

Ukrainian Institute of National Memory

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**THE UKRAINIAN HOLODOMOR OF 1932–1933
AS A CRIME OF GENOCIDE**

A Legal Assessment



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This essay deals with the basic issues related to a legal assessment of the genocidal nature of the Ukrainian Holodomor of 1932–33 in the light of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. The main emphasis is to prove the intention of the totalitarian Communist regime to partially destroy the Ukrainian nation by using an artificial famine as an instrument for exterminating its major constituent part, the Ukrainian peasantry. The machinery for carrying out the Holodomor is explained and issues related to the responsibility of its ideologists, organizers, perpetrators and accomplices are raised. The author stresses the need for an official legal assessment of the Holodomor by competent judicial authorities of Ukraine in order to elucidate all of its circumstances and detrimental consequences.

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Introduction

With every passing year the truth about the Ukrainian Holodomor of 1932–1933 is spreading among the Ukrainian and world communities. Today there can be no doubt that Stalin’s totalitarian communist regime committed a brutal crime against the Ukrainian nation as a result of which millions of the Ukrainian peasants were starved to death in an artificially induced famine.

The study of the Holodomor phenomenon is gradually bringing to light an ever increasing range of issues related to its underlying reasons, the motives, surrounding circumstances, machinery of implementation, and consequences. Accordingly, the informational gaps and controversies regarding this terrible tragedy are decreasing in number. At the same time, however, the debate as to whether the Holodomor can be qualified as genocide continues and even seems to be intensifying.

Notwithstanding the Verkhovna Rada’s adoption of the Law “On the Holodomor of 1932–1933 in Ukraine,” there are still some researchers, political scientists and politicians – both in Ukraine and abroad – who, while acknowledging the criminal nature of the Holodomor, do not consider it to have been a crime of genocide. In essence they argue that Ukrainian peasants were not the only ones who died en masse on the boundless expanses of the Land of the Soviets, so it makes little sense to single out the genocidal nature of the Holodomor.

This type of reasoning ignores the national dimension of the Ukrainian Holodomor that has been now been firmly proven by the well documented studies of such authoritative researchers like Robert Conquest, James Mace and Andrea Graziosi.

Genocide and Crimes Against Humanity

Even if one were to consider the Ukrainian peasantry's victimization by man-made famine outside of the national context, such mass murder nonetheless comprises a grave international crime or crime against humanity.

With this in mind, it should be noted that for a legal assessment and condemnation of the killing of peasants by famine, one need not invent new terms like "democide," "sociocide" or "classocide." Rather, one need only apply international law, which, in addition to genocide, includes the category "crimes against humanity," among which "extermination" is specifically mentioned. Under international law, extermination means the deliberate mass or systematic killing of a large number of the civilian population, and includes the deprivation of access to food and medicine.

Genocide and extermination are considered to be the gravest of international crimes according to the generally recognized rules of international customary law as confirmed by international treaties and, in particular, by the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide and by the 1998 Rome Statute of the International Criminal Court.

Article 6 of the Rome Statute sets forth the *corpus delicti* of genocide as defined in the 1948 UN Convention, while article 7 lists other international crimes under the general heading "Crimes against Humanity," which include such crimes as extermination (par. 1 (b)).

Hence, genocide is not the only international crime or crime against humanity, but just one of them. However, this particular crime differs from the others in character, legal implications, and consequences and is therefore considered to be the "crime of crimes" in the theory of international law.

The specific socio-legal character of the crime of genocide lies in the intent to destroy national, ethnical, racial or religious groups as such, that is, those groups that comprise the most important basic civilizational elements in the structure of humankind. The destruction of such elements, being contrary to the universal principle of diversity, threatens not only individuals and communities but the very existence of humankind.

What genocide and the other crimes against humanity have in common is the large-scale or systematic violation of natural human rights and fundamental freedoms for which states, public officials and private individuals may be held responsible pursuant to the rules of national and international law.

Surely any unbiased person with a modicum of conscience and human compassion would not question the assessment of the intentional elimination of millions of Ukrainian peasants in 1932–1933 as a crime against humanity under the heading “extermination.” The mass murder of Ukrainians was therefore a grave international crime regardless of whether it constituted genocide or extermination.

However, an elementary sense of justice and human solidarity demands honoring the memory of Holodomor victims and a proper legal assessment of our national tragedy within the context of the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide.

Distinctive Features of Genocide

Some researchers of the Holodomor often criticize the legal definition of genocide for its imperfection, and the 1948 Convention for its drawbacks (V. Marochko, Y. Zakharov). Moreover, some of them conclude that only the Holocaust meets the Convention’s legal criteria and that such criteria still “do not provide a 100 percent guarantee that all cases of mass destruction of people will be identified as genocide” (S. Kulchytsky). Such assessments of the 1948 Convention are erroneous from at least two perspectives.

First, the legal criteria of the Convention were not designed to qualify *all* cases of the mass destruction of people as genocide. Pursuant to article II of the Convention, the term genocide means certain criminal acts committed against any national, ethnical, racial or religious group *as such*, and not simply cases of mass destruction of people. As mentioned earlier, the mass destruction of people is the separate international crime of extermination.

Secondly, while the criteria of the 1948 Convention were formulated under the impact of the tragic events of World War II,

they remain the rules of general international law. Thus, this document and only this document may be used to determine whether certain criminal acts meet the legal definition of genocide.

The Convention on the Prevention and Punishment of the Crime of Genocide reflects the historical context in which it was elaborated. Whether or not one likes the final version of the Convention signed on 9 December 1948, it remains an authentic and legally valid instrument of international law. No state or the international community as a whole has challenged the authority of the 1948 Convention, as was convincingly confirmed fifty years later when article II, which defines the *corpus delicti* of genocide, was repeated word for word in article 6 of the Rome Statute of the International Criminal Court.

In light of the above, any attempt to interpret the provisions of the 1948 Convention in order to "improve" it or adapt it to the specifics of "Soviet genocide" would be counterproductive. The researchers who take such an approach present theses, which, from a legal point of view and contrary to their good intentions, provide grounds for denying the genocidal nature of the Holodomor.

On the other hand, attempts by researchers, politicians and political scientists of certain countries to deny the genocidal nature of the Holodomor by consciously distorting the provisions of the 1948 Convention are inadmissible.

In accordance with the principles of the law of international treaties, the 1948 Convention should be accepted just as it is and applied to qualify criminal acts as genocide in strict conformity to the *corpus delicti* set forth exclusively by the Convention, and not to arbitrarily selected criteria for the sake of convenience.

The essence of the crime of genocide is defined in the introductory part of article II of the 1948 Convention as "...acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." It is well recognized in the theory of international law and confirmed by practice that for a criminal act to constitute genocide, one must prove that the perpetrator had a special intent (*dolus specialis*) to destroy a group specified in the Convention, and that the criminal behavior was committed against the defined group as such.

Actions that lack both of the aforementioned essential elements do not constitute an act of genocide even if they resulted

in a group's extermination. Genocide differs from other crimes against humanity, *first*, in the nature of the intent, rather than the number of victims. Secondly, it is committed, not against people in general, but against a clearly defined group. Thirdly, genocide is not directed just against individual members of the group but primarily against the group as such.

In other words, a distinctive feature of genocide is that members of the groups defined in the 1948 Convention – national, ethnical, racial or religious – are exterminated, in whole or in part, because of their very affiliation to a respective group.

