substance of the matter, have so thoughtlessly signed the 'letter' fabricated by someone in defence of these renegades, a 'letter' which has since become an ideological weapon for the enemy. We cannot fail to pay attention to, and condemn, such apoliticism, irresponsibility, [and] lack of principle on the part of these comrades [3].

It was said at the meeting that the organisers of the above-mentioned 'letter' had used dishonest methods to obtain signatures from members of the Writers' Union, [and] indulged in falsifications. In an explanatory note to the Party Committee and in his oral statement B. Kharchuk said that there had been nothing at all about the defence of those convicted in the text of the 'letter' which he had signed [4]. 'As has now become known,' he writes, 'the letter fell into the hands of our ideological enemies and is being used for dirty purposes. How this happened I do not know and am indignant [about it] myself.'

'At the same time, I now clearly realise that I committed a political mistake by signing. I condemn my action. Having realised my error, I retract my signature.'

A young communist, V. Kolomiyets', who sincerely regrets the thoughtless action [he] committed, also retracts his signature on the 'letter'.

In its resolution, the Party Committee of the Writers' Union of the Ukraine severely condemned the manifestations of lack of political principle on the part of certain communists and stressed the need to intensify ideological work among men of letters.

[1] 'Literaturna Ukraina', 24 May 1968.

[2] Cf. p. 197, fn. 1 above.

[3] At a later Party meeting of Kiev writers Kozachenko once again spoke 'with censure of those several writers who, having no sound knowledge of the substance of the matter, put their signatures under the letter in defence of individuals who had engaged in anti-Soviet propaganda' ('Literaturna Ukraina', 27 Dec 1968, p. 3).

[4] This seems to imply that the text he saw when signing differed from the ultimate text of the letter, which is not very probable. A more likely explanation is that Kharchuk's recollection of the letter differed from the distorted account of its contents given by Kozachenko.

28

V. Trypil's'ky, [1]

Candidate of Philosophy

Anticommunism and its Historical Doom

[*Excerpt*] [2]

A book recently appeared in Paris consisting of letters and statements by various individuals who had at various times been criminally prosecuted in our Republic for violations of Socialist law and order [3]. Western propaganda has also given pride of place to this doubtful 'literary' work.

[1] A lecturer from the Propaganda and Agitation Department of the CC GPU.

[2] From the text of a lecture delivered under the above title at a Kiev factory ('Radyans'ka Ukraina', 6 June 1968, p. 3).

[3] This is the first allusion in the Soviet press to the publication, in 1967, of Chornovil's 'Lykho z rozumu'.

Western radio propaganda has lately become much too interested in Soviet literature and learning. The words 'a writer', 'an artist' or simply 'an intellectual' come from the lips of announcers at the radio stations of the Vatican, the BBC, 'Voice of America', 'Deutsche Welle' and others at the rate of a machine-gun. Foreign philanthropists from Rome, New York, London, Cologne have suddenly begun to 'show concern', particularly about the problems of Ukrainian literature and art. The names of 'great' writers of the Ukraine are always on their lips. However, not of such [writers] as Shevchenko, Franko or Lesya Ukrainka, but of 'writers' such as V. Chornovil, S. Karavans'ky and some others whom nobody at home has even heard of as yet.

It is not surprising that the radio stations mentioned above should have raised a mad squawk in defence of these individuals after transforming them into 'writers' and 'artists'. When one treads on a cat's tail it usually raises a squawk. That is why the pupils of the Vatican's Collegium Russicum, the SS men of the Galicia Division now waging war in the 'Voice of America' studios, those who have crept out of Bandera-ite hide-outs [3] and changed their forest burrows for the stone jungle of the New York slums, and the White Guards from the 'People's Labour Alliance' (NTS) [4] are squawking.

As to them, everything is clear and simple and there is absolutely nothing to be astonished about: enemies are unmasked and their foreign masters and White Guardist and Yellow-and-Blue [5] hirelings raise a hullabaloo about this occasion, an unpleasant one for them. Well, such is the logic of the class struggle.

But what is utterly astounding is the behaviour of some of our men of letters and learning who have signed a letter and thereby taken on the role of defenders of ideological saboteurs [who have been] caught red-handed. You see, they consider it 'unpleasant', and even 'embarrassing' vis-à-vis the bourgeois West, that these criminals against the state should have been convicted by Soviet courts and are expiating their crimes.

What political blindness and indifference such 'defenders of freedom' display! Slander against Soviet reality is, so far as they are concerned, an innocent passion for 'criticising shortcomings'; propaganda of nationalist views and anti-Soviet exhortations are 'a manifestation of freedom of thought'; and political provocations and crimes are 'the standard of behaviour of the free man'. When defending

[1] Born in 1905; Soviet Ukrainian journalist and critic, war correspondent in World War II; then active in the Ukrainian Society for Cultural Relations with Foreign Countries; now editor of 'Vsesvit' (cf. p. 203, fn. 5 below). Member of the Party and of the Writers' Union. Cf. also pp. 149-51 above and p. 205, fn. 2 below.

[2] 'Literaturna Ukraina', 16 July 1968. The article is discussed on pp. 23-5 above.

[3] Viz. the UPA guerrillas (cf. p. 35, fn. 4 above).

[4] Ginzburg and Galanskov were alleged by the prosecution to have been connected with the NTS (cf. 'Problems of Communism', xvii 4 (July-Aug 1968) 45-71).

[5] The colours of the flag of the independent Ukraine (1917-20).

creatures of the type of V. Chornovil and S. Karavans'ky [1], for instance, they write about the former that he has allegedly been convicted for having 'sent documents on the violations of revolutionary legality to official agencies' [2].

Whom is it then that they are defending?

V. Chornovil, a former publicity inspector of 'Kievknyhotorh', and later an inspector of the L'vov branch of the Nature Preservation Society, was caught red-handed when he wrote, duplicated, disseminated in the Ukraine and transmitted illegally abroad slanderous letters about our Soviet reality. These slanders, addressed for the sake of form to various Party and Soviet agencies, were readily reprinted by the nationalist press. Later, V. Chornovil composed and sent to Paris a bigger 'work'. It is here, in front of me. It is a fat volume in a thick grey cover. It is called 'Woe from Wit', published in 1967 by the First Ukrainian Printing Co. (Paris, rue du Sabot, No. 3).

A familiar address! About a year and a half ago I visited it out of curiosity and even had the chance of speaking with 'Mr Director' himself, as his secretary solemnly called him. Mr Director was holding an ordinary broom in his high and mighty hands and sweeping the floor. 'You call us mercenaries of the capitalists!' he cried. 'But would mercenaries have to sweep the floor themselves?' [3].

However, the 'poor' Mr Director found money and paper for a de luxe edition of 'Woe from Wit' after all. I look at it and think: why has Griboyedov [4] attracted the First Ukrainian Printing Co.?

I open the tome in question and see on the first page, not the name of the creator of the immortal comedy, but that of V. Chornovil. The contents of the 'work' are also by no means the misadventures of Aleksandr Andreyevich Chatsky, but – carefully collected by Chornovil – twenty panegyrical biographies of convicted individuals like him, fragments from their letters, 'scholarly' works and – pardon the expression – 'literary output'. The 'young journalist', as he is called in the above-mentioned petition, has striven mightily to collect that stinking slanderous documentation in order to publish it later in Paris with the help of nationalists abroad.

Incidentally, V. Chornovil was warned in May 1967 by the L'vov Procuracy that his unlawful activity contravened certain articles of the Criminal Code of the Ukrainian SSR. In August last year, when it became clear that he had firmly entered on the path of criminal activity, he was arrested and sentenced to three years' deprivation of freedom in an open session of the L'vov Regional Court.

Maybe Chornovil will now give some thought as to how to expiate his crimes against the people. He is being given such an opportunity, although he said, with hatred, about the Komsomol in particular that: 'This is a completely unnecessary organisation which should be liquidated – even physically might not be out of place. Once the kulaks [5] used to rip open the activists' bellies and stuff them with wheat, and now the same activists should have their bellies stuffed with their Programmes and lunatic slogans.'

And here is another 'victim' – S. Karavans'ky, also one of those on whose behalf

[1] Cf. p. 196, fn. 4 above.

[2] A very free quotation from Doc. 25 (p. 192 above).

[3] Poltorats'ky wrote more about this visit in 'Vitchyzna', no. 11 (Kiev, 1967) 172.

[4] Chornovil took as the title of his work that of A. Griboyedov's famous Russian comedy 'Gore ot uma', translated as 'Woe from Wit' (written in 1822–4; banned but widely circulated in MS.; first published, with cuts, in 1833).

[5] Better-off peasants. Over 650,000 were exiled or killed during collectivisation.

these exceedingly all-forgiving people intercede in touching harmony with the Vatican and the 'Deutsche Welle' of Cologne. Let us give the floor to his old acquaintance, now a priest, Mykhaylo Hryhorovych Gdeshyn'sky.

'It is painful to recall the unpraiseworthy past, but I must do this,' the reverend father writes in his letter [1]. And then he says this about the activities of S. Karavans'ky, who deserted [2] from the Soviet Army during the war:

He and I became better acquainted when we were both recruited into the Organisation of Ukrainian Nationalists. When we had to leave Odessa under the onslaught of the Soviet forces we got into Rumanian intelligence [3]. In the town of Galati we were all enrolled as trainees in a wireless intelligence school and studied there for about two months. We did drill, studied the Morse code with a buzzer [4], [and] mastered parachute jumping.

In July, Karavans'ky and I were flown from an airfield to the rear of the Soviet Army. A major of Rumanian intelligence gave Karavans'ky his orders and handed him a wireless transmitter. Karavans'ky wore the uniform of a Soviet Army lieutenant, and I, that of a sergeant. We were armed with revolvers and grenades (three each). . . . Karavans'ky was given documents in the name of Ivan Mel'nyk. He received, so it seems, 15,000 roubles, and I was given 10,000. Karavans'ky was the chief intelligence agent, while I was his assistant. The task we were given was to make our way to Odessa after landing [5], settle there, and collect and transmit by radio intelligence about the Soviet Army and some other information the nature of which I forget [6]. We were dropped [7] in the Varvarovka [8] District of the Nikolayev Region. This was on the night of 23-24 June [9] 1944. Having landed, we met [10], buried the transmitter and the parachutes and set out for Odessa [11]. We were caught red-handed as Rumanian [12] intelligence agents and sentenced by a Soviet court. Severely sentenced. It was the harsh war-time period, and we could not have been punished in any other way. Contact had been made by the nationalist leaders with Rumanian intelligence [13].

Here it will be to the point to mention that V. Chornovil lies shamelessly in the

[1] A rather longer version of Gdeshyn'sky's letter, which differs from that above in parts, was published more recently in 'Visti z Ukrainy', no. 34 (576) (21 Aug 1969), in which the above introductory phrase does not occur. Some other important discrepancies are noted below.

[2] But cf. ChP., p. 166, according to which his detachment was surrounded by the Germans in Western Byelorussia; he, however, avoided being taken prisoner.

[3] 'we got into Rumanian intelligence': not in the 1969 version.

[4] 'did drill' and 'with a buzzer' not in 1969 v.

[5] 1969 v. has 'after having buried our parachutes' instead of 'after landing'.

[6] 'and some other . . . forget' not in 1969 v.

[7] 1969 v. has instead: 'According to the plan, we should have been dropped in the vicinity of Odessa, but we landed'.

[8] Four miles north-west of Nikolayev.

[9] This contradicts 'July' (viz. 1944) in the first line of this para.; amended to 'July' in 1969 v.

[10] 1969 v. has 'There we' instead of 'Having . . . met'.

[11] Karavans'ky reached Odessa and was arrested on his third day there (ChP, p. 167) (as well, presumably, as Gdeshyn'sky). If Gdeshyn'sky's story about the transmitter is to be believed, then Maly's version (p. 188 above) that 'on his arrest he [Karavans'ky] had to give up his radio transmitter' - buried 75 miles away - is put in doubt. Cf. also fabrications about allegedly confiscated radio transmitters, arms and 'dollars' in 1961 and 1965 (pp. 6, 13, 16 above).

[12] 'Rumanian' not in 1969 v.

[13] The whole last sentence not in 1969 v.

publication 'Woe from Wit' alleging that Karavans'ky 'was persecuted by the Rumanian security police' [1].

Sentenced to twenty-five years' imprisonment, the parachutist spy S. Karavans'ky wrote a letter of repentance in 1960:

I have freed myself completely from the drug of nationalism, from the thought of harming the Soviet state. Help me to prove to society that I am a man who in his time made a mistake but has realised this now and can never make it again [2].

S. Karavans'ky was released from imprisonment on 14 December [3] 1960 before completing his sentence. He apparently behaved himself for some time and even began to contribute to some Republican journals, [and] translated Charlotte Brontë's novel 'Jane Eyre' for one of the publishing houses [4]. He also published several translations of Shakespeare's sonnets in the journal 'The World' [5], edited by the author of these lines. In a word, Karavans'ky was given a chance to prove in practice that he had thoroughly understood his crime. So was his partner the reverend father Gdeshyns'ky who has exchanged his revolver for a censer.