A decisive factor in qualifying certain behavior as the crime of genocide is the proof of a special intent to destroy a particular national, ethnical, racial or religious group and demonstrating that this intent specifically related to that group, rather than asking why, when and where was the crime committed or concentrating on the so-called quantitative threshold, that is, the number of victims.

It should be stressed, however, that the answers to these questions are nonetheless very important for proving a special intent and other essential elements of the crime and, in particular, the targeting of the specific groups referred to in the 1948 Convention. In this regard, one must acknowledge the contribution of Ukrainian historians, such as S. Kulchytsky, V. Marochko, Yu. Mytsyk, R. Pyrih, V. Serhiychuk, Yu. Shapoval, Ye. Shatalina, V. Vasilyev and the many others whose numerous findings laid a reliable factual foundation for qualifying the Ukrainian Holodomor of 1932–33 as a crime of genocide. The selfless work of J. Mace and V. Manyak also deserve mention.

Proof of Intent to Organize the Holodomor

To prove the genocidal nature of the Holodomor, it is first of all necessary to demonstrate that Stalin's totalitarian communist regime intended to organize the man-made famine in Ukraine. Those who deny that the Holodomor was an act of genocide ask whether this intent was documented and whether there existed a premeditated plan as evidence of this intent. Answering this

question, the Russian historian V. Kondrashin states: "Researchers have failed to find a single document of the Soviet government or Central Committee of the Party that gave instructions to starve a specific number of peasants, Ukrainian or otherwise."

Given the above, it should be emphasized that the 1948 Convention does not require a document to be produced as evidence of the existence of a criminal plan or the intent to commit a crime: it only requires that such intent be proven.

Moreover, it is highly unlikely that a document containing a plan for the destruction by starvation of the Ukrainian peasantry will ever be found. Given the proclivity to secrecy instilled in the minds of Bolshevik leaders and their desire to cover up a horrifically criminal and inhuman act, the existence of such a document is problematic in principle. Even in Nazi Germany with its officially approved racist policy, the genocide committed against the Jews was implemented under the guise of a "final solution to the Jewish question."

Today those who deny that the Ukrainian Holodomor was an act of genocide agree that the famine in Ukraine and elsewhere in the USSR was precipitated by the arbitrary confiscation of grain and other produce grown by the peasants, in compliance with the government's excessive grain procurement plans as ordered by higher party organs. The implementation of such plans doomed the inhabitants of rural areas to an inevitable death by starvation. Hence, planning the confiscation of excessive quantities of farm produce from the peasants is tantamount to planning the Holodomor. It can therefore be said that the plan for exterminating Ukrainian peasants was disguised in the form of the state's excessive grain procurements.

All of the plans for excessive grain procurements served criminal purposes but only the grain procurement plans of 1932 and 1933 became plans for the genocidal extermination of the Ukrainian peasantry.

In 1926, the last year during which the free buying and selling of farm produce was still permitted, the state procured 3.3 million tonnes of grain in Ukraine. With the introduction of centralized grain procurement planned and managed from Moscow, Ukraine's grain quota for 1928 was set at 4.4 million tonnes. The target for the entire Soviet Union was 10.5 million tonnes. By 1930 the grain

procurement quotas had almost doubled and stood at 7.7 million tonnes for Ukraine, and 20 million for the entire Soviet Union.

With the divestiture of the kulaks and forced collectivization, the traditional system of farming was utterly destroyed. However, grain procurement quotas were sharply raised before a new farming system was in place. Ukrainian collective farms started operating in 1930. In that year, thanks to favorable weather conditions, Ukraine harvested 23 million tonnes and more than fulfilled its grain procurement plan. However, due to the inefficiency of collective farm management, the bumper harvest was accompanied by massive grain losses. As a result, the peasants were deprived of their usual grain reserves with which they traditionally made a living.

Ignoring the needs of the peasants in the mistaken belief that the success of the grain procurement plan for 1930 was due to the advantages of the collective farm system, the Kremlin leadership proceeded to inflate the 1931 grain procurement plan as well. Ukraine was now required to supply 7.7 million tonnes of grain, and the other Union republics – 21.4 million.

With a considerably smaller harvest of 18.3 million tonnes, the procurement plan for 1931 was implemented under extreme pressure by confiscating maximum amounts of grain from both collective farms and individual peasants. Ukraine delivered only 7 million tonnes of grain instead of 7.7 million. Large quantities of grain were again confiscated from rural areas, as a result of which in 1931 there was already starvation in many parts of Ukraine and even registered fatalities.

The report of the secret political department of the All-Union State Political Directorate (OGPU) for the end of 1931 and beginning of 1932 stated: "Food shortages and cases of starvation of collective farm families have been observed in a number of settlements of the Ukrainian SSR (in the Kharkiv, Kyiv, Odesa, Dnipropetrovsk, and Vinnytsia regions)." However, there was no mention of famine in official documents at that time; instead, euphemisms such as "food shortages" and "hunger" were used.

In planning and implementing the grain procurements in 1930–31, the Bolshevik leadership probably still had no intention of organizing a famine. Its goal at the time was not to eliminate peasants in Ukraine and other regions of the USSR, but to accumulate

large centralized supplies of grain and other farm produce, which was required to earn foreign currency. This income would then be used for the industrialization of the USSR, the creation of a powerful military-industrial complex, for modernizing and equipping the Red Army as the instrument of future "liberation" campaigns, and for enforcing communism throughout the world.

The starvation and famine, which first appeared by the end of 1931 and then spread throughout Ukraine and other regions of the USSR at the beginning of 1932, was the logical consequence of the criminal negligence of the communist leadership, which should have foreseen the dangers of implementing the arbitrarily excessive grain procurement plans.

There can be no doubt that the Bolshevik leaders fully understood that the continuous practice of such procurement plans would precipitate a large-scale famine and doom millions of peasants to death by starvation.

In comparison with 1930–1931, the 1932–1933 plans for grain procurements in Ukraine set somewhat lower quotas at an annual level of 5.8 million tonnes. However, even these quotas proved to be too onerous for rural areas because potential productivity had been substantially weakened in the preceding years. The adoption of such quotas was therefore tantamount to sanctioning the plans for exterminating the Ukrainian peasants.

Thus, the Ukrainian Holodomor planned by Stalin's regime commenced with the implementation of the 1932 plan for grain procurement. In light of this, it is erroneous to assert that the Holodomor-genocide started in Ukraine in 1933. Such a conclusion is based upon the presumption that the crime of genocide requires a certain quantitative threshold related to the number of victims. This is clearly incorrect as the 1948 Convention does not make the number of victims a legal element of the crime. It is not difficult to imagine instances where the number of victims of genocide could be quite limited, involving not even thousands of people, but only hundreds, as in the destruction of a small tribe or ethnic minority.

Killing by starvation occurred in Ukraine and the Kuban both before and during 1933. The difference between the two periods consisted only in the quantitative scale of the crime. While in 1932 hundreds of thousands of people were starved to death, the death

toll in 1933 was already in the millions. However, the famine of 1932–1933 in both Ukraine and the Kuban – unlike in other regions of the USSR, where many also perished of hunger – was an act of genocide because it was deliberately directed against the Ukrainian nation as such.

In the critical situation that developed in Ukraine, a civilized solution to the crisis would have been to drastically reduce the excessive grain procurement plans, stop the barbarian plundering of rural areas, declare the famine-struck areas as zones of humanitarian catastrophe, and immediately provide large-scale assistance.

Instead, Stalin's totalitarian communist regime continued to implement excessive grain procurement plans and, to ensure their unconditional fulfillment, also undertook unprecedented repressive measures against the Ukrainian peasants, accompanied by the confiscation of all food products.

In compliance with the orders of Kremlin leaders, the resolutions of the Central Committee of the Communist Party (Bolshevik) of Ukraine (CC of CP(B)U) of 18 November 1932, and of the Council of People's Commissars of the Ukrainian SSR (CPC of Ukr. SSR) of 20 November 1932 required that grain produced on collective farms and retained as in-kind stock be transferred to grain procurement stock. Moreover, it was prohibited to make advance payments in the form of grain, and grain already paid to peasants in lieu of wages was confiscated. Finally, as punishment for failure to fulfill grain procurement schedules, and for the incorrect use of grain and its embezzlement, fines were imposed in an amount equal to 15 monthly collective farm meat quotas for both collectivized and individually-owned cattle.

By broadly interpreting these decisions, those responsible for their implementation went well beyond the in-kind fines in meat and confiscated other food products as well – potatoes, kidney beans, onions, cabbage, etc. – under the pretext of striving to fulfill the grain procurement plans.

The Resolution of the CPC of the Ukr.SSR and the CC of the CP(b)U of 6 December 1932 approved the "blacklisting" of villages that allegedly sabotaged grain procurements. The punitive measures inflicted on such villages included the following: halting the delivery of goods and removing all those remaining in cooperative

and state shops; a comprehensive ban on cooperative and state trading, and on collective-farm trading for both collective farmers and individual peasants; cessation of all credit and the acceleration of repayment of existing loans and other financial obligations; and the repression of all "alien, hostile and counterrevolutionary elements."

On the basis of this and similar decisions, hundreds of Ukrainian villages and even entire districts were blacklisted. Their inhabitants were "ghettoized," deprived of the bare necessities of life, and subjected to special fines and selective political repression. Following implementation of the 1930–1931 grain procurement plans, practically no grain supplies were left in the Ukrainian countryside, as confirmed by the results of numerous searches and raids during which infinitesimal amounts of grain – in terms of the state quotas – were confiscated. Nevertheless, Stalin sent the Ukrainian leadership a telegram on 1 January 1933 that set forth a resolution of the Central Committee of the All-Union Communist Party (Bolshevik) (CC of AUCP(b)), which by implication gave the signal to intensify mass searches and the confiscation of all vestiges of food belonging to Ukrainian collective farms, collective farmers and individual peasants.

The strict and widespread application of exceedingly cruel and repressive measures in order to fulfill the excessive grain procurement plans, such as the arbitrary confiscation of all food supplies, should be convincing proof of the intent of the totalitarian regime to precipitate a famine in Ukraine as the instrument for the premeditated extermination of the Ukrainian peasantry *as part of the Ukrainian nation*.

An analysis of the behavior of the communist leaders reveals a body of circumstantial or indirect evidence that convincingly proves the existence of the special intent required for the crime of genocide.

First, at the height of the Holodomor Ukrainian peasants were prohibited from leaving Ukraine. Army troops and GPU units were stationed at railway stations and on the borders of the Ukrainian SSR. The Resolution of the Politburo of the CC of the AUCP(b) and CPC of the Ukr.SSR of 22 January 1933 gave orders to prevent "a mass exodus of peasants from the Northern Caucasus to other areas, and the entry of peasants from Ukraine into the territory

of that region" and "a mass exodus from Ukraine to other areas and entry into Ukraine from the Northern Caucasus." This restriction deliberately deprived starving peasants of access to life-saving food beyond the borders of famine-struck Ukraine, thereby condemning them to death.

Second, Party and Soviet leaders at all levels who disagreed with the excessive grain procurement plans and who wished to help the starving peasants with collective-farm produce reserves were systematically and ruthlessly repressed.

Third, the sizable quantities of grain that had been accumulated in the state reserves of both the Inviolable and Mobilization Funds were not used to help Ukraine. As of 1 January 1932 these two funds held a combined total of 2,033 million tonnes of grain, and 3,034 million tonnes as of 1 January 1933. This quantity would have been sufficient to supply, until the next harvest, the necessary bread rations (one kilogram per day) for ten million people in 1932, and fifteen million in 1933.

Fourth, while millions of Ukrainian peasants were starving to death, large quantities of grain and other Ukrainian food products were being exported to other regions of the USSR and abroad. The Soviet Union exported as much as 5.8 million tonnes of grain in 1930, 4.8 million tonnes in 1931, 1.6 million 1932, and 1.8 million in 1933.

There can be no doubt that a restriction on grain exports in 1931 – by the end of which Ukraine was starting to experience serious food shortages, starvation was spreading, and the first signs of famine were appearing – and an outright ban on grain exports in 1932–1933 could have prevented the famine. Moreover, such measures would not have critically affected Soviet industrialization plans because world prices for wheat had dropped and foreign currency revenues from grain exports had decreased accordingly. In fact, in 1932–1933 the value of grain exports amounted to only 369 million rubles, whereas exports of timber and petroleum products earned approximately 1,570 million rubles.

Fifth, Stalin's regime denied the existence of a famine in Ukraine and therefore refused to accept the aid offered by many foreign non-governmental organizations and, in particular, by the Ukrainian communities abroad. Such assistance would have substantially reduced the scale of the tragedy, if not preventing it altogether.

This policy of denial and the refusal of international humanitarian aid is additional convincing evidence of the regime's intention to use famine for exterminating the Ukrainian peasantry *as part of the Ukrainian nation*.

Hence, the communist regime had sufficient resources to prevent both the Holodomor in Ukraine and starvation in other regions of the USSR. However, instead of using these resources, a well-devised system of repressive measures was deliberately implemented to deprive the peasants of all food because Kremlin leaders intended to use a man-made famine as an instrument of genocidal extermination.

The regime's obvious ability to "control" the famine in 1932–1933 confirmed the artificial nature of the Ukrainian Holodomor and its deliberate use for killing the Ukrainian peasants. By the middle of 1933 the mortality rate due to starvation began to drop in Ukraine. In the following year the famine actually ended, even though the 1934 harvest was a mere 12.3 million tonnes and much smaller than the harvests of 1932 and 1933, which totaled 36.9 million tonnes.

The first measure taken to stop the repressive confiscation of produce from the peasants was the secret directive of Stalin and Molotov, signed on 8 May 1933 and circulated among all Party and Soviet workers, OGPU departments, the judiciary and the prosecutor's office: "The time has come when we no longer need mass repressions which, as is known, concern not only the kulaks but also individual peasants and collective farmers." As the peasants, isolated in their villages and weakened by hunger, no longer posed a threat to the regime, the directive called for an end to mass evictions, the "regulation" of arrests and the "unloading" of places of detention.

Towards the end of 1933 and beginning of 1934, the CC of the AUCP(b) and the CPC of the USSR adopted a number of resolutions aimed at improving the living and working conditions on collective farms. In particular, these measures included the repeal of unrealistic grain procurement quotas and arbitrary expropriations of grain, and the introduction of a new procedure for making advanced payments for participating in the harvest (10 June 1933); the statutory right of peasants to own a cow, minor livestock and poultry (20 June 1933); the preventing of collective

farms that had already fulfilled their planned targets from taking on additional work orders (2 August 1933); and assistance to collective farmers for purchasing a cow for those who had none (10 August 1933).