But some time later it transpired that S. Karavans'ky's 'repentance' had not been sincere and that he was continuing his anti-Soviet activity.

In 1965, when returning to Canada from the USSR, a certain John Kolasky, a Ukrainian nationalist of sorts from Canada [6], 'came a cropper' on the border. A number of anti-Soviet documents, which he had with him in a specially arranged hiding place, were found. It was discovered that it was that same not-quite-repentant S. Karavans'ky who had supplied them to Kolasky. It transpired as a result of the investigation that Karavans'ky had not confined himself to this crime but had systematically written, duplicated and secretly disseminated numerous slanderous anti-Soviet documents in the Ukraine and beyond her borders.

The scope of a newspaper article makes it impossible to continue the enumeration of dirty provocations and [acts of] real ideological sabotage by creatures of the type of Chornovil and Karavans'ky. But we can commiserate with their defenders: what a mistake they have made by signing the letter in question without knowing the true facts!

You, for instance, a talented writer (I do not name you as I am convinced that you deeply regret your action), the author of one of the best books on the Patriotic War [7], what will you say now that you have learnt what 'talented journalists' you defend? You and I fought shoulder to shoulder at the fronts of the Great

[1] ChP, p. 167.

[2] Karavans'ky himself writes about this as follows: 'in 1960, Karavans'ky was released from places of detention after he had condemned his past activity and written an appropriate article. The existence of such an article which could be used in the press enabled the KGB agencies to release Karavans'ky . . .' (ChP, p. 218).

[3] Date of the Dubrovlag administration's decision. The release certificate states 19 December as his date of release (ChP, p. 167, UI, p. 176).

[4] 'Dnipro' (the largest - outside school-book publishing - Ukrainian publishing house). The book has not been published.

[5] 'Vsesvit' (Kiev) no. 4 (1964). Cf. also p. 188, fn. 4 above.

[6] He came from Canada to the Ukraine in 1963 as a member of the Communist Party of Canada of thirty years' standing; in 1964-5 he studied at the Higher Party School of the CC CPU (cf. ChP, p. 182, and Kolasky, 'Two Years in Soviet Ukraine' (Toronto, 1970)).

[7] The allusion is to Viktor Nekrasov (p. 195, fn. 17 above), the author of the outstanding novel 'In the Trenches of Stalingrad'. Far from 'regretting' his action, he signed a rebuttal to Poltorats'ky (Doc. 30 below).

Patriotic War. What would we have done then if we had caught [people] such as Chornovil with his exhortations or Karavans'ky with the revolver, three grenades and forged documents? We should certainly have tied their hands and, if conditions at the front had demanded it, passed a stern soldier's sentence on the spot. Why then do you now play at 'humanitarianism' and defend him who betrayed, and is betraying, the Fatherland, [and] our people?

Several of my colleagues have interceded for anti-Soviet scum – that is a sad fact. And it is all the more unpleasant because photocopies of appeals signed by them and addressed to the leaders of the Soviet state and the Communist Party immediately got into the hands of anti-Soviet organisations abroad. These then use them for their black purposes wherever they think fit, including speeches in various international forums with comments something like these: 'We are accused, so it is alleged, of sitting abroad and slandering Soviet rule. Yet look how violations of legality and the persecution of honest folk are exposed by reputable representatives of the Soviet community itself!'

You see how you – you honourable 'humanitarians' – have by your thoughtless actions served the enemies – the ideologists of imperialism and their assistants, the bourgeois nationalists! Can it be that you do not know how the monks of the Vatican, the American Bandera-ites, the Canadian OUN men, the SS men from the 'Deutsche Welle', all these who wish to vilify our people and its own Soviet power, are already lavishing praise on you for this in their broadcasts and in some organs of the press?

One must know this! And one must prize the Soviet writer's work. For the word is a weapon in the ideological struggle, and the weapon must be used with precision and unerringly in the interests of our Fatherland and the victorious people – the fighter for the bright communist future.

In the 16 July 1968 issue of 'Literaturna Ukraina' we read an article by O. Poltorats'ky: 'Whom Do Certain Humanitarians Protect?' [1]

This author has been notorious for his political and moral turpitude ever since he published denunciations of Ostap Vyshnya, declaring that this writer, so popular among the people, was a kulak who had survived, and a fascist agent, and demanding that he should be dealt with physically [2]. And yet what we now read in 'Literaturna Ukraina' has astounded us because it was impossible to credit that even today a man of letters could go back to the utterly foul trade of provocateur.

This article purports to be concerned with the well-known collective letter about the violations of socialist legality at political trials. The letter was signed by more than a hundred scholars, artists, workers and writers, including ourselves. We therefore cannot keep silent about O. Poltorats'ky's statement.

From the very start O. Poltorats'ky crudely distorts the contents of the letter which dealt with specific instances of violation of judicial procedural standards and expressed concern that these were damaging socialist democracy and the public life of our society.

O. Poltorats'ky meanwhile asserts without any proof that the authors of the letter are defending 'enemies and ideological saboteurs' (the same terminology which he used 35 years ago!) – V. Chornovil and S. Karavans'ky.

Let us first deal with S. Karavans'ky. We make no attempt to assess his guilt – for it, without a trial, he was taken [back] to complete a 25-year sentence that by the laws of our land no longer exists – because there was not a word about him in [our] letter. Even his name was not mentioned. But this did not prevent O. Poltorats'ky from stating in black and white that it is S. Karavans'ky whom the letter defends. And it is to S. Karavans'ky that he devotes one-half of his screed, enlarging in every way upon his 'life story'. Why was this deliberate and crude trumping-up necessary?! Doubtless in order to scare a reader unfamiliar with the facts of the matter.

Now, as to V. Chornovil. What right had O. Poltorats'ky to deceive the readers of 'Literaturna Ukraina' concerning the charges laid against V. Chornovil by the court, the court's classification of his actions, and the decisions passed by the court? One may approve or disapprove of the judgment passed on V. Chornovil (those of us present at the trial were convinced that the charges preferred against V. Chornovil were not substantiated and, at the time, we addressed concrete arguments to the appropriate authorities), but one may not arbitrarily alter and 'supplement' the court's official classifications retrospectively. This is precisely what O. Poltorats'ky does when he provocatively asserts that V. Chornovil was allegedly

[1] Doc. 29 above.

[2] The allusion is to Poltorats'ky's article 'Shcho take Ostap Vyshnya' ('What is Ostap Vyshnya?'), in 'Radyans'ka literatura', no. 4 (Kiev, 1934) 157–79. Cf. also p. 136, fn. 1 above.

tried for 'propaganda of nationalist views' and 'illegal transmission abroad of anti-Soviet documents'; in fact there was nothing of the kind at the trial [1].

O. Poltorats'ky quite shamelessly distorts V. Chornovil's life history. He assures us that V. Chornovil is [. . .] [2] and a doubtful individual in no way connected with literature and journalism, 'a former publicity inspector of "[Kiev]knyhotorh", and later an inspector of the L'vov branch of the Nature Preservation Society'. But O. Poltorats'ky remains silent about the fact that V. Chornovil obtained these positions only after a long series of persecutions and hardships. Before this, V. Chornovil worked for several years as the Komsomol committee secretary on the construction site of the Kiev HES [Hydro-Electric Station], on the editorial staff of the Komsomol newspaper 'The Young Guard' [3], on the editorial staff of the newspaper 'Reader's Friend' [4], [and] published several dozen articles on literature in Republican journals and newspapers, including 'Literaturna Ukraina' [5].

The aim of such a falsification of V. Chornovil's life history and creative personality, and particularly of concealing the fact that he had only recently been a Komsomol activist, becomes obvious when one reaches O. Poltorats'ky's most shameless and foul fabrication. He attributes wild and meaningless words to V. Chornovil which are altogether inconceivable on the lips of any young man brought up in a Soviet family and a Soviet school where all young people without exception belong to the Komsomol: 'This is a completely unnecessary organisation which should be liquidated – even physically might not be out of place. Once the kulaks used to rip open the activists' bellies and stuff them with wheat, and now the same activists should have their bellies stuffed with their Programmes and lunatic slogans.'

This 'statement', which O. Poltorats'ky puts into quotation marks as though it came from V. Chornovil, thoroughly stinks of the spirit and turn of phrase used by those murderous troglodytes who made up 'admissions' and 'confessions' for various 'terrorists' and 'enemies of the people' at the notorious trials of the thirties.

We demand from O. Poltorats'ky that he should give documented proof for attributing these words to V. Chornovil or publicly apologise for libel.

Since statements such as O. Poltorats'ky's article can only kindle suspicion and hatred among men, because they stimulate the chauvinistic bloodthirstiness of the philistine who regards every Ukrainian as a 'nationalist' and a 'Bandera-ite', [and] poison the atmosphere of coexistence and friendship among nations, we consider it our highest public duty not to overlook [such statements, but] to assess their moral worth and to refute them in accordance with the true facts.

We ask the editors of 'Literaturna Ukraina' to publish this letter [6]. Otherwise we shall be forced to convey its contents to the readers of 'Literaturna Ukraina' by every means [at our disposal]. If need be, we shall spare neither the time nor the effort to copy this forty thousand times by hand and send it to each subscriber of

[1] Procurator Sadovsky in his speech called Chornovil 'a nationalist' and also made a suggestion that Chornovil, 'maybe, personally transmitted these documents' abroad, but these two items were apparently absent from the written conclusion to the indictment (pp. 159–60 above).

[2] An illegible word.

[3] 'Moloda gvardiya' (Kiev).

[4] 'Druh chytyacha' (Kiev).

[5] Cf. p. 170, fn. 3 above.

[6] It has not been published.

'Literaturna Ukraina' so that the miasma of cannibalism and the atmosphere of lies and impunity may at least be partially dispelled.

Ivan Dzyuba
Ievhen Sverstyuk
Mykhaylyna Kotsyubyns'ka
Lina Kostenko
Viktor Nekrasov

Epilogue

EPILOGUE

It is clear from the facts at our disposal that, despite the sharp and massive official reaction in 1965-6, there has been continuing and apparently undiminished ferment in the Ukraine, as elsewhere in the Soviet Union. This has, in a number of ways, reflected a profound and growing discontent within the country with the policies of the regime in social, economic and political matters and as regards the rights of citizens and nationalities. In general, the answer to this agitation has been further repression, even though such a policy would appear to have proved counter-productive from the regime's own point of view. The punishment of a few dozen 'malcontents' would merely seem to have extended and intensified dissent and demands for the recognition of basic rights, instead of cowing potential critics into silence and acquiescence.

A sign of the times is the ever increasing volume of underground literature circulating in the USSR, and in particular the emergence of the 'Chronicle of Current Events' which first appeared in Moscow in April 1968, and at two-monthly intervals since then. The information provided is supplied by the readers, and its volume has grown issue by issue, which in itself suggests a steadily increasing circulation. The 'Chronicle' began as an information bulletin devoted to the defence of human rights and the exposure of their infringement by the regime, and its coverage centred on Moscow. Over the years, its field of interest has steadily widened, while the information it reported extended first to other cities in Russia and then to non-Russian areas. Ukrainian material has assumed ever increasing importance in it, and a similar new typewritten journal - 'The Ukrainian Messenger' - covering events in the Ukraine only has brought out two issues during the first half of 1970.

The continuing processes of Ukrainian dissent and repression over the years, and the forms they take, can be gauged from the appended List of Prisoners and the bibliography of 'unpublished' writings. Among the more recent documents, one is reproduced below: it is an appeal to the UN Human Rights Commission from three Ukrainian prisoners who describe one of the 'scientific' methods of pressure aimed at breaking down the resistance of the more recalcitrant political prisoners. The use of drugs for this purpose is not altogether new. Perfectly healthy people have for many years past been sent on KGB orders to 'special' mental hospitals on account of their nonconformist views: if they do not recant they are subjected, under colour of treatment, to massive injections of drugs described as 'aminazin' and 'sulphazin' which cause depressive shock reactions, headaches and serious physical disorders; sodium amine, a strong narcotic with a debilitating effect, is sometimes injected before a prisoner is interrogated [1]. Drugs, in addition to other means, were used in 1961 to induce Luts'kiv to give testimony which had been fabricated by the KGB and led to the convictions in the 'Jurists' Case'; they were likewise used on the chief defendant in that case, Lukyanenko, during his pre-trial examination [2]. There were rumours that the 1965-6 prisoners had been given drugs in their food which weakened their will-power and made them apathetic and generally acquiescent [3].