The decisive factor in stopping the famine was the cancellation of the old system of grain procurements. The Resolution of the CC of the AUCP(b) and CPC of the USSR of 19 January 1934 set fixed quotas whereby the mandatory delivery of grain was not to exceed one third of the gross yield of each farmstead during an average harvest. As a result of this measure and the abolition of arbitrary expropriations, grain exports were lowered by more than fifty percent in comparison with 1932–33. In 1934 only 770,000 tonnes of grain were exported.

The regime's "efficiency" in both organizing and ending the Holodomor is evidence of the fact that the intent to exterminate the Ukrainian peasants was implemented within the strict time limits that the regime had set for itself.

In attempting to deny the genocidal nature of the Ukrainian Holodomor, reference is sometimes made to archival documents attesting to the assistance given to various regions, including Ukraine. For example, R. Davies of the United Kingdom and S. Wheatcroft of Australia analyze some thirty-five resolutions of the CC of the AUCP(b) and CPC of the USSR, adopted for such purposes between 7 February and 20 July 1933. The American, M. Tauger, takes a similar position. It should be noted that there were in fact many such decisions, issued not only by the central authorities and not only in 1933. However, a study of these documents reveals that this assistance was too late, too limited and too selective. Moreover, large quantities of this aid were not even in the form of food products for starving humans, but seed stock for collective farm sowing campaigns in preparation for the coming harvest.

When food aid finally did arrive in rural areas, it was only distributed in a manner akin to soup kitchens, and only to those collective farmers who were still able to work and lived in field camps. There were even resolutions that restricted hospital treatment and feeding to healthier patients who had better prospects of recovery. Finally, food aid was not provided to individual peasants but distributed among local Party and Komsomol leaders and activists.

As V. Marochko rightly pointed out, the decisions of the central authorities in 1932–1933 with respect to “improving the situation in Ukraine” and “rendering aid” were not aimed at overcoming the causes of the famine and saving Ukrainian peasants, but primarily at ensuring the needs of production during the sowing and harvesting campaigns.

This assistance was also provided for propaganda purposes and to conceal the criminal behavior of the authorities. In view of this factor, one can only agree with the quite reasonable opinion of S. Kulchytsky that the assistance to the peasants who had just been forcibly deprived of all their food supplies should actually be considered an element of the crime.

Indeed, notwithstanding the food assistance, the mortality rate among the Ukrainian peasants was still growing. The height of the Holodomor, when victims numbered in the millions, was in the period February–June 1933, during which the previously mentioned thirty-five resolutions on assistance to Ukrainian peasants were adopted. In practical terms, the issue related less to the provision of food aid and more to its non-provision. The selective distribution of limited and carefully measured assistance to only a pre-determined segment of the peasantry meant the non-provision of assistance to the remainder who numbered in the millions. Given the huge supplies of grain in centralized state reserves and the sizable food exports, this type of assistance does not disprove the intent to exterminate the Ukrainian peasants but is clear evidence of the intent to partially exterminate them.

This intent to partially exterminate was determined not only by the specific “assistance” rendered to the Ukrainian peasants doomed to death by starvation, but also by the regime’s pragmatic needs in terms of the human resources necessary for collective-farm labor, industrial production, and the armed forces.

Targeted Group: The Ukrainian Nation

Ukrainian peasants were not the only victims of the artificially induced famine in 1932–1933. However, only the Ukrainian Holodomor, which engulfed Ukraine and the Kuban, could be con-

sidered genocide. The famine elsewhere in the USSR had the attributes of another international crime, namely, extermination. The difference between genocide and extermination lies not in the number of victims, since, from the legal point of view, quantitative indicators do not constitute the criteria by which the criminal behavior becomes genocide.

There was a qualitative difference between the Ukrainian Holodomor and famines in other regions of the USSR: the peasants living outside Ukraine and the Kuban were starved to death as a social class, whereas the Ukrainian peasants were starved to death primarily because of their affiliation with the Ukrainian nation.

The legitimacy and fairness of this assessment is obvious in light of Bolshevik theory and practice with respect to the national question and the regime's policy towards Ukraine.

The Leninist-Stalinist leadership always attached particular importance to Ukraine because keeping it within Moscow's sphere of domination was a key prerequisite for the viability of the communist regime and the new empire known as the USSR. As Lenin stated, "To lose Ukraine is to lose the head." Hence, the Bolsheviks refused to recognize the right of the Ukrainian nation to establish an independent state. Notwithstanding Lenin's slogan about the right of nations to self-determination, the Bolshevik leaders in Ukraine – Gorovitz and Pyatakov – declared at the June 1917 meeting of the Kyiv Committee of the Russian Social Democratic Workers' Party, that the Bolsheviks would not support the independence of Ukraine because Russia could not exist without its grain, coal, sugar, etc.

In the period 1917–1920 following the declaration of the Ukrainian People's Republic (UPR), Soviet Russia occupied Ukraine three times under the contrived pretext of providing armed assistance to the pro-Bolshevik Ukrainian Soviet Republic that was established to counterbalance the UPR. Following the second occupation of Ukraine in 1919, Lenin remarked, "Now that we have Ukraine, we have grain." For the third occupation, completed in 1920, Bolshevik Russia deployed six armies of 1.2 million soldiers to keep Ukraine within its grip.

Considering the extent of the Ukrainian liberation movement and the impossibility of achieving a lasting conquest of Ukraine

with arms alone, Lenin, in December 1922, signed with the subservient Soviet government of Ukraine the Union Treaty that recognized the independence of the Ukrainian Socialist Soviet Republic, as it was then called. Other tactical concessions were made as well, largely in the national-cultural sphere. In particular, a policy of Ukrainization was introduced, thereby contributing to de-Russification and a strengthening of the Ukrainian identity.

While the Kremlin leadership was forced to make certain concessions, it had in no way lessened its control over Ukraine and was actually preparing to take revenge. The first step in that direction was the creation in December 1922 of the Union of Soviet Socialist Republics. In practical terms, this marked the beginning of the re-creation of the former empire, albeit in a somewhat narrower geopolitical space and with a new communist role.

The reintegration of Ukraine was clearly a success for the Kremlin leadership, as it strengthened its power grip on the republic without curtailing the latter's freedom to pursue its own national-cultural course. Moreover, Ukrainization was acknowledged by the Party as its official policy on national-cultural development, as based on the resolutions of the 7th Conference of the Communist Party (Bolshevik) of Ukraine (CP(b)U) of 4–10 April 1923, and the 12th Congress of the AUCP(b) of 17–25 April 1923. Despite certain controversies and inconsistencies in implementation, the policy of Ukrainization was a powerful instrument in making Ukraine "Ukrainian."

Ukrainization not only involved the extensive use of the Ukrainian language but had an impact on other key spheres of public life as well. In particular, with the Ukrainization carried out under the leadership of the CP(b)U and with the active participation of O. Shumskiy and M. Skrypnyk, a European-style cultural renaissance took place. Cultural traditions quite different from the Russian began to take form and were psychologically more oriented towards Europe under the motto "Away from Moscow" (M. Khvylioviy). A national system of education was established (H. Hrynko) and an economic concept was developed according to which Ukraine was to become an autonomous economic entity (M. Volobuyev).

In 1928 the Ukrainian Central Committee once again raised the issue of transferring areas with a Ukrainian majority in the

Kursk and Voronezh regions of Russia to the Ukr.SSR. They also raised the issue of Ukrainianization in the Kuban, which at that time was essentially Ukrainian by tradition, language and culture, but whose inhabitants had already begun to lose their Ukrainian identity.

By the end of the 1920s, eight of the seventeen divisions stationed in Ukraine were manned by Ukrainians. Moreover, the Ukrainian language was beginning to be taught in military educational institutions.

Finally, the authority and influence of the national church – the Ukrainian Autocephalous Orthodox Church – was growing.

Objectively, Ukrainianization was a continuation of the national resurgence inspired by the Ukrainian liberation movement and founding of the UPR. Ukraine's national renaissance therefore raised concern within the Kremlin's communist leadership, which was faced – as had previously been the Russian Empire – with the need, albeit on a much greater scale, to uproot Ukrainian separatism.

Judging from reports of the Ukrainian GPU, or the local secret service controlled by Moscow, the threat of Ukrainian separatism was a matter of grave concern. The Ukrainian GPU monitored the population's mood, studied the attitudes of its various strata towards the communist regime, assessed "separatist manifestations" and devised counter measures to thwart them. Particular attention was directed to the activities of "separatists" aiming to involve the Ukrainian peasantry in implementing their secessionist plans. The secret circular "On Ukrainian Separatism," issued by the Ukrainian GPU on 4 September 1926, noted that the "nationalists take a special interest in rural areas" and their work "in instilling the peasants with a hatred of Moscow produces noticeable results, especially among the youth." In light of this, the secret circular concluded that it was necessary "to link the work on the Ukrainian intelligentsia with the work in rural communities."

The most active phase of this "work" began with the trial in 1929–1930 involving the Union for the Liberation of Ukraine (ULU), which was directed against the leading segment of the Ukrainian elite and ended with the extermination of millions of Ukrainian peasants during the Holodomor in 1932–1933. The defendants in the case, as V. Prystaiko and Yu. Shapoval noted, were charged

with intent to dismantle the USSR and to separate Ukraine from the other union republics. Hence, by setting up the ULU case, the Communist authorities believed they were putting an end to the attempts of certain forces to rally under the banner of Ukrainian "nationalism" or "separatism."

Forty-five persons were indicted at the trial but another seven hundred were soon arrested in connection with the case. More than 30,000 Ukrainians, mainly members of the intellectual elite, were repressed during and after the Union for Liberation trial. Moreover, the net was broadened further, as a result of which the Ukrainian Autocephalous Orthodox Church was banned.

Thus, a large-scale purge of the most important segment of the Ukrainian elite took place, which, had there been a popular resistance to Stalin's rural policy, could have led the peasants in a struggle to overthrow the regime and establish an independent Ukrainian state.

Resistance to the Bolshevik regime was witnessed throughout the Soviet Union but it was most intensive in Ukraine. A total of 13,754 peasant rebellions, uprisings, and riots involving some 2.5 million people were documented in 1930 by the OGPU. Of these, 4,098 insurrections involving more than a million people took place in Ukraine, and 1,061 insurrections with about 250,000 people, in the Northern Caucasus. In his 1930 report on the political situation among the Ukrainian peasantry and elimination of the kulaks as a class, OGPU Deputy Chief V. Balytsky wrote that in certain villages the inhabitants sang "Neither the glory nor the freedom of Ukraine has died" and shouted slogans like "Down with Soviet power!" and "Long live an independent Ukraine!"

Notwithstanding the repression of the leading stratum of Ukrainian society and the punitive actions against the peasantry with GPU troops, the resistance continued but in a spontaneous and unorganized manner. Under the right conditions, however, it could have developed into a nationwide upheaval. This course of events was greeted with disquiet by Stalin's regime, which was planning further anti-Ukrainian actions under the pretext of fighting the Ukrainian "counterrevolutionary underground." This was corroborated, in particular, by a top-secret operational order of the Ukrainian GPU of 13 February 1933.

The order stated that a GPU operational strike force had “uncovered a counterrevolutionary insurgent underground in Ukraine that included as many as 200 districts, about 30 railway stations and depots, and several settlements near border zones.” On the basis of this information, the order concluded that there was a single, carefully developed plan for an “organized armed uprising in Ukraine before the spring of 1933 with the aim of overthrowing Soviet power and establishing a capitalist state, the so-called Ukrainian Independent Republic.” It should be noted that the anticipated date of the uprising coincided rather curiously with the point in time when the Holodomor and repressions in Ukraine reached their peak.

In light of what is known today this assessment of the situation and the conclusions drawn were, to put it mildly, greatly over-exaggerated. However, the fear on the part of the Stalinist leaders in losing both power and Ukraine was by no means an exaggeration.

It is also important to note that, conceptually, the order of 13 February 1933 echoed Stalin’s now famous letter to Kaganovich of 11 August 1932, in which he had stressed: “The most important thing now is Ukraine,” where affairs are going badly – “along Party lines,” “Soviet lines,” and “GPU lines.” Accordingly, Stalin concluded, “If we do not straighten out the situation in Ukraine now, we could lose Ukraine.”

The Holodomor was but one component in a multi-stage, pre-emptive punitive operation directed against the Ukrainian nation whose renaissance posed a threat to the unity and very existence of the Soviet empire. In the course of this operation the artificially induced famine dealt a crushing blow to the Ukrainian peasantry, thereby physically exterminating a major part of the nation and undermining its potential for liberation.

According to the 1926 All-Union Census, the rural population of Ukraine was 23.3 million, constituting 81% of its 31.2 million inhabitants; and of the rural population itself, 20.6 million, or 87.6% were Ukrainians. At the beginning of 1932 Ukraine’s population totaled 32.5 million, of which 25.5 million lived in rural areas. As before, Ukrainians comprised an overwhelming majority of the rural population and in certain regions their numbers exceeded 90%.

It is often claimed that the Ukrainian Holodomor was not a crime of genocide because it lacked an exclusively national dimension, that is, the victims of the famine included not only Ukrainians but also the national minorities that lived in Ukraine at that time.

This view is similar to the rather paradoxical position of S. Kulchytsky, which he stated as follows: "The terror by famine that Stalin implemented in Ukraine and the Kuban was a genocide of Ukrainian citizens but not of Ukrainians." Kulchytsky argues that (a) Stalin had good reason to fear the citizens of the Ukr.SSR; and (b) no one – neither the descendants of Ukrainian citizens who starved to death nor the international community – can prove that the extermination of Ukrainians was similar to the extermination of the Armenians in the Ottoman Empire in 1915 or of the Jews in Nazi-occupied Europe. This approach is basically wrong because it is inconsistent with the criteria of the 1948 Convention on Genocide.

First of all, three quarters of the population of the Kuban, which was part of the Russian Soviet Federal Socialist Republic, were Ukrainians but citizens of the Russian Federation and not citizens of Ukraine.

Second, according to the 1948 Convention, genocide means certain acts that are committed with the intent to destroy a particular national, ethnical, racial or religious group, but not citizens as such. In other words, people are exterminated precisely because of their affiliation with a certain national, ethnical, racial or religious group and that group *per se* is the target of the crime.