[1] Cf. 'Chronicle...', nos 8, 10, 11 (for details of publication cf. p. 240 below), confirming Valeriy Tarsis's unpublished account mentioned by P. Reddaway, 'The Soviet treatment of dissenters and the growth of a civil rights movement', in C. R. Hill (ed.), 'Rights and Wrongs' (Harmondsworth, 1969), p. 92.

[2] p. 82 above.

[3] ChP, p. 27.

The drugging of food reported in the appeal to the UN Human Rights Commission differs from the previous cases since this seems to be the first known instance of prisoners convicted and serving sentences in places of detention being subjected to the use of drugs. The three signatories of the appeal who were singled out for this treatment must have been regarded by the authorities as particularly dangerous political criminals: Mykhaylo Horyn' is one of two who received the longest sentence in 1966, while Kandyba and Lukyanenko were punished more severely in 1961 than any of the other members of the 'Jurists' Group'. Moreover, they showed no trace of repentance in the camps, and, instead, produced documents [1] indicting the regime that had wrongfully punished them.

The letter of the three prisoners ultimately reached the UN Human Rights Commission through Amnesty International; it was reported in the press [2] and quoted at length in 'The Review' of the International Commission of Jurists in Geneva [3]. In accordance with the procedure now in force [4], a copy of the letter must presumably have been communicated to the Soviet Government. It was reported in the first half of 1970 that the poisoning of the Ukrainian political prisoners' food had recently been stopped, but there is no means of telling to what extent, if at all, the publication of the appeal contributed to this result.

A new and important collection of documents concerning the 1966 trials, hitherto not available in the West, has been published in Ukrainian in the summer of 1970 [5]. This documentation provides much important detail to fill in the outlines given in Chornovil's memorandum [6]; individual documents comprising this collection are enumerated in the Bibliography below. Among many points arising from these documents, certain references to the secrecy of the trials can appropriately be mentioned here.

The documents so far quoted in the present volume, and in particular those originated by Lukyanenko and Kandyba, do deal with this question, but the arguments they contain were produced very much after the event [7] and, as far as is known, evoked no response from the authorities; moreover, these documents do not mention whether those concerned objected to in camera proceedings during the trials themselves, and if so, how the judges reacted. The new documents help to fill this gap in our knowledge in respect of one of the 1966 trials, that of the Horyn' brothers and two others on 15-18 April.

Mykhaylo Horyn' wrote in his appeal of 25 April:

I . . . cannot accept the judgment of the Judicial Division of the L'vov Regional Court as an act of justice in respect of the crime committed by me, because the whole trial was in camera, which is a flagrant violation of Art. 20 UCCP. To my question, as to what guided the Judicial Division in deciding whether to conduct the trial in camera, the presiding S. I. Rudyk answered that the

[1] Cf. nos 2, 6, 7, 9, 10 above.

[2] S. Constant, 'Poisoning by KGB alleged', in 'Sunday Telegraph', 14 Sep 1969. Significantly, there was no Soviet reaction to this report, unlike two and a half years earlier, when a letter to the Editor (Doc. 20 above) came in reply to a report in the same paper on the very trials in which Mykhaylo Horyn' was among the defendants.

[3] No. 5 (Mar 1970) 16-17.

[4] Cf. Hilary Cartwright, 'International action for the protection of human rights', in C. R. Hill (ed.), vol. cit., pp. 162-3.

[5] UI. English translation of these documents is in preparation.

[6] ChP, Part I.

[7] Although this fact alone does not vitiate them; cf. p. 66, fn. 2 above.

Judicial Division was guided by Art. 20 UCCP. But Art. 20 clearly states which kinds of cases are subject to judicial examination in camera. . . .

Guided by Arts. 20 and 370 UCCP [1], 1961 ed., I put before the Ukrainian SSR Supreme Court the question of revoking the judgment of the Judicial Division of the L'vov Regional Court as having been passed in conditions of flagrant violation of Soviet legality and discrediting the judiciary in the eyes of society. [2]

Chornovil was called as a witness at the same trial of the Horyn' brothers and others. He refused to testify, 'since', as he said, 'the trial is in camera, and thus unlawful', and was tried for this on 8 July by a district court in L'vov. The record of this trial sheds further light on the attitude of the judicial authorities towards in camera proceedings. For instance, Judge Yakibchuk argued that 'the court decided to hear the case in a closed session, and, according to law, you had to obey the court's decision'. Chornovil, believing that 'flagrant violations of socialist legality' such as unlawful trials in camera were harmful to the Soviet order, insisted:

I have the right, and even the duty, to speak up whenever I notice an action that harms the Soviet order. If I am wrong I must be given a reasoned reply. But no such reply did I hear in the L'vov Regional Court; I was merely called 'an enemy' there. Nor was I given an answer at the KGB as to why the trial had been in camera.

Judge explains [the trial record continues] that the trial of the Horyn's and others was in camera on the basis of Art. 20 UCCP, as a matter of protecting state interests.

Chornovil: I know Art. 20 UCCP by heart. It deals with a state *secret*, not with state interests. And this is not the same thing by a long chalk . . .

At the end of the trial, Chornovil attempted to avail himself of his right to a closing statement; he was, however, repeatedly interrupted and allowed to read out only a small part of his notes [3]. Some passages from the remainder of his statement which are relevant to the present subject follow:

I turned to lawyers for an explanation. They shrugged their shoulders: it would seem that according to the Code the trial in this instance ought to have been open, but the court itself decides in each case which kind [of trial] it is to be. Such a reply did not satisfy me. How can it be that the law says one thing while the court is able to decide otherwise? . . . Then I turned to the laws myself.

Art. 20 UCCP is as every law ought to be: clear and unambiguous. I found no other laws on the publicity of judicial examination. If there are some secret decrees, why are they secret? . . .

. . . How can one call the reading of some article or book – published abroad, what is more – a state secret? . . .

. . . The judge beat a tattoo on the desk with his fists, shut me up, shouted 'Enemy' at me. These are not unimportant facts. Lawyers with years of experience had suddenly lost their professional self-control. Does this not bear witness to the fact that, in their heart of hearts, they felt that they were doing something unlawful, and that it stung them to the quick when they were reminded of this? [4]

[1] Cf. pp. 84–5 and p. 66, fn. 2 above.

[2] UI, p. 175.

[3] Despite the fact that the UCCP imposes no restrictions on the defendant's closing statement. Cf. also p. 166 above.

[4] UI, pp. 41, 43, 50, 55.

And so Judge Rudyk tried to drown Chornovil's arguments by sheer noise, his colleague, procurator Antonenko, had nothing relevant to say, and in another part of that trial the same Rudyk, in answer to Horyn's question, invoked Art. 20 UCCP without stating which part of it was being applied, how or for what reason. It was left to the judge in a lower court to be more explicit; and in doing so he confirmed in effect that there was no legal justification for trials in camera in such cases. It is just possible that, quite unwittingly, he misquoted the vital Art. 20 without being aware of the essential difference between 'interests' and 'secrets'. This may have been due to his inadequate legal training and experience (there had probably not been any genuinely secret political trials in his court), but he proved to be completely out of his depth when the difference between the two terms was pointed out to him, and preferred to drop the subject.

The higher judiciary and supervisory (i.e. procuracy) authorities, on the other hand, must be fully aware that there were no legal grounds for secrecy in the cases discussed. The trial of Hevrych provides a good example of this: it was held in camera, according to Chornovil's account [1] which there is no reason to disbelieve, yet the judgment referred to an 'open judicial session' [2], presumably to 'keep the record straight'.

It will be remembered [3] that in January 1968 a delegation of the CC of the Communist Party of Canada stated in its report that it could not understand why trials were conducted in secret; eighteen months later, the CC CPC received a letter signed by 28 personalities active in government, the arts, scholarship, culture and public life in the Ukraine [4]. This letter contains the following two paragraphs referring to arrests and trials:

Some members of the delegation evidently took a negative view of the explanations given to them regarding the court hearings of those who by their anti-Soviet activities committed crimes against the state and the people. The anti-Soviet campaign started in connection with the so-called 'letters from prisoners' had some effect and evidently impressed even some Communists. At the same time, it is not difficult to understand what is behind this propaganda ballyhoo. The bourgeois press seeks at all costs to prove that in Soviet Ukraine people are persecuted *for thinking*, and that these people are intellectuals, the 'thinking elite of the nation'. Proceeding from such an artificially constructed scheme and speculating on the myth about 'secret trials', the official bourgeois press of the West in company with 'Ukrainian' nationalist organs shouts about the 'infringement' of the rights of man in the Soviet Union.

Actually it is a question of crimes committed by people who flouted Soviet laws, sought to undermine the foundations of the socialist system by illegal activities, harmed the interests of the state and people by their *deeds*, and were punished for this. They were briefly described in their true colors by the newspaper 'Visti z Ukraini' (no. 16, April 1968, an interview entitled 'Who is who'). But even without these explanations it was not difficult a priori to guess whom hostile anti-Communist propaganda was actively defending. Obviously not champions of Soviet Ukraine, not defenders of the interests of the Ukrainian people. [5]

[1] ChP, pp. 39-40.

[2] ChP, p. 40, and UI, p. 161.

[3] p. 182 above.

[4] Headed by Vira M. Dmytruk, Chairman, Ukrainian Society of Friendship and Cultural Relations with Foreign Countries; among the other signatories, the following names are known from references elsewhere in the present volume: I. Bilodid, Yu. Dadenkov, O. Poltorats'ky and Maria Kikh.

[5] 'Communist Viewpoint', i 4 (Sep-Oct 1969) 60-61.

The statement that secret trials are no more than a 'myth' not only sufficiently illustrates the value of this document but succeeds in completely missing the point: the Canadian communists were well aware of trials being conducted in secret but wished to know the reasons prompting the Soviet authorities to adopt in camera procedure. The letter of the 28 goes from bad to worse, first, in suggesting that the interview in 'Visti z Ukrainy' [1] is amply sufficient to explain the arrests and trials in question; second, in further distorting the already somewhat disingenuous interview [2]; and third, in advising the Canadian communists that they can safely rely on a priori reasoning without necessarily bothering about the facts of the matter. The attentive reader will be able to form his own opinion about the latter from the documentation provided in the present volume.

The Canadian CP had in fact been severely taken to task for its report (which contains criticism of several other aspects of the policy of the CPSU in the Ukraine, apart from the trials) by their Soviet opposite numbers in the course of the preceding months, and the letter of the 28 was only the most serious piece of upbraiding to be published. It has subsequently been reported that in October 1969 the CC CP of Canada decided to retract the report of their delegation as an official document, and resolved to subject it to a thorough examination as well as undertaking a discussion of the nationalities question. If the results are published, it will be interesting to see whether the Canadian communists, with their largely ethnic Ukrainian membership, have been persuaded to accept repressions in the Ukraine as an inevitable part of the communist way of life, in defiance of the Marxist principle:

No nation can be free if it oppresses other nations.'

[1] Given by H. Maly, the head of a Procuracy department (Doc. 23, discussed on pp. 22-3 above).

[2] Thus, Maly cannot deny the authenticity of the prisoners' letters (cf. pp. 22, 185-6 above), while the letter of the 28 implies that they are not genuine; nor can Maly deny the fact of secret trials (he simply avoids the subject).

ADDITIONAL DOCUMENT

31

Letter to the Human Rights Commission of the United Nations Organisation

We, Ukrainian political prisoners, are applying to you as the highest agency for the protection of human rights. We have been arrested for demanding an improvement in the position of the Ukrainian worker and for defending the rights of the Ukrainian language, education and culture. Since these demands are constitutionally admissible we continue to uphold them. Having been unable to break down our morale, the KGB agencies are trying to reduce us in a biological sense from intellectuals to vegetables.

Last year, Lukyanenko was taken to the Vladimir prison on 3 March where he was held until September. There, chemicals were added to his food, causing poisoning. He was given to understand that the long-term effect of the poison is the degeneration of the human organism.

In the camp also poison is added to the food. We have conducted a number of experiments and ascertained this. The symptoms of poisoning are as follows: ten to fifteen minutes after the consumption of food a slight pressure appears in the temples which afterwards turns into an intolerable headache. It is difficult to concentrate on anything, even on writing a letter home. When reading a paragraph one forgets by the end what was written at the beginning. In order to return to a normal condition one must fast for 24 hours. Thus, we alternate day of fasting with days of poisoned food.

Food parcels from home are poisoned even more strongly, so that we have had to throw them out altogether, although we are permitted to receive them only twice a year. And this while the camp rations amount to 2,000 calories per day.

Last year it was the same as this year. The symptoms of poisoning are somewhat different: a slight intoxication follows 10–15 minutes after food has been taken, then [a feeling of] severe cramps in the centre of the brain, with trembling of the hands and an inability to concentrate on anything. Headaches last for days.

When we complained to the camp authorities that we were being poisoned we were transferred to separate cells with frosted windows which, apart from the bars, also have a net and blinds to shut out daylight, and, apart from one hour's daily exercise, we live all day long by electric light. This is how the Russian KGB agencies treat Ukrainian patriots and honest citizens.