Third, Stalin did not fear the citizens of Ukraine. Rather, he feared the Ukrainian national renaissance and therefore delivered a pre-emptive strike against the Ukrainian nation as such. It is for this reason that Ukrainians became the victims of his criminal actions, and not simply because they were citizens of Ukraine.

Fourth, it is incorrect to contrast the Ukrainian Holodomor or to equate it with the genocide of the Armenians or Jews because each incident has its own external material characteristics. What is important from a legal point of view is not the identical or similar nature of these features but the conformity of each of these crimes with the criteria set forth in the 1948 Convention on Genocide. It is futile to attempt to prove the similarity between the extermination of the Ukrainians, Armenians and Jews in the

course of their respective national tragedies because there is no such similarity and, objectively, there cannot be. Rather, one must prove that the specific characteristics of the Ukrainian Holodomor meet the criteria of the 1948 Convention.

The lack of an identical correspondence between the Ukrainian Holodomor and Jewish Holocaust cannot be a reason for denying the genocidal nature of the Ukrainian national tragedy. The Nazis transported Jews from all over Europe to concentration camps where they were gassed to death. The Ukrainians were starved to death by artificial famine on their own ethnic territory. The material features of each crime are obviously not the same but their legal dimensions, in light of the 1948 Convention, are identical.

One of the specific characteristics of the Holodomor was that, throughout Ukraine's history, national minority communities had settled amongst Ukrainians in certain regions of the country. Therefore, members of Ukraine's national minorities did perish during the Holodomor along with Ukrainians. They too became the victims of the Kremlin leadership's crimes. However, the genocide was directed not against them but against the Ukrainian nation. It is well established in international law and practice that the nation, and not ethnic minorities is the subject of state-creating self-determination. The Holodomor was planned and implemented as a stage in the special operation against the Ukrainian nation as such because it was only the Ukrainian nation that could have exercised the right to self-determination by seceding from the USSR and establishing an independent state.

Forming the basis of the Ukrainian nation, the Ukrainian peasantry – and not members of the national minorities – was the vital resource and driving force of Ukrainian popular uprisings and the national liberation movements. For this reason it is understandable that the target of the Holodomor was the Ukrainian national group.

The fact that members of national minorities of Ukraine were victims of the Holodomor cannot be used to justify a denial of its anti-Ukrainian nature. During the Jewish Holocaust, the Nazis also exterminated Gypsies, Poles, Byelorussians, Ukrainians and members of other nations whom they also held to be racially inferior and potential enemies of the Reich. The massacres at Babi Yar and other places of mass extermination of Jews bore witness to

this. Nobody, however, denies that the Holocaust was the genocide of the Jewish people.

Members of the various national minorities of Ukraine were innocent victims of the Holodomor, not because they were Russians, Jews, Poles, Germans or Bulgarians, but because they lived within the Ukrainian nation against which the crime was directed. They found themselves as if on the line of fire, like when the plan is to kill a particular person but bystanders are killed as well. Nobody, however, would attempt to deny that a crime was committed on the basis that unintended victims also perished.

Singling out the Ukrainian dimension of the Holodomor does not mean denying or ignoring the extermination by man-made famine of the national minorities of Ukraine, as demonstrated by the work of Ukrainian Holodomor researchers, and in particular, by O. Ivanov, I. Ivankov, and V. Marochko. A meticulous study of the fate of Ukraine's national minorities should become an integral part of future official investigations into all of the circumstances of the Holodomor on the territory of Ukraine.

From the point of view of international law, the mass murder by starvation of the national minorities of Ukraine was the crime of extermination. It is also an aggravating circumstance to be considered in determining the degree of guilt and level of responsibility of the perpetrators of the Holodomor.

In light of the above, it is legally incorrect to broadly construe the concept of "national group" in such a way that the target of genocide is considered to be "part of the Ukrainian people – all of the victims of the Holodomor... irrespective of their ethnic, religious and other characteristics" (Ye. Zakharov). This approach is consistent with the provisions of the Law "On the Holodomor of 1932–1933 in Ukraine" that was adopted in 2006. However, it is contrary to the provisions of both article II of the 1948 Convention and article 442 of the Criminal Code of Ukraine, which define the *corpus delicti* of the crime of genocide. It should be noted that in the draft of the Law "On the Holodomor," the Holodomor was held to constitute the genocide of the Ukrainian nation. In the course of debating the draft, O. Moroz, then Speaker of the Verkhovna Rada of Ukraine, proposed to substitute the word "nation" with "people." The Verkhovna Rada agreed to this legally groundless and provocative amendment, which creates a legal conflict and

by implication opens the way for denying the genocidal nature of the Holodomor. This conflict should be eliminated by amending the Law "On the Holodomor of 1932–1933 in Ukraine" and having it conform to the provisions of article 442 of the Criminal Code of Ukraine and article II of the 1948 Convention.

Attempts to deny the genocidal nature of the Ukrainian Holodomor are also sometimes based on the fact that the artificially induced famine killed not only Ukrainians in Ukraine, but also Russians, Kazakhs, Tatars, Bashkirs and many others in various regions of the USSR. This approach is at the center of the conceptual assessment of the famine of 1932–1933 by Russian historians, public officials, and by certain foreign researchers, such as S. Merl of Germany.

The Russian position can be briefly stated as follows: since the famine of 1932–1933 on the territory of the Russian Federation was not considered to be genocide, the famine in Ukraine cannot be considered genocide either. This position lacks elementary logic and is an attempt to impose the Russian view of Ukrainian history on Ukrainians and the world. For that matter the proponents of this approach provide neither convincing arguments nor documents that equate the starvation in Russia with the Holodomor in Ukraine. And for one very good reason: they do not exist.

By inducing an artificial famine, Stalin's regime aimed at partially exterminating (a) peasants, as members of a social group considered hostile to that regime, in order to subdue them and suppress their resistance; and (b) the Ukrainian national group as such, since its development posed a potential threat to the integrity and very existence of the communist empire, and since the peasants constituted an essential part of the Ukrainian nation and offered the greatest resistance to the regime.

Singling out the Ukrainian Holodomor as a crime of genocide – which is based upon extensive facts – in no way denies the criminal nature of acts of the communist regime that led to the mass destruction of peasants of other nationalities on the territory of the RSFSR. It may be that the criminal acts committed at that time against the Kazakhs, Tatars, and Bashkirs were also acts of genocide, but this can only be proved or disproved by special studies and official investigations in Kazakhstan, Tatarstan, and Bashkortostan.

The foregoing raises a particular question: Could Stalin's totalitarian regime have committed the crime of genocide against Russian peasants? To this question there is but one answer – No. Just as the Ukrainian peasants were ethnic Ukrainians, the Russian peasants were ethnic Russians. Both the former and the latter belonged to national groups, but the position and role of each were quite different in the Russian and Soviet empires.

The Russian nation was the "system-creating" element upon which both empires were built. Russian nationalism was never associated with separatism but with Messianism and a belief in imperial unity and greatness. It was the official instrument of the "white empire" and – disguised as internationalism – the political instrument of the "red empire."

The Russian nation and its constituent part, the Russian peasantry, could not, by definition, have become a target of genocide because the Communist regime was *in principle* not interested in exterminating the Russian nation as such. The resistance of the Russian peasantry to the Bolshevik regime did not manifest itself with the threat of political separatism and was not associated by the regime with the possibility of Russia's secession from the USSR.

The Ukrainian nation, however, was always regarded by the rulers of both empires as a "system-destroying" element. The driving force behind Ukrainian nationalism was the idea of secession from the empire and the establishing of the Ukrainian Independent United State.

The Ukrainian peasant's sense of national identity and hostility towards Bolshevism laid the foundation for Ukrainian separatism and posed a threat to the unity and the very existence of the USSR. It was for this reason that the Holodomor was directed against the Ukrainian nation as such and aimed at its weakening by the genocidal extermination of the Ukrainian peasantry as the major component of the nation and source of its spiritual and material strength.

The specifically anti-Ukrainian nature of the Holodomor was evidenced *inter alia* by the following facts.

The severest repressive measures that precipitated the artificial famine were applied by the regime in Ukraine and the Kuban. At that time the latter formed part of the RSFSR but was Ukrainian by

culture, language, and tradition. According to the 1926 census, as many as 1.412 million Ukrainians lived in the Kuban, which made up 75% of the region's population. In total there were 3.107 million Ukrainians in the Northern Caucasus.

Kaganovich, Stalin's most loyal lieutenant who was given the responsibility of ensuring the grain procurements in Ukraine and the Northern Caucasus, introduced the practice of blacklisting as an additional punitive measure directed at Ukrainian and Kuban peasants who were forcibly deprived of all grain and other produce.

In the speeches, correspondence, and all-union resolutions of the Kremlin leaders, the Kuban had often been singled out together with Ukraine as a region deserving special attention. This is evident, for example, in the speeches that Kaganovich made during his visits to the Northern Caucasus, his correspondence with Stalin, and the resolutions of the Politburo of the CC of the AUCP(b) of 1 November 1932 and Northern Caucasus Territorial Party Committee of 4 November 1932.

I. Zelenin, a Russian researcher of the 1932–1933 famine, notes that the actions of the CC of the AUCP(b) Commission for Grain Procurements in the Volga region, headed by Postyshev, "varied somewhat from those of Kaganovich and Molotov in the Northern Caucasus and Ukraine." Zelenin believes, and not without grounds, that the peasants of the Lower Volga suffered to a lesser degree from famine than did the rural population of Ukraine and the Northern Caucasus.

As V. Kondrashin noted, in 1932 the situation in the Northern Caucasus was destabilized by the "Ukrainian factor." The announced grain procurement plans caused panic among the peasants of the Kuban and Don regions who knew about the famine in Ukraine and feared that they were threatened with the same. It is quite obvious that the panic spread throughout the region because it was populated predominantly by Ukrainians who knew about developments in Ukraine, although V. Kondrashin does not mention this fact.

Together with the statutory acts by means of which the man-made famine was induced on the entire territory of the USSR, there were a number of specifically "Ukrainian" or rather anti-Ukrainian bylaws, resolutions, instructions, directives, etc. For

example, according to the bylaws adopted at the all-union level in January 1933, only the peasants of Ukraine and the Kuban were prevented from leaving for the neighboring regions of Russia and Byelorussia in search of food. Blockades were imposed at the borders and enforced by GPU and militia units. To prevent starving Ukrainian peasants from fleeing, army troops also blocked their access to the border zones adjacent to Romania and Poland.

Stalin's regime directly associated grain procurements in Ukraine and the Northern Caucasus with Ukrainianization, as evidenced by the Resolution of the CC of the AUCP(b) and the CPC of the USSR "On Grain Procurements in Ukraine, the Northern Caucasus and Western Region" of 14 December 1932.

The resolution, in its rather lengthy paragraphs 4, 6, and 7, specifically mentioned only Ukraine and the Northern Caucasus. The Ukrainian leaders were severely criticized for improperly applying the national policy, while the Northern Caucasus leaders were criticized for their un-Bolshevik Ukrainianization that made it easier for the bourgeois nationalists and, in particular, the followers of S. Petliura and members of the Kuban Rada (similar to the Central Rada of Ukraine) "to create their legal façade, and their counterrevolutionary centers and organizations."

The resolution contained instructions for the CC of the CP(b) U and the CPC of Ukraine to "expel Petliura's followers and other bourgeois nationalists from Party and Soviet organizations," and directed the Northern Caucasus Territorial Executive Committee to do the following:

- to resettle in the shortest time possible all inhabitants from the Poltavaska (Northern Caucasus) *stanitsa*, the most counter-revolutionary of Cossack villages, to northern regions of the USSR, with the exception of collective farmers and individual peasants who are truly loyal to Soviet authority, and to populate this *stanitsa* with collective farmers who served in the Red Army;

- to immediately transfer all activity in Soviet and cooperative offices of Ukrainianized districts in the Northern Caucasus, and the publication of all newspapers and magazines from Ukrainian into the Russian language, which is better understood by Kuban inhabitants; and to prepare the school system for instruction in the Russian language.

This resolution convincingly proves that the man-made famine in Ukraine and the Northern Caucasus was used not only as an instrument for genocidal extermination, but primarily as a pretext for destroying the Ukrainian national identity and the carriers of this identity because of their affiliation to the Ukrainian national group.

The all-union laws and regulations were implemented throughout the USSR using practically the same methods, but the scope, targeting and, accordingly, their effects differed from region to region. The most meticulous and ruthless application took place in Ukraine and the Kuban. The most active stages of grain expropriation from Ukrainian peasants also coincided with hysterical anti-Ukrainian campaigns in the all-union press.

In comparison with other regions, the mortality rate in Ukraine and the Kuban was much higher and exceeded the rate of natural mortality by several tenfold. Significantly high mortality rates were observed in the rural areas populated mainly by Ukrainians (S. Kulchytsky), which was indicative of the particularly cruel and widespread confiscation of produce directed specifically at Ukrainians.

When the Holodomor ended in the second half of 1933, the All-Union Committee on Resettlement was established pursuant to the Resolutions of the Politburo of the CC of the AUCP(b) and the CPC of the USSR. As a result of these decisions, forty-two districts were selected in the Odesa, Dnipropetrovsk, Donetsk, and Kharkiv regions to which people from Russia and Byelorussia were relocated in an organized way to replace the Ukrainians killed by famine. During the first stage of this operation at the end of 1933 and beginning of 1934, about 20,000 families were relocated to Ukraine. Depopulated Ukrainian villages were settled mainly by Russians and Byelorussians, and also by Jews and Germans, even though there were several million Ukrainians living within the Soviet Union outside Ukraine.

The news articles of foreign correspondents and classified reports of foreign embassies and consulates were mainly focused on the famine in Ukraine and the Northern Caucasus. Both sources of information gave estimates of the human lives lost and stressed that the famine in Ukraine was planned with the aim of suppressing and exterminating the Ukrainian nation.

Thus, the analytical report, "Famine and the Ukrainian Question," prepared in May 1933 by S. Gradenigo, the Italian Royal Consul in Kharkiv, stated: "[The policy of the Moscow leadership] aims at eliminating the Ukrainian problem within several months by sacrificing some ten to fifteen million people. This figure does not seem to be exaggerated and in my opinion has already been attained and will be surpassed... From this I deduce that the present catastrophe will lead to the colonization of Ukraine by a mainly Russian population, which will change Ukraine's ethnographic nature. It may happen that in the very near future we will speak about neither Ukraine nor the Ukrainian people. Hence, there will be no Ukrainian problem because Ukraine will actually have become part of Russia."