Honourable Commission, if you consider that such methods of reforming man are incompatible with humanitarian principles, we ask you to raise your voice in protest.

*Mykhaylo Horyn'
Ivan Kandyba
Lev Lukyanenko*

June 1969

List of Prisoners

LIST OF PRISONERS

This list of post-war Ukrainian political prisoners is arranged by the year of arrest (or of trial, if the year of arrest is unknown). Within each year, the names of prisoners are grouped under regions in which they were tried (mostly identical with the region where the prisoner had lived and was arrested). Names of regional centres are arranged alphabetically under each year. Prisoners tried in the same group case are shown together, listed by the length of sentence in the descending order, their common data given in an introductory paragraph.

The list contains, after each prisoner's surname and first name, some details (if available) indicated by the following abbreviations: b. – year of birth; trade, profession or occupation before arrest; arr. – day, month and place (if not in the region shown in the heading) of arrest; charges or cause of arrest; s. – sentence (the term in years); the camp regime is indicated only exceptionally, since 'correctional labour colony of severe regime' is the commonest form of punishment meted out to political prisoners (cf. F 46n) [1], and may be assumed to apply unless some other regime or place of detention is specified. The most recent place of detention is usually given if known. The sources often give Camp 11 as the latest location, in which case it is not mentioned in the list, since Camp 11 has been disbanded and its inmates transferred to a number of other camps (cf. map, F 120–1). Additional administrative penalties inflicted upon the prisoner serving his term are mentioned. The date of release, if known, is preceded by 'r.'; this, with a question mark following, is placed within square brackets if there is no actual information that the prisoner has been released or if the expected date of release lies in the future (these dates cannot always be relied upon, since recanting prisoners are sometimes amnestied, while the 'unrepentant' may be arbitrarily awarded a fresh term of detention on or before the expiry of the previous term). The treatment of the prisoner after his release concludes the details of his case. Sources of the information, where also further details may be found, are supplied in brackets.

The amount of information available varies greatly; sometimes even the names of some prisoners are unknown (e.g. the Apostol group, Ternopol', 1961), while some other cases, such as the 'Jurists' Case' of 1961 or most of the 1965 cases, are richly documented. As much information as possible is given about prisoners still under detention at present, while for those prisoners in whose cases documentation is readily available (e.g. elsewhere in this volume or in ChP) the detail in this list has been kept to the minimum necessary.

The reliability of the sources can be gauged from the extent to which two or more independent sources agree in their references to the same case (e.g. the 'Ukrainian National Committee' of twenty men, L'vov, 1961, listed both by Kandyba and Masyutko). There is much agreement between sources, while such discrepancies as occur must be generally attributable to the conditions under which the information was collected in the camps, and to copyists' errors.

The list includes far fewer names of those sentenced before 1956 than after this date. Masyutko, who supplies the greatest number of names, concentrates on those arrested since 1956; l.p.c.17a also covers earlier prisoners, but only those in c.17a at the time of writing (1967). No doubt there were such prisoners at that time in other camps as well, while many others of those arrested in 1944–55 must have died, been killed in mass slaughters in the camps (cf. Marchenko 267/90–91)

[1] For abbreviations in this section see p. 220 below.

or been amnestied. The survivors among those sentenced in their thousands in 1944–5 to the then standard term of 25 years were due for release in 1969–70, unless sentenced meanwhile to a new term. In 1949–56 prisoners formed numerous secret resistance and self-defence organisations, some of which carried their activities to the point of strikes or revolts (cf. F 104, 152); quite a few surviving participants must still be serving their new 25-year sentences imposed for those activities. Masyutko refers to them (F 104) but gives no names, while Bilyns'ky knows only a few of them (F 226). The arrests of 1965 seem on the other hand to have been covered very thoroughly in ChP; yet it is indicative of the incompleteness of information even in that year that three names (the first three listed under 1965 below) became known only four years later.

Wherever there is no specific mention of charges, either in this list or in the sources mentioned, the activities that led to the arrest of the prisoners should be assumed to fall under the heading of 'national liberation movement', or, in the language of the prosecution, 'Ukrainian (bourgeois) nationalism' [1]. In particular, the prisoners whose names come from l.p.c.17a are collectively described in that document as follows: 'They are mostly participants of the national liberation struggle of 1942–54, and also of various illegal groups of a similar character', and this description (which is not repeated with each name) applies unless something more specific is mentioned. Where specific charges are mentioned they are not always necessarily accurate; e.g. it is implied by official and quasi-official sources (F 188, 202) that Karavans'ky was imprisoned in 1944 for being a Rumanian spy, while the recantation, on the basis of which he was amnestied and which is quoted by the same quasi-official source (F 203), conspicuously fails to mention this alleged crime.

It must be assumed that practically all trials were held *in camera*; this is only occasionally mentioned in the list if specially stressed in the source material.

In addition to the general abbreviations and those just mentioned above, the following abbreviations are used:

Places of detention:

Dubrovlag	Somewhere in the Dubrovlag Complex of Correctional Labour Colonies (cf. map, F 120–1)
c.	Camp no. . . . of Dubrovlag
Vladimir	Vladimir prison

Sources:

Bilyns'ky	A. Bilyns'ky, 'V kontstaborakh SRSR, 1944–1955' (Munich and Chicago, 1961)
Chr	Chronicle of Current Events (followed by issue no.) (for its publication see F 240)
F	pages of the present book
l.p.c.17a	List of prisoners held in Camp no. 17a (see F 248)

[1] Since no such crime is listed in the Criminal Code, this is also often – and officially – described as 'anti-Soviet activities' of one kind or another.

- LzR V. Chornovil, 'Lykho z rozumu' (Paris, PIUF, 1967)
- Marchenko A. Marchenko, 'My Testimony', and 'Moi pokazaniya' (both Pall Mali, 1969) (page references are given both to the English and to the Russian ed.)
- S 'Suchasnist'' (London, Ont., and Munich)
- UIS Ukrainian Information Service 'Smoloskyp' (bulletin); undated references are to the list of prisoners from the UIS published in V. Chornovil, 'Ya nichoho u Vas ne proshu' (Toronto, New Pathway Publishers, 1968) 112-20; it has no source references.

(p., pp. are omitted throughout.)

Another important source is 'The Ukrainian Messenger' (cf. F 211) which was not available at the time of going to press, so that it has unfortunately been impossible to incorporate the information contained in it into this list of prisoners. Its first two issues, totalling 129 typescript pages, comprise 47 items of documentation [1], including such items as 'A list of Ukrainian political prisoners'; 'Ukrainians in prisons and camps'; reports about a number of recent arrests and trials; more detailed reports about the trial of Sokul's'ky and the two others (cf. F 235), of Kiev Power Station workers (cf. ib.) and of the trial in Vladimir Prison of S. Karavans'ky [2]. Among other items are V. Moroz's letter to a Greek paper in London and his declaration of 2 May 1970 (a month before his second arrest); articles on the campaign against Dzyuba and his IorR; and a review of Ukrainian 'unpublished' writings.

[1] Its publication in the original Ukrainian ('Ukrains'ky visnyk') has been announced by 'Smoloskyp' Publishers (Baltimore, Md).

[2] According to this document, Karavans'ky was tried on 14-24 April 1970 and sentenced not merely to five years in prison, as reported earlier (F 236), but to three years in camp to follow. This eight-year term is to run concurrently in part with the remainder of his original sentence up to a maximum of ten years; thus his presumed date of release would seem to be April 1980.

Year of arrest unknown

Karaganda

Dolishniy Yu[riy?] and a group of other Ukrainian intellectuals; demand for native-language schools for Ukrainian children in the Kazakh SSR; in Dubrovlag in May 1966 (ChP 210).

Kiev

Tykhyy brothers; defending the rights of the Ukrainian language; s. 10 (F 101).

L'vov

Skira Bohdan; in Dubrovlag in 1964 (F 75).

Place of trial unknown

Fenyuk; transferred from Dubrovlag to prison for 'processing' for one month in 1966 and in June–July 1967 (F 113).

Hubych A.; in Dubrovlag in 1966? (ChP 212).

Kovalyk F.; 'national liberation movement'; [presumably s. 25] (1.p.c.17a).

Levkovich V.; presumably s. 25, then amnestied; rearrested and returned to Dubrovlag; there in 1966 (ChP 210).

Lupynas Anatoliy; [b. 1935?] (32 in May 1967); 'convicted for his political beliefs', 'completely crippled in his places of imprisonment', 'slowly dying'; presumably in Dubrovlag in May 1967 (F 81).

Lytvyn; assassinated after release ('U pivstolittya radyans'koyi vlady' (Paris, 1968) 53).

Makym Ivan; was refused medical attention, died in Dubrovlag (ChP 93).

Malay; executed by a firing squad in Dubrovlag (ChP 213).

Puhach Vasyl'; adherent of Ukrainian independence; s. 25; c. 10 (special regime), then Vladimir for attempted escape; and

Puhach, his mother; s. 25; somewhere in Dubrovlag (Marchenko 146/52).

Semenyuk; transferred from Dubrovlag to Vladimir in Sep–Oct 1969 (Chr 11).

Susey; suicide in Dubrovlag (ChP 213).

Vartsabyuk; assassinated after release ('U pivstolittya . . .' l.c.).

Verkholiyak Dmytro; medical student (? ChP 93); s. 25; c.17a in 1967–9 (ChP 93, Chr 9); with some other prisoners signed petitions in defence of A. Ginzburg in May–June 1969 (Chr 8).

Vovchans'ky (F 148).

Yevdokimov Mykola; medical student (?) c.17a in early 1967 (ChP 92).

Yovchik K.; 'national liberation movement'; [presumably s.25] (1.p.c.17a).

1940

L'vov

Soroka Mykhaylo Mykhaylovych, b. 1911, architect; 'socially dangerous element' (Bilyns'ky, 69), s.8; r. 1948, returned to L'vov, in 1949 deported to the Krasnoyarsk Province. In 1957 his 1940 conviction was quashed as groundless, and he was fully rehabilitated in respect of it. He had, meanwhile, been rearrested in 1951 (see p. 226 below). (F 71, 104, ChP 209, 214–15.)

1944

Odessa

Gdeshyns'ky Mykhaylo Hryhorovych; arr. June; OUN and the Rumanian army; presumably s.25 and amnestied in 1960; now a priest (F 24-5, 202-3).

Karavans'ky Svyatoslav Yosypovych, b. 24 Dec 1920 in Odessa; arr. June with Gdeshyns'ky, similar charges; s.25, amnestied 19 Dec 1960 (F 24-5, 161, 188, 202-3, ChP 166-9, UI 176). Engaged in literary and other work; rearrested on 13 Nov 1965 (see below).

1945

Tkach; national liberation movement; s.25; transferred from Dubrovlag to Vladimir where he died in winter 1962-3 (Marchenko 166-75/59-62).

Ivano-Frankovsk

Kostiv Mykola, b. 1915; s.20 (1.p.c.17a, F 104); tried again in 1952 (see below).

Ternopol'

Polevyy Omelyan, b. 1913; s.25 (1.p.c.17a); [r.1970?].

1946

L'vov

Pryshlyak Hryhor, b. 1912; s.25 (1.p.c.17a); [r.1971?].

Ternopol'

Pirus Vasyl' (1.p.c.17a) or Pyrous (UIS), b. 1921; s.25 (1.p.c.17a); [r.1971?].

1946 or 1947

Kiev

Trofymchuk Andriy; s.25; in c.7 in summer 1963 (Marchenko 214/73); [r.1971-1972?].

1947

Syn'kiv [1] Mykola, b. 1932 (?); at the age of 15, s.25 by the Military Tribunal, Subcarpathian Command; in 1967 in c.3 (hospital) (F 104); [r.1972?].

Cherkassy

Orel Mykhaylo, b. 1924; s.25 (1.p.c.17a); tried again in 1952 (see below).

L'vov

Soroka, née Zaryts'ka, Kateryna (M. M. Soroka's wife), b. 1914; organised the Red Cross for the Ukrainian Insurgent Army; s. to death, commuted to 25;

[1] In 'U pivstoliittya radyans'koyi vlady' (Paris, 1968) p. 75, 'Sen'kiv' (a misprint).

in Vladimir, in spring 1969 transferred to c.6; now in c.3; [r. 7 Sep 1972?] (F 71, ChP 204, LzR 154, Chr 7, 15, S no. 8 (1969) 119.)

Ternopol'

Yurkiv Volodymyr, b. 1928; s.25 (1.p.c.17a); tried again in 1952 (see below.)

Warsaw/Kiev

Dr Horbovy Volodymyr, b. 1899, lawyer; arr. 1 Aug in Prague, extradited to Poland, accused as a war criminal; a year's investigation showed this to be groundless. Although earlier in 1947 he had become a Czechoslovak citizen (he was a legal adviser to the Ministry of Agriculture in Prague), he was handed over to the Soviet authorities in Warsaw on 9 July 1948, charged with being a Ukrainian nationalist. He was then sentenced in absentia by the 'Special Board' to 25 years under Arts. 54 (2), 54 (11) of the old UCC (corresponding to Arts. 58 (2), 58 (11) of the old RCC; their text in R. Conquest, 'The Great Terror', pp. 558, 560). Texts of two of his appeals are known (cf. p. 248 below); also appealed in 1960 and 1965. (F 16n, 71, ChP 93, 207-8.) According to an unconfirmed report, released in April 1970 and now living in Czechoslovakia.

1948

Ivano-Frankovsk

Marusyak Mykola, b. 1925; s.25 (1.p.c.17a); [r.1973?].

Lutsk

Il'chuk Ivan, b. 1925; the same.

L'vov

Shukhevych-Berezyns'ky Yuriy, b. 1933; s.10 at the age of 15 as the son of the C-in-C of the Ukrainian Insurgent Army; r. spring 1956 as one who was arrested when a minor; rearrested in autumn 1956 (F 16n, ChP 208, 214-15, 1.p.c.17a); tried again in 1958 (see below).

1949

L'vov

Pidhorodny Mykola, b. 1926; s.5 (1.p.c.17a); [r.1954?]; rearrested 1962 (see below).

Lukashevych Denys; s.25 (1.p.c.17a); [r.1974?]

End of the 1940s

Ivano-Frankovsk

Klymkovych Yosyp; killed an officer who had been in charge of rounding up for deportations to Siberia and his aide to avenge the death of his mother. Among those rounded up, badly ill-treated in detention, were his sister and their sick mother who died within days. Charged with 'banditism' as 'an OUN member', he was tried in camera and s.25. (Marchenko, 306-7/104.) [r.1973-4?].

1950

L'vov

Dydyk Halyna, b. 1907 or 1912(?); took part in the post-war guerrilla movement (Ukrainian Insurgent Army); arr. March, s. to death, commuted to 25 years; in spring 1969 transferred from Vladimir to c.6; now in c.3 (ChP 204, Bilyns'ky 290, Chr 7, 15); [r. Mar 1975?].

Husyak Dariya, b. 1924; the same.

Pavlyshyn; active in the Ukrainian Insurgent Army under German occupation until 1944 (known in the underground as 'Klym Savur' at that time); after the war worked as director of a school; s.25 (Bilyns'ky 250). Nothing heard of him since 1952 [unless amnestied or dead, r.1975?].

Ternopol'

Kozla; s.25 (l.p.c.17a); [r.1975?].

1951

Brest-Litovsk

Leonyuk Volodymyr, b. 1932; s.25 (l.p.c.17a); sentenced again in 1960 (see below).

1952

Cherkassy

Orel Mykhaylo (see 1947); s.25 (l.p.c.17a); [it is not clear whether the two sentences run concurrently; r. 1977 or 1997?].

Dnepropetrovsk

Kinash (Bilyns'ky 295).

Ivano-Frankovsk

Kostiv Mykola (see 1945); s.25 (l.p.c.17a, F 104); [r. 1977 or 1990?].

Tyshkivs'ky Stepan, b. 1914; s.25 (l.p.c.17a); [r. 1977?].

L'vov

Pryshlyak Yevhen, b. 1913; the same.

Rovno

Mel'nyk Vasyl', b. 1923; the same.

Soroka Stepan, b. 1932; s.25 (l.p.c.17a); amnestied and later rearrested (ChP 210); [r. some time after 1977?].

Sykyvkar

18 defendants, most arr. June, incl. 13 Vorkuta Camps prisoners and five free individuals, charged with forming three self-defence organisations among Ukrainian prisoners in the Vorkuta Camps. One died under torture during pre-trial investigation. The other seventeen were tried 9-16 Sep 1953 and sentenced as follows (Bilyns'ky 288 ff. *passim*):

Soroka M. M. (see 1940), presumably arr. Nov 1951; s. to death, commuted to 25 years; his first eight-year term, 1940–8, this conviction being quashed, is nevertheless not deducted from the new term. In May–June 1969 with some other prisoners signed petitions in defence of A. Ginzburg. [r. Nov 1976?] (1.p.c.17a, F 71, 104, ChP 92, 96, 209, 214–15, Chr 7, 8, 9, S no. 8 (1969) 119.) Bilys'ky Andriy, s. to death, commuted to 25 years; repatriated to W. Germany in 1955.

Petrashchuk, s. to death, commuted to 25 years [unless amnestied or dead, r. 1977?].

Krushel'nyts'ky, a university graduate, s.25 [?–r.1977?].

Lyakh Apoloniya, s.5; under amnesty of March 1953 released soon after trial.

Eight other individuals, s.25 each; three, s.15 each; and one, s.10; among them:

Borshch Stefan, a lawyer,

Flon',

Romanyshyn,

Sil'chuk Omelyan,

Svyentsits'ky,

and seven others. Nothing is known of the fate of Petrashchuk and those listed after him since 1954.

Ozers'ky Hryhoriy Mynovych; organised a 'Ukrainian Cossack Front' in a Vorkuta camp; s.25 (Bilys'ky 292, 302); [has probably died].

Korotash (from Odessa); organised a resistance group in a Vorkuta camp; s. to death, commuted to 25 years (Bilys'ky 340) [?–r.1977?].

Seven members of Korotash's group, two similarly sentenced, and six of another group, s. to death; names unknown (Bilys'ky 340).

Ternopol'

Yurkiv Volodymyr (see 1947); s. to death, commuted to 25 years (1.p.c.17a); [r. 1977 or 1997?].

1953

L'vov

Hladkovs'ky Yevhen, b. 1930; s.25 (1.p.c.17a); [r.1978?].

1954

Chernovtsy

Zaborovs'ky R.; 'for service in the Rumanian army and connection with national liberation movement in 1942–54' (1.p.c.17a, UIS).

L'vov

Yankevych Stepan, b. 1922; s.25 (1.p.c.17a); [r.1979?].

1955

Ivano-Frankovsk

Shekman (Cherkman: UIS) Oleksa, b. 1928; s.25 (1.p.c.17a); [r.1980?].

1956

Kiev

Kulyk [1] Pavlo, s.10 (F 101); [r.1966?].

1957

Dnepropetrovsk

Turyk Andriy; s. to death, commuted to 15 years in camps of special regime (F 101); [r.1972?]

Luts'k

Shumuk Danylo; former political prisoner in pre-war Poland and in the USSR for some 17 years, arr. in Dnepropetrovsk on a trumped-up charge, was promised immediate release in return for co-operation with the KGB, refused (F 147-8), s.10 in Luts'k (F 101); [r.1967, after Apr?].

L'vov

Duzhyn's'ky V., a painter; hoisted a Cossack flag over the L'vov Opera; s.10 (ChP 209-10); [r.1967?].

Rovno

Kobrynchuk Vasyl'; s.10 (F 101); [r.1967?].

1958

Pal'chan Mariya, b.1927; OUN courier; s.15; in c.3 (Chr 15); [r. 1973?].

Dnepropetrovsk

Kychak Ihor; s.10 (F 101); [r.1968?].

Donetsk

Tykhy Oleksiy; s.5 (F 101); [r.1963?].

Ivano-Frankovsk

'United Party for the Liberation of the Ukraine'; arr. Dec, tr. 4-10 Mar 1959 in camera; mostly workers (details, F 69). The first five s.10 each, and should have been released Dec 1968, but fact of release has been positively confirmed in only one case.

Hermanyuk Bohdan, b. 1939 (F 69) or 1931 (l.p.c.17a) in Pyadki, Kolomyia District, Ivano-Frankovsk Region (F 109-10).

Plushchak Myron, b. 1932.

Strutyn's'ky [2] Ivan Vasyl'ovych, b. 1937; r.1968 (Chr 7).

Tkachuk Yarema Stepanovych, b.1933.

Tymkiv Bohdan Ivanovych, b.1935.

Konevych Ivan, b.1930; s.7; r.1965.

Yurchyk Mykola, b.1933; s.7; r.1965.

Plushchak Vasyl'; s.2; r.1960.

[1] In 'U pivstolittya . . .', p. 69, 'Kul'ka' (a misprint).

[2] In l.p.c.17a, 'Struzhyn's'ky' arr. '1956' (apparently misprints).

L'vov

Shukhevych-Berezyns'ky Yuriy (see 1948); rearrested on 21 Aug when due for release; s.10 on a trumped-up charge (sources quoted above, and his statement, F 248); in Feb 1968 took part in a hunger strike (Chr 1); r. [Aug?] 1968 (Chr 4).

Rouno

Demchuk (or Denyshchuk: UIS) Hryhor, b. 1930; s.25 (1.p.c.17a); [r.1983?].

Voroshilougrad

Kyyan Borys; s.10 (F 101); [r.1968?].

1960

Kiev

Five defendants in a group case (F 101):

Hasyuk Yaroslav, b. 1925, from Ivano-Frankovsk Region, formerly imprisoned, s.12 (1.p.c.17a); transferred from c.17a to prison for 'processing' for one month in 1966 and in June-July 1967 (F 113); [r.1972 or later?].

Khrystynych Bohdan, b. 1929, from Ternopol' Region; s.12 (or arr. 1959, s.10; 1.p.c.17a); [r.1972?].

Leonyuk Volodymyr (see 1951); s.12 (1.p.c.17a); [r.1972 or 1988?].

Zatvars'ky Volodymyr; s.7; [r.1967?].

Kobylets'ky Yaroslav; s.5; [r.1965?].

L'vov

A group of children, headed by:

Levyts'ky (b. 1946: UIS); s.10 (F 100); [r.1970?].

Shmul' Volodymyr; s.7 (F 100); [r.1967?].

Sumy

Polozko Ivan; s.4 (F 101); [r.1964?].

Ternopol'

Strus Petro; s.10 (F 101); [r.1970?].

1961

Donetsk

A group of individuals, headed by:

Hayovy Hryts'ko; s.6 (F 101); [r.1967?].

L'vov

Lytsyk M. P. (may be identical with Mykhaylo Lutsyk, in Vladimir in 1969: Chr 11), and

Vodynyuk O. V.; tr. 12 Apr in camera, though the judgment states 'in an open judicial session' (ChP 216).

'The Jurists' Case'; seven individuals, tr. 16-20 May in camera (details F 55-8, 67-8; also 16-18 and Part I passim):

Lukyanenko Lev Hryhorovych, b. 1927; s. to death, commuted to 15 years. Subjected to a series of additional penalties, e.g. transported to a prison for one month's 'processing' in 1966, incarcerated in the camp prison for six months in Dec 1966 (F 114-15, ChP 151), deprived of a 'personal' visit in 1967 (F 146), imprisoned in Vladimir in Mar-Sep 1968, where harmful drugs were administered to him in the food; he protested, together with Ivan Kandyba (of this case) and Mykhaylo Horyn', against this and similar drugging of food in the camp in a letter to the UN of June 1969 (F 216), following which both he and Kandyba were sent to Vladimir in that year (Chr 11) (Horyn' had been in Vladimir since August 1967: F 110). [r. Jan 1976?].

Kandyba Ivan Oleksiyovych, b. 1930; arr. 20 Jan; s.15 (1.p.c.17a; cf. Lukyanenko above); [r. Jan 1976?].

Virun Stepan Martynovych, b. 1932; arr. 20 Jan; s.11; [r. Jan 1972?].

Libovych Oleksandr Semenovych, b. 1935; arr. 25 Jan; s.10; [r. Jan 1971?].

Luts'kiv Vasyi' Stepanovych, b. 1936 (F 43; or 1935: F 56); arr. 20 Jan; s.10; now presumably in c.3, Central Hospital (F 64); [r. Jan 1971?].

Borovnyts'ky Yosyp Yulianovych, b. 1932; arr. 24 Mar; s.10, commuted to 7 years; [r. Mar 1968?].

Kipysh Ivan Zakharovych, b. 1923; arr. 23 Mar; the same.

'Ukrainian National Committee'; twenty individuals, mostly workers, tr. 16-23 Dec [1] in camera (details F 69-70, 100, where eighteen names are listed by both Kandyba and Masyutko; also F 66):

Hrytsyna Bohdan; shot (F 78-9, 84-5).

Koval' Ivan Teodorovych; shot (ib.).

Gnot (thus F 69) or Hnat (F 100) Volodymyr; s. to death, commuted to 15 years; [r. 1976?].

Hurny Roman, b. 1939 (thus F 69) or 1924 (1.p.c.17a); the same. Luts'kiv, on the strength of whose testimony H. was convicted, has admitted its spuriousness (F 79, 84).

Klymchak Pavlo; s.15; [r. 1976?]. (Not F 69-70.)

Kuzyk Hnat, b. 1933; s.15; [r. 1976?]. (1.p.c.17a; not F 69-70.)

Melykh (or Melekh: 1.p.c.17a) Mykola, b. 1930; s.15; [r. 1976?].

Soroka Vasyi' (thus 1.p.c.17a) or Stepan (F 70), b. 1912; s.15; [r. 1976?].

Yovchyk Myroslav (thus F 100) or Myron (F 80); s.15; [r. 1976?].

Zel'man (or Zelymash: F 69) Hryhoriy, b. 1936; s.15 (or 10: 1.p.c.17a); [r. 1976 or 1971?].

Kindrat Vasyi'; s.13; presumably in c.3, Central Hospital; [r. 1974?]. (Not F 100.)

Kyrylo (thus F 70) or Kurylo Mykola (F 100); s.12; [r. 1973?].

Pokora Mykola (thus F 100) or S. (F 80); forced to give fabricated evidence against Yovchyk (ib.); s.12; [r. 1973?].

Tehlivets' (thus F 100) or Tehyvets' (F 70) Oleksa; s.12; [r. 1973?].

Khomysakevych (thus F 70) or Khomyakovych (F 100) Omelyan; s.12 (F 70) or 10 (F 100); [r. 1971 or 1973?].

[1] According to Kandyba (F 69); Masyutko quotes '22 Jan 1962' (F 99) as the day on which the judgment was given; this may be the date of the Supreme Court's ruling on the appeals.

Mel'nychuk Mykola; s.12 (thus F 100) or 10 (F 70); [r.1971 or 1973?].
 Zel'man (or Zelymash: thus F 69) Oleksiy; s.12 [r.1973?].
 Mashtalyer (or Mashtalir: thus M 100) Mykola, b. 1925; s.10 (or s. to death,
 commuted to 15 years: l.p.c.17a); [r.1971 or 1976?].
 Myn'ko Oleksa; s.10; [r.1971?].
 Kaspryshyn Anton; s.5; r.1966.

Ternopol'

Apostol Mykola and his group (four other individuals) (F 80).

1962

Chernovtsy

Koval'chuk Dmytro; s.10 (F 101); [r.1972?].
 Shershen'; s.6 (ib.); [r. 1968?].

Lutsk

Shust,
 Romanyuk and
 other individuals of their group (F 101).

L'vov

A group of six men from Khodorov (F 100):
 Protsiv Mykola (thus F 100; Mykhaylo: F 80, 85); shot.
 Drop; s.15; [r.1977?].
 Protsiv Mykhaylo; the same.
 Khanas; s.12; [r.1974?].
 Nahrobny Yosyp; the same.
 Kapitonenko; s.8; [r.1970?].
 Pidhorodny Mykola (see 1949); s.7 (l.p.c.17a); [r.1969?].
 Myrlas Oleksandr; s.5; [r.1967?].
 Dorech [1]; s.4; [r.1966?].

Ternopol'

The 'Bohdan Hohus' Group' of five men (F 101):
 Hohus' Bohdan; s. to death (F 80), commuted to 15 years: 5 years of prison and
 10 years in camp; [r.1977?].
 Kulikovs'ky Volodymyr; s.15; [r.1977?].
 Kovalyshyn Hryts'ko; s.10; [r.1972?].
 Pundyk Pavlo; s.5; [r.1967?].
 Palykhata; s.4; [r.1966?].
 Martsiyas (or Matiyash, Matsiyash? – UIS) Mykola, b. 1938; s.10 (l.p.c.17a);
 [r.1972?].

Zaporozh'ye

A group of six men (F 101):
 Savchenko Volodymyr; s.6; [r.1968?].
 Pokrasenko Yurko; the same.

[1] In 'U pivstolittya . . .', p. 69, 'Dorych' (a misprint).

Rynkovenko [1] Valeriy; the same.
 Chornyshov Volodymyr; s.4; [r.1966?].
 Vorobyov Oleksa; the same.
 Nadтока Borys; s.3; [r.1965?].

1963

Chernigov

Pryymachenko; s.4 (F 101); [r.1967?].

Donetsk

A group of three [or more?] individuals (F 101):
 Bul'byns'ky
 Babych [2]
 Trasyuk

Luts'k

Sachuk Yurko; tr. 10–12 Sep, protested against trial in camera; s.5 (F 101, ChP 216–17); [r.1968?].

Rovno

Kurylyak Stepan; s.6 (F 101); [r.1969?].

1964

L'vov

Koshelyk Roman; s.6 (F 100); [r. 1970?].

1965

Duzhyns'ky Roman; 'national movement'; s.4, UCC 62; r.1969 (Chr. 8).

Ivano-Frankovsk

Ozerny Mykhaylo Dmytrovych, b. 1929; arr. Aug; tr. 4–7 Feb 1966; s.6, commuted to 3 years; after a few months in c.11 transferred to unknown destination (F 8, 105, 249, ChP 152–3 and passim, UI); [r. Aug 1968?].
 Zalyvakha Panas Ivanovych, b. 1925; arr. Aug; tr. Mar 1966; s.5 (F 8, 105, 148, 150, 177–8, 195, 249, ChP 117–30, 240–46, UI); r. Aug 1970.
 Ivanyshyn Mykhaylo; arr. 28 Aug; r. after five months of detention without trial (ChP 7, 53, UI).

Kiev

Hevrych Yaroslav, b. 1937; arr. Aug; tr. 9–11 Mar 1966; s.5, commuted to 3 years; r. [Aug?] 1968 (F 9, 105, 193n, 214, 248, ChP 97–102 and passim, UI).
 Kuznetsova Yevheniya Fedorivna, b. 1913; arr. 25 Aug; tr. 21–25 Mar 1966 (together with Martynenko and Rusyn); s.4; when in camp allegedly appealed

[1] In 'U pivstolittya . . .', p. 70, 'Ryshkovenko' (a misprint).
 [2] Ibid., 'Rybych' (a misprint).

- for clemency and released in summer 1967; died a year later (F 5n, 9, 21–3, 105, 183–4, 187, 245, 248, ChP 133–7).
- Martynenko Oleksandr Ivanovych, b. 1935; arr. 28 Aug; tr. 21–25 Mar 1966; s.3 (F 9, 105, ChP 137–8, UI); [r. Aug 1968?].
- Rusyn Ivan Ivanovych, b. 1937; arr. 28 Aug; tr. 21–5 Mar 1966; s.1; r. [Aug?] 1966; in 1968 signed the ‘Appeal of the 139’ (F 7, 9, 105, 194, ChP 161, UI).
- Hryn’ Mykola Yevdokymovych, b. 1928; arr. Aug; tr. Mar 1966, recanted; s.3, commuted to a suspended sentence; r. [mid-]1966 (F 9, ChP 116–17).
- Svitlychny Ivan, b. 1929; arr. early Sep; r. 29 or 30 Apr 1966 without trial; has continued to participate in protests, and has been subjected to further harassment by the KGB (F passim, ChP 53, Chr 5, 7, UI).
- Morhun; arr. [Aug/Sep?]; r. after five months of detention without trial (ChP 53, UI).

Lutsk

- Moroz Valentyn Yakovych, b. 1936; arr. Aug; tr. 12–20 Jan 1966; s.4 [1]; subjected to additional penalties: in Dec 1966 incarcerated in the camp prison for six months, deprived of a personal visit, and in Aug 1967 transferred to Vladimir (F 7, 108, 114–15, 119n, ChP 150–2, Chr 7); r. 1 Sep 1969 (Chr 10). Before 23 Apr 1970 signed a letter in defence of Karavans’ky (F 249). Rearrested in June (see 1970 below).
- Ivashchenko Dmytro Polikarpovych, b. 192?; arr. Aug; tr. with Moroz; s.2 (not 3, as F 105); r. [Aug?] 1967 (F 7, 8, 144, ChP 131–3, S no. 7 (1968) 123).

L’vov

- Dyky; from Drogobych; producing and distributing MS. leaflets together with his wife; s. 5 years’ camp and 3 years’ exile, UCC 62; [r.1970, then 1973?]; and Tershivs’ka Myroslava, his wife, similar charges; s. 3 years’ camp, after which she was released in 1968, and 3 years’ exile, for which she was then deported to Krasnoyarsk Province (Chr 7); [r.1971?].
- Masyutko Mykhaylo Savych, b. 1918; arr. in Feodosiya 4 Sep; tr. 21–23 Mar 1966; s. 3 years’ prison and 3 years’ camp, commuted to 6 years’ camp; additional penalties: in Dec 1966 incarcerated in the camp prison for six months, deprived of a personal visit, and in Aug 1967 transferred to Vladimir; seriously ill with a stomach ulcer (F 9–10, 97ff., 108, 114–15, 147–8, 243–4, 248–9, ChP 58–63, 138–49, 232, Chr 7, 11, UI); [r. Sep 1971?].
- Hel’ Ivan Andriyovych, b. 1937; arr. 24 Aug; tr. 24–25 Mar 1966; s.3; r. [Aug?] 1968; after release, not allowed to return to L’vov or to continue his studies as an evening-class student of L’vov University (F 10, 105, 248, ChP 100–2, Chr 7, UI).
- Menkush Yaroslava Mykhaylivna, b. 1923; arr. 25 Aug; tr. with Hel’; s.2½, commuted to one year; r. [Aug?] 1966; after release, not allowed to return to L’vov and to her former employment (F 10, 105, ChP 149–50, UI).
- Horyn’ Mykhaylo Mykolayovych, b. 1930; arr. 26 Aug; tr. 15–18 Apr 1966 (together with his brother Bohdan, Osadchy and Zvarychevs’ka); s.6; additional penalties: in Dec 1966 incarcerated in the camp prison for six months, deprived of his wife’s visit for 1967, and in Aug transferred to Vladimir (see also 1961, Lukyanenko) (F 10, 11, 100 ff., 146, 148, 246, 248, ChP 103–16, 230–1, Chr 7, 11, UI); [r. Aug 1971?].

[1] Thus ChP 52 and in view of the date of release; ‘five years’ (ChP 151) must be an error.

- Horyn' Bohdan Mykolayovych, b. 1936; arr. 26 Aug; tr. 15–18 Apr 1966; s.4 (ChP 103) or 3 years (Chr 7); r. [Aug?] 1968 (F 10, 177–8, ChP 102–3, 228–30, Chr 7). Not restored to his former employment. Signed a letter in Karavans'ky's defence (F 249).
- Osadchy Mykhaylo Hryhorovych, b. 1936; arr. 28 Aug; tr. 15–18 Apr 1966; s.2; r. [Aug?] 1967; not reinstated in his former employment with L'vov University (F 10, 189–90, 243, 249 and passim, ChP 153–61, 232–40, Chr 7, UI).
- Zvarychevs'ka Myroslava Vasylivna, b. 1936; arr. 24 Aug; tr. 15–18 Apr 1966; s. 8 months; r. [24 Apr?] 1966 (F 10, 105, ChP 130–1).
- Baturyn (or Buturn: F 105) Stepan; arr. [Aug/Sep?]; r. after five months in detention without trial (ChP 53).
- Kosiv Mykhaylo; the same (F 3 n, 105, ChP 53, UI).
- Sadovs'ka Hanna; the same (F 105, ChP 53, UI).

Odessa

- Karavans'ky Svyatoslav Yosypovych (see 1944); rearrested on 13 Nov; deported to Dubrovlag without trial for 8 years and seven months (the remainder of his original 25-year term); additional penalties: in Oct 1966 incarcerated in the camp prison for six months, deprived of his wife's visit in 1967, and in Aug transferred to Vladimir (F 22, 24–6, 161, 242–3, 246–7, 249, ChP 64–7, 169–221, UI, Chr 7). In autumn 1969 indicted under new charges (see below).

Ternopol'

- Hereta Ihor Petrovych, b. 1938; arr. 27 Aug in Odessa; tr. 2?–25 Feb 1966; suspended s.5 (F 8, ChP 102, UI).
- Chubaty Mefodiy, b. 1938; arr. Aug; tr. with Hereta; suspended s.4 (F 8, ChP 161–2, UI).

1966

Zhitomir

- Shevchuk Anatolij Oleksandrovych, b. 1937; arr. 23 May; tr. ?–7 Sep; s.5 (ChP 86–7, 162–6, 240, F 243, 249); [r. May 1971?].

1967

Ivano-Frankovsk

- 'Ukrainian National Front', organised in late 1964; conceived as the continuation of the OUN; the liberation of the Ukraine was its chief aim. In 1965–7, the Front issued a [monthly?] printed journal, 'Bat'kivshchyna i svoboda' ('Fatherland and Freedom'), where i.a. their programme was published. Its members published their literary works in an anthology, 'Mesnyk' ('Avenger'). They also submitted a memorandum to the XXIIIrd Party Congress and to Shelest demanding the independence of the Ukraine. Nine men were arrested and tried (S no. 3 (1969) 101–2, Chr 17):

- Kvetsko Dmytro, b. 1937, university graduate, the organiser of the group; s.15, of which 5 prison, and 5 exile. Now in Vladimir (Chr 11); [r.1982, then 1987?].

Dyak Vasył', university graduate, a first lieutenant of the militia; s.12, of which 5 prison, and 5 exile. Now in Vladimir (Chr 11; his name appears there as 'Mikhail Lyak': probably in error); [r.1979, then 1984?].

Krasivs'ky Ivan (or Zynoviy: Chr 11; or Zenon, arr. autumn 1968: UIS 22 Sep 1969), b. 1939, university graduate, writer; s. the same. Now in Vladimir; [r.1979?].

Hubka Ivan, economics graduate; 8 years in detention in the 1940–50s; s. 6 years' camp and 5 years' exile; now in Dubrovlag; [r.1973, then 1978?].

Kachur Mykola; s. the same.

Kulynyn Vasył', b. 1943, worker; s. the same. For taking part in a hunger strike, in protest against a tightening of the camp regime in c.19 in July 1970, dispatched to Vladimir [presumably for three years] (Chr 15; his name appears there as 'Kulanyn', and sentence, '8 years').

Lesiv Yaroslav, b. 1945, teacher; arr. in Kirovograd Region; s. the same as I. Hubka above.

Melen' Myron, conductor of a folk choir in Morshin; s. the same.

Prokopovych Hryhoriy; 8 years in detention in the 1940s–60s [? perhaps a misprint for '1940s–50s'], after which graduated from Kiev University; s. the same.

Kiev

Moskalenko Heorhiy (Yuriy), [b. 1940?], student; on 1 May together with Kuksa hoisted a Ukrainian yellow-and-blue flag with the trident on a multi-storey building; s.3 (S no. 3 (1969) 103); [r.1970?].

Kuksa Viktor, [b. 1940?], worker; as above; s.2; [r.1969?].

L'vov

Chornovil Vyacheslav Maksymovych, b. 1938; arr. 3 Aug; tr. 15 Nov; s.3, commuted under a general amnesty to 18 months; r. 3 Feb 1969; signed the Action Group's appeal to the UN and the letter in defence of Karavans'ky (F 13n, 12–15, 27, 155–71, 213–14, 246–9 and passim, ChP xxi, UI, Chr 7, 13).

1967–8

Ternopol'

Kots Mykola, [b. 1931?], university graduate, lecturer in a school of agriculture; disseminating photocopied leaflets advocating struggle for an independent Ukraine, as well as Symonenko's poetry; s. 7 years' camp and 5 years' exile (S no. 3 (1969) 104); [r.1974–5, then 1979–80?].

Dzyuban; 'struggle for national liberation and for the restoration of the Greek Catholic Church' (S no. 3 (1969) 103).

Uzhgorod?

Teren' Yosyp, [b. 1944?], began producing and distributing leaflets when 17; imprisoned in camps; escaped and for two years engaged in 'active underground liberation activity'; rearrested; s.8; in c.11, incarcerated in camp prison for five months (S, l.c.); [r.1975–6?].

1968

Ivano-Frankovsk

Vasylyk Volodymyr; in Dec 1967, when a gang began pulling down crosses from a local church, he organised a three-day siege of the church in which the gang had barricaded themselves against the fury of the inhabitants; s. 7 years' camp and 5 years' exile; now in Dubrovlag (S, 1.c.); [r. 1975, then 1980?].

Tkach Stepan, [b. 1937?]; hoisted a Ukrainian national flag in his village; s. 2½; was refused medical attention in the camp, died 28 July 1968 (S no. 3 (1969) 104).

Kiev

Three workers of the Kiev Hydroelectric Power Station, evening-class students of Kiev University; mailing and distributing leaflets against Russification and about Shevchenko anniversary celebrations, distributing books published in the Western Ukraine in the 1920s-30s and MS. literature, including Chornovil's book; tr. 26-29 Jan 1969 (Chr 5, 6, 7, 8, 11):

Nazarenko A. N. (sometimes 'V. '); arr. June; s. 5; [r. June 1973?].

Kondryukov Vasyi'; arr. Sep; s. 3; [r. Sep 1971?].

Karpenko Valentyn; arr. June; s. 18 months; r. 26 Dec 1969.

1969

Chernovtsy

Hay; arr. not later than Aug for 'connection with Ukrainian nationalists' (Chr 9).

Dnepropetrovsk

Three men, named below; distribution of letter from 'the creative youth of Dnepropetrovsk' to Shcherbyts'ky and others (cf. F 246) which protested against the persecution of those who had expressed favourable opinions about Honchar's 'Sobor' (cf. F 46n, 241, 243) as well as against other manifestations of the anti-Ukrainian attitudes of the authorities; distribution of Moroz's 'Report' (F Doc. 11); copying of a chapter from Molnár's book (F 242n); and verbal statements on the nationalities question and the invasion of Czechoslovakia; tr. 19-27 Jan 1970 (Chr 8, 10, 11, 12, S no. 10 (1969) 105).

Sokol's'ky Ivan Hryhorovych, b. 1940, a poet; arr. 13 June; admitted authorship of the letter; also charged with keeping an unposted letter to the CC CPSU and writing some poems; s. 4½ severe regime, UCC 62 (i); [r. Dec 1973?]. Now in c. 19. Kul'chyn's'ky Mykola Hryhorovych, [b. 1947?]; s. 2½ general regime, UCC 187-1; [r. Dec 1971?].

Savchenko Viktor Vasyi 'ovych; suspended s. 2 (was not under arrest).

Kiev

Bakhtiyarov Oleh, [b. 1947?], student; arr. 16 Dec; books by Berdyayev, Djilas, MSS.: LzR by Chornovil, 'Letter to a Friend' by Loza and some unspecified programme were found in his possession; tr. 20 Feb and, after five adjournments, early Apr 1970; s. 3 years' general regime camps (Chr 11, 13, 14), [presumably in the Ukraine; r. Dec 1972?].

Breslavs'ky Mykola Oleksandrovych, b. 1924, teacher, ex-inmate of Stalin's camps; attempted self-immolation in protest against Russification on 10 Feb; immediately arr.; tr. 27-28 May; s.2½ (S no. 8 (1969) 119, Chr 8, 10); [r.Aug 1971 ?].

L'vov

Bedrylo Stepan, [b. 1932 ?], economist, on the staff of the Ukrainian Agricultural Academy in Kiev; arr. 20 June in Kiev, transferred to L'vov for investigation; distributing an appeal of seven Ukrainian writers ex-prisoners and an article on self-immolations (F 246-7); tr. Jan 1970; s.4; commuted on 3 Feb to 2 years (Chr 10, 11, 12); [r. June 1971 ?].

Chaban Bohdan, b. 1939, construction engineer; arr. June; gave evidence against Bedrylo; r. before trial (Chr 12, UIS 22 Sep 1969).

Hryp; arr. early 1969 (UIS 1.c.).

Rybak Vasyl, a research worker of the L'vov Institute of Social Sciences, ten years earlier returned from the US to the USSR, being a convinced communist; sent an article to 'Pravda' about forced assimilation of Ukrainians; arr. in the summer when a copy was confiscated from someone at the border (Chr 10).

Moscow

Hryshchuk Ivan Oleksandrovych, Major (retd); sent to Moscow by workers of the Kiev Hydroelectric Power Station to air their grievances; arr. there in late June (Chr 8; cf. F 247).

Ternopol'

Some ten defendants; circulating MS. literature on the nationalities question and on the events in Czechoslovakia; tr. Sep (Chr 10).

Vladimir

Karavans'ky S. Y. (see 1944 and 1965); in the autumn transferred from Vladimir to the Ukrainian SSR KGB prison in Kiev for investigation on charges of 'anti-Soviet propaganda', consisting of writing some articles and smuggling them out of the prison; tr. 23 Apr 1970; s.5. On 30 June, his appeal was heard by the RSFSR Supreme Court. Defence counsel asked for the sentence to be quashed, producing cogent arguments that K. could not have either circulated or prepared the MSS. in question. The appeal was nevertheless dismissed. ('The Times', 'Washington Post', 28 Apr 1970, Chr 11, 13, 15); [r. June 1979 ?].

1970

Ivano-Frankovsk

Moroz Valentyn Yakovych (see 1965); rearrested 1 June in Ivano-Frankovsk; his more recent writings: 'A Chronicle of Resistance' (F 240), 'Moses and Datan' and 'Among the Snows', as well as books published in the Western Ukraine before 1939, were confiscated; he was indicted under UCC 62 (Chr 14). At his 3-day trial in Nov, his 'Report' (F Doc. 11) and one other work were cited against him; s. 6 years' prison, 3 years' camp and 5 years' exile (Reuter; 'The Times', 23 Nov 1970 and 17 Feb 1971; Chr 17); [r. June 1984 ?].

Bibliography

SELECT BIBLIOGRAPHY IN ENGLISH

This list includes some books on Ukrainian history, from antiquity to the 1960s, which may be found useful in providing a background to the present ferment. The list is concluded with books containing documents originating from the Ukraine (indirectly, in the case of 'The Chronicle of Current Events') and more closely related to the subject of the present volume. ('Unpublished' Ukrainian writings are listed in the second section of the Bibliography.)

General

'Ukraine: A Concise Encyclopaedia', prepared by Shevchenko Scientific Society (University of Toronto Press, 1963). (Sections on geography, population, ethnography, language, history, culture and literature; extensive bibliographies.)

Histories

M. Hrushevs'ky, 'A History of Ukraine' (Yale University Press, 1948). (Cf. p. 124, fn. 7 above.)

C. A. Manning, 'The Story of the Ukraine' (New York, 1947).

—'Twentieth-Century Ukraine' (New York, 1951).

Since 1917

R. S. Sullivant, 'Soviet Politics and the Ukraine, 1917-57' (Columbia University Press, 1962).

J. S. Reshetar, 'The Ukrainian Revolution, 1917-20. A study in nationalism' (Princeton University Press, 1952).

J. Borys, 'The Russian Communist Party and the Sovietisation of Ukraine. A study in the Communist doctrine of the self-determination of nations' (Stockholm University, 1960). (1917-1923).

G. S. N. Luckyj, 'Literary Politics in the Soviet Ukraine, 1917-34' (Columbia University Press, 1956).

Terror of the 1930s

H. Kostiuk, 'Stalinist Rule in the Ukraine. A study of the decade of mass terror, 1929-39' (London, 1960; New York, 1961).

R. Conquest, 'Devastated area: the Ukraine', in his 'The Great Terror' (1968), pp. 251-9.

Post-War Period

Y. Bilinsky, 'The Second Soviet Republic: the Ukraine after World War II' (Rutgers University Press, 1964).

R. S. Sullivant, 'The Ukrainians', in 'Problems of Communism', xvi 5 (Sep-Oct 1967, special issue: Nationalities and nationalism in the USSR) 46-54. (Several other articles in this issue are also variously relevant.)

E. Goldhagen (ed.), 'Ethnic Minorities in the Soviet Union' (New York, 1968) (Papers by Y. Bilinsky, J. A. Armstrong, V. Holubnychy a.o.)

G. Luckyj, 'Turmoil in the Ukraine', in 'Problems of Communism', xvii 4 (July-Aug 1967, special issue: In quest of justice. Protest and dissent in the USSR, pt i) 14-20; also in A. Brumberg (ed.), 'In Quest of Justice' (New York-London, 1970).

- J. Kolasky, 'Education in Soviet Ukraine. A study in discrimination and Russification' (Toronto, 1968). (Abbr. KE.)
 —, 'Two Years in Soviet Ukraine. A Canadian's personal account of Russian oppression and the growing opposition' (Toronto, 1970). (K. lived in Kiev from Sep 1963 to Aug 1965.) (K2.)

Ferment and Repression: Documents

- I. Dzyuba, 'Internationalism or Russification?' (2nd ed., 1970). (IorR.)
 V. Chornovil, 'The Chornovil Papers' (New York, 1968). (ChP.)
 V. Moroz, 'A Chronicle of Resistance' (Baltimore, Md, 1970). (On resistance against the destruction of Ukrainian cultural values.)
 Trials in the Ukraine: 1966' (in preparation). (To include new documents from 'Ukrains'ka inteligentsiya pid sudom KGB' (Munich, 1970) (UI)).
 P. Reddaway (ed.), 'Underground Russia: the civil rights movement in the USSR' (London, Cape; New York, Cowles; in preparation). (The annotated text of the unofficial Moscow journal 'The Chronicle of Current Events' (Chr), nos. 1-11; Ukrainian material in chapters 14, about the Ukraine, and 10, about political prisoners.)

'UNPUBLISHED' WRITINGS

Five years ago Dzyuba wrote: 'An enormous amount of unpublished, mostly anonymous, poetry and publicistic writing is circulating from hand to hand. (This writing of the masses is often naïve and unskilled, but it expresses a cry from the heart.)' [1] Limitation of space has prevented the inclusion in this book of more than one particular range of documents [2], and the following list aims to give an idea of the scope of what is described by Dzyuba as 'rukopysny' ('manuscript', or 'unpublished') Ukrainian writing. In Russian, the term 'samizdat' ('do-it-yourself publishing') is used, which is rendered into Ukrainian as 'samvydav'; 'zakhalyavna' ('bootleg') literature is the native Ukrainian term [3], but both of these appear to cover somewhat narrower ranges than the first description.

No more than a fraction of all such writing is known in the West, and of these some may be missing from the list below, which represents the first attempt of its kind to collect this information. Nevertheless, every effort has been made to achieve completeness.

The list includes literary, publicistic and documentary writings, some intended for circulation in MS. or typescript copies from the start, while others, in which no such intention was present, began to circulate against the authors' will. Among these are petitions addressed to one or more of the authorities and which have later leaked; public speeches and poetry recitals taped by someone in the audience and then transcribed. Certain items cross the boundary between published and 'unpublished' writings; thus, a book may be banned after publication (as D. Pavlychko's 'Pravda klyche') or at the proof stage (as Lina Kostenko's 'Zoryany integral'), while something else may be allowed into print after a long delay (as two or three of Symonenko's originally unpublished poems). A work may even exist simultaneously in both guises; e.g. Honchar's controversial 'Sobor' has been published in Ukrainian in hundreds of thousands of copies and is not actually banned, but probably has no chance of getting into print in Russian, and its translation into that language therefore circulates in typescript.

The list is divided into five sections: (a) poetry, (b) prose, (c) literary criticism, (d) sociological and political documents, and (e) documents by, and concerning, political prisoners.

The arrangement of (a)–(c) is alphabetical, anonymous works being placed last. Section (d) begins with two alphabetically arranged subsections (the second one including anonymous works) listing documents the dating of which is uncertain (mostly pre-September 1965). The last subsection includes documents dated within more or less narrow limits, arranged chronologically. Section (e) begins with documents, arranged chronologically, relating to, or written by, groups of prisoners or an unidentified prisoner, followed by documentation relating to individual prisoners, whose names are grouped by the dates of their arrest.

Each entry gives the name of the author and the title in Ukrainian, with an English translation, or some other identification, and the date when it was originally written, in brackets; after a colon, the place and date of publication in Ukrainian is identified. Some documents were reprinted in several periodicals, and in such cases the book form and first journal publication are given preference.

[1] IorR, p. 202.

[2] Cf. fn. 7 on p. 20 above.

[3] Cf. fn. 3 on p. 189 above on the origin of this term.

As this list is primarily intended as the fullest possible catalogue of original texts, English translations, which are given next, are mentioned only when they are easily accessible in book form. Translations of uneven quality of some important documents have also appeared in English-language Ukrainian periodicals, usually soon after the publication of Ukrainian originals. References in other documents to the document in question come next, after the letter 'r.'. Such references can, apart from other information, provide at least some indication as to the circulation of the MSS.

Certain types of privately circulated MSS. are excluded from the list. Among them are documents originating outside the Ukraine or not related to the national aspect of Ukrainian ferment. Some texts originating abroad and copied by dissidents in the Ukraine must be, however, briefly mentioned here since their subjects are more or less related to matters treated in the Ukrainian unpublished literature, and the texts themselves have been used in the charges levelled against these dissidents. Among them are Eisenhower's address at the unveiling of the monument to Shevchenko in Washington on 27 June 1964 [1], an encyclical of Pope Paul VI [2], two polemical articles – replies from Ukrainians in the West to articles in the Soviet press addressed to them [3] – and some books published by them [4]. There is also a remarkable recent case (January 1970) of a chapter copied from a book published in Novotný's time in Czechoslovakia being treated as 'subversive' [5].

In addition to general abbreviations (ChP, IorR, UI, etc.) and those mentioned on p. 220–1 above, the following additional ones are used below:

E. English

KE John Kolasky, 'Education in Soviet Ukraine' (Toronto, Peter Martin, 1968)

K2 Kolasky, 'Two Years in Soviet Ukraine' (ibid., 1970)

r. referred to in . . .

(a) *Poetry*

Vasyl' Holoborod'ko, 'Letyuche vikontse' (E. title-page 'Poetry') (Paris-Baltimore, PIUF-Smoloskyp, 1970).

S. Karavans'ky, transls from Shakespeare, Kipling, Byron, and his own poems (Yavas 1966 and 29 Jan 1967): LzR 93–100; another four, i.a. 'To the Heirs of Beria': r. LzR 86, 170, ChP 170, 221.

Mykola Kholodny: S no. 12 (1968) 61–9.

[1] 'Ukrainian Review', xi 3 (autumn 1964) 10–11; r. UI 53–4, 86, 113, 121–3, 131, ChP 24, 33, 46, 54, 143.

[2] r. UI 123–56 passim, ChP 46, 54–6.

[3] Rakhmanny's article (cf. p. 106, fns 2, 3 above); r. UI 90, 93–4, ChP 128, 143–4. The other one, a collective letter, appeared in S no. 5 (1964) 121–4; r. UI 93, 102, 121–2, ChP 54–5, 143.

[4] Six such books are referred to in UI 162–6, 174, 182, ChP 57, 105–6.

[5] M. Molnár (ed.), 'Slovaky i ukrainci' ('Slovaks and Ukrainians') (Bratislava, Slovak Academy of Sciences, 1965): r. Chr 12. The source fails to mention the name of the offending chapter; however, there can be little doubt that it must have been the reprint of Taras Volya's pamphlet 'Bratskoye poslaniye' ('A Fraternal Epistle', in Russian) included in Molnár's book. The pamphlet was published over a hundred years ago, and its original edition is now virtually inaccessible.

- Lina Kostenko, collection 'Zoryany integral' ('The Astral Integral'): r. K2, 150, 237; the eponymous poem: S no. 6 (1968) 30-45.
- M. Masyutko (Magadan [Camps] 1942, 1945-59 and the L'vov KGB prison 17 Mar 1966): LzR 182-90.
- M. Osadchy, poems from collection 'Misyachne pole' ('Moonlit Field') (1965), the whole run of which was withdrawn from the printers and destroyed after his arrest: LzR 225-32 (cf. ChP 83-4, 155, 239-40). Prison and camp poems: LzR 232-62; some fragments in E. transl.: ChP 84-5.
- Sofiya P., two poems (Podolia, the Ukraine, 1966): in V. Chornovil, 'Ya nichoho u Vas ne proshu' (Toronto, New Pathway Publishers, 1968) 84-5, 106.
- Dmytro Pavlychko, three poems from his collection 'Pravda klyche' ('The Truth Calls') (L'vov, 1958), banned soon after publication: S no. 1 (1964) 119; r. UI 127, K2 151, 198.
- Volodymyr Sosyura, 'Mazeppa' (1929): r. K2 152.
- Vasyl' Stus, ten poems: S no. 2 (1970) 5-10.
- Vasyl' Symonenko: S no. 1 (1965) 3-12, and his 'Bereh chekan'' (E. title-page 'The Shore of Expectations') (New York, Prolog, 1965).
- [?] 'Kredo' ('My Creed'): r. K2 159.
- 'Krykz mohyly' (E. title-page 'Cry from Hell. Underground Poetry from Ukraine'), (Baltimore-Paris-Toronto, Smoloskyp, 1969).
- 'Mesnyk', anthology; presumably poetry and prose (1965-7): r. F 233.
- 'Nadzvy chayno vesela pisen'ka ostann'oho hurona' ('The Very Merry Song of the Last Huron') (before Sep 1963): S no. 12 (1965) 6-7.
- 'Povstan'te, hnani i holodni': r. UI 87, 113. (The first line is taken from the official Ukrainian version of 'The Internationale'.)
- 'Pryvezly margaryn' ('The Margarine Has Been Delivered'): r. UI 150, 156, ChP 54-5.
- 'Shaliyte, shaliyte, skazheni katy' ('Rage, Oh Rage, Demented Executioners'): an old revolutionary song, it was confiscated from Masyutko and included in the files of his case together with other documents deemed 'anti-Soviet' by the prosecution (UI 104, 113). Cf. K2 201.
- 'Zabuvayte ukrains'ku movu! (Kredo zapekloho internatsionalista)' ('Forget Your Ukrainian! [The Creed of an Inveterate Internationalist]') (before mid-1965): S no. 12 (1965) 3-6 (two variants).

(b) *Prose*

- O. Honchar, 'Sobor' ('The Cathedral'), Russian transl. by R. Rozental': r. Chr 10.
- S. Karavans'ky, two short stories: LzR 100-4.
- M. Masyutko (also pseud. Mykhaylo Perekop), four short stories: LzR 193-202. Only titles are known of another twelve stories (e.g. 'A Peaceful Interrogation', 'Communism the Chinese Way', 'The Power of Gold', 'Shevchenko Memorial Evening') together with a few brief quotations from some of them (r. UI 67-9, 74-5, 98, 106-7, ChP 140). Comprising 380 pages in all, they were confiscated and included in the files of his case (r. UI 117).
- A. Shevchuk, three short stories (Zhitomir KGB prison 30 June 1966): LzR 273-286.
- V. Symonenko, diary: S no. 1 (1965) 13-18 and op. cit. under (a) above.

(c) *Literary Criticism; Memorial Speeches*

- I. Dzyuba, speech delivered in the Assembly Hall of the Writers' Union of the Ukraine on the 30th anniversary of Symonenko's birth (16 Jan 1965): E. transl., K2 253-8; r. UI 125, 195, ChP 143, K2 205-6, 236, 241, KE 195-6 (with two extracts). 'Kil'ka zistavlen' – chytayuchy Kobyl'yans'ku' ('A Few Comparisons – When Reading Kobyl'yans'ka'): S no. 5 (1969) 60-73. 'Shevchenko i Khomyakov' ('Sh. and Kh.'): S no. 1 (1970) 62-78.
- Ivan Makarovych Honchar (a sculptor), a letter in defence of O. Honchar's 'Sobor' ((b) above) (between May 1968 and Apr 1969): r. Chr 7.
- V. Hryshko, 'Ostanniy tvir Mykoly Khvyly'ovoho' (1942) ('Mykola Khvyly'ovy's Last Work'): r. UI 74, ChP 143.
- Andriy Malysko, oration at Volodymyr Sosyura's funeral (11 Jan 1965): E. transl., slightly abridged, K2 259-60; r. ChP 143.
- M. Masyutko, 'Literatura i psevdoliteratura na Ukraini' ('Literature and Pseudo-Literature in the Ukraine'): r. UI 67, 74, 78, ChP 140, 143-4.
- Ye. Sverstyuk, 'Sobor u ryshтовanni' (E. title-page 'Cathedral in Scaffold') (Paris-Baltimore, PIUF-Smoloskyp, 1970) (written between June 1968 and Apr 1969; perhaps before 21 Aug 1968): r. Chr 7.
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Ch. to the Ukrainian SSR Procurator and the KGB Chairman (ca. 8 May 1966): 'Ya nichoho . . .' 40-1, ChP 2-3. ('The President of the Ukrainian SSR People's Court' also appears as an addressee, but according to the next item but one the dossier was sent to him only seven months later.)

Ch. to P. Shelest, the First Secretary of the CC CPU (22 May 1966): UI 199-201, S no. 10 (1967) 87-8, ChP 73-5.

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A good deal is now known in the West about the suppression of protest and new ideas by the Soviet authorities. Less has been written in English about the political trials and repressions in the Ukraine in 1965-6, except for two books published in 1968: Ivan Dzyuba's *Internationalism or Russification?* which condemns the present Soviet nationalities policy as being contrary to Lenin's teaching and likely to produce a catastrophic reaction, and *The Chornovil Papers*, a devastating indictment of the numerous breaches of Soviet law committed during the 1966 trials by the Soviet authorities themselves.

The present volume documents, for the first time in English, the 'Jurists' Case' in 1961, in which seven people, three of them lawyers, were given savage sentences for peacefully advocating the secession of the Ukraine, the right to which is guaranteed by the Soviet constitution. The Soviet authorities have so far done everything in their power to prevent any publicity about this flagrant miscarriage of justice.

A further section contains the recent writings of several of those sentenced in 1966. These documents were written in camps and prisons, and throw a vivid but sinister light on earlier and previously unknown political trials in the Ukraine and on conditions in the concentration camps. They also reveal much of the thinking of Ukrainian intellectuals about social and political subjects and, in particular, about the circumstances of independent-minded and responsible individuals in what one of the authors called the 'Empire of Cogs.'

All the available published material stating the arguments of the Soviet authorities in connection with the suppression of the cultural and political ferment in the Ukraine has also been included. All the documents are fully annotated, and the introduction places the events described in their historical perspective, a task not attempted before.

The Ukraine—a country with a great potential—lies near the heart of the Soviet empire. Developments there may vitally affect that empire's future—and the history of Europe—in the years to come.