In a political report by the German Consulate in Kyiv on 15 January 1934, it was noted: "The situation with respect to the Ukrainian question can only be assessed this year in the context of the great famine. Because of this catastrophe, the responsibility for which the Ukrainian people place solely on the policy carried out by the Moscow leadership, the long-standing division between Ukrainian advocates of independence and the proponents of a Moscow-based centralism has only deepened. Characteristic of the people's thinking is the widespread belief that the Soviet government is intentionally intensifying the famine to bring Ukrainians to their knees."

It is also worth quoting the document "Is Ukraine Ukrainian?" which is held in the archives of the German Ministry of Foreign Affairs. The anonymous author stated in May 1936, after traveling for several weeks throughout the country: "A Ukrainian Ukraine has been destroyed. According to various estimates, six million people or one fifth of a population that once exceeded 30 million died of starvation. The people are now so weak that they will not be able to withstand this last blow of Moscow centralism... In the future, a detailed historical study may very well establish that during the horrifying 1932-1933 period, the will of the Ukrainian people was broken - at least for decades, if not forever."

Fortunately, these pessimistic forecasts have not materialized. However, their underlying basis and content should convincingly demonstrate that the criminal, genocidal acts of the Kremlin leadership were targeted at the Ukrainian nation as such.

Despite historical hardships, Ukraine regained its independent statehood. However, the Ukrainian nation suffered enormous losses, the consequences of which are still felt today. Together with the political repression and deportations that took place prior to, during and after 1932–1933, the Holodomor has had a catastrophic cumulative effect. The genetic potential of the Ukrainian nation was dealt a crushing blow. The traditional structure of Ukrainian society was ruined and accompanied by the country's devastation. The nation was psychologically traumatized by terrible pictures of people dying en masse, by the painful death of family and friends, and by the shocking moral degradation in struggling for survival in total famine. The Ukrainian liberation movement and the nation's ability to resist were significantly weakened, and national traditions were undermined. National revival, normal cultural development, and the strengthening of the nation's unity, dignity and spiritual life were retarded. In the meantime there reigned an atmosphere of fear, brutality, falsehood, double standards and amorality.

Independent Ukraine's progress is still hampered by the Holodomor's ruinous effects, the overcoming of which is necessary for social recovery, national consolidation and the building of a successful country.

Ukraine's Demographic Losses

There is no precise number of the Holodomor's victims as it is practically impossible to determine this figure. In concealing the scale of the crime and its deadly consequences, the Kremlin leadership prohibited medical institutions and the various state agencies responsible for civil registrations, vital statistics and movement of population to record actual causes of death. When in 1933 the famine was at its peak, the deceased were buried in common graves without any records being kept. As noted by S. Kulchytsky, the work of state institutions in rural areas at the time was disrupted and in some areas completely paralyzed. In 1934 the bureaus of civilian registrations and related archives

of vital statistics were subordinated to the NKVD and all free access to demographic data was terminated.

Despite the Communist authorities' denial of the very fact of the famine, the extent of the demographic catastrophe in Ukraine could not but attract the attention of foreign journalists, diplomats and various specialists working in the USSR at that time.

The first empirical estimates of the number of Holodomor victims already began to appear in the western press when the famine was at its height. Unlike news reports, the diplomatic reports were classified and only became known much later. Analyses of news and diplomatic reports at the time show great discrepancies in the number of victims, with the figures varying between one and fifteen million. With these estimates it is only possible to conclude that millions of people – both in and beyond Ukraine – fell victim to the Holodomor and that Ukraine suffered the greatest number of losses.

In addition to the empirical estimates of the number of Holodomor victims, there were also several professional estimates made in the 1940–50s by researchers who applied a number of different methods in using the all-union censuses of 1926 and 1939. (The all-union census of 1937 was declared by the Soviet leadership to be defective and its publication was prohibited.) According to the estimates made before Soviet demographic statistics were declassified, the maximum number of victims was lowered from 15 million to 7.5 million, while the minimum number was raised from 1 million to 2.5 million.

After access to Soviet archives was re-opened at the end of the 1980s, the total number of Holodomor victims in Ukraine was further narrowed to vary between 2.6 and 5.2 million.

The total number of Holodomor victims remains a controversial issue to this very day. As before, researchers obtain conflicting results, even within the scope of the same study.

This is demonstrated, for example, by the research report submitted in 2008 by the Institute of Demography and Social Studies of the National Academy of Sciences of Ukraine and entitled "Demographic Catastrophe in Ukraine as a Result of the Holodomor in 1932–1933: Factors, Magnitude & Consequences." The report gives somewhat conflicting estimates of the number of victims in Ukraine. At page 76 it states that cumulative demo-

graphic losses totaled 5.5–5.6 million, and the number of lives lost due to the excessive mortality rate was 3.4–3.5 million at maximum. At page 78, however, total losses are estimated at 5.4 million, of which 5.1 million occurred in rural areas. At page 82 Ukraine's total losses in 1932 are given as 795,000, and in 1933 – 3.5 million, i.e. 4.295 million overall, while at page 84, in providing a summary, the report states that Ukraine's demographic losses resulting from the Holodomor are estimated at 4.5 million, of which 3.4 million losses were due to increased mortality, and 1.1 million due to a decline in the birth rate. It is also stated here that cumulative demographic losses totaled approximately 6 million.

Discrepancies in the number of human losses caused by the Holodomor are explained not so much by the different statistical methods as by the unreliable underlying data. Even when calculations are made according to all demographic standards, the results can hardly be regarded as reliable if they are based on the 1937 and 1939 censuses. It is common knowledge that the validity of those censuses – and particularly that of the 1937 census – is doubtful. As noted by S. Kulchytsky, between only one-third and one-half of all deaths were recorded in Ukraine, but death by hunger was not specifically stated. Moreover, from March to August 1933 the actual rate of mortality, including natural mortality, was two to three times greater than the figure indicated in statistical records.

The census documents also did not duly account for migration. For example, the absurdity of the statistics of both censuses is evident in the results from 1926 to 1937, according to which the population of Ukraine fell by merely 538,639, but by more than 3 million from 1926 to 1939.

Given such circumstances, present-day professional estimates cannot be treated as unconditional alternatives to past professional estimates or to certain first-hand empirical estimates by observers at that time, especially long-time residents of Ukraine who visited rural regions and who had confidential access to people with relevant information.

Taking into account the peculiarities of the situation, it is necessary to develop new approaches to correcting false demographic statistics and to using earlier professional and empirical estimates.

A harmonization of such approaches would only improve the reliability of the results obtained.

The difficulties encountered in estimating the total number of Holodomor victims are sometimes used to cast doubt on Ukraine's national tragedy and to deny its genocidal nature. As stated above, a key factor in qualifying criminal behavior as the crime of genocide is not the number of people killed but the intent to destroy a particular group as such by exterminating its members in whole or in part. The number of victims is not a legal requirement for genocide but only one of the evidentiary elements of the crime. Establishing this element is but an additional means for proving intent to partially or completely destroy a particular group, and for determining the gravity of the crime and the appropriate punishment. If the crime is directed against a particular group as such, the murder of any number of its members constitutes genocide.

Even if the number of Ukrainians who perished during the Holodomor was stated to be, not in the millions but much less, this would not have changed the genocidal nature of the crime. Even estimates that give the lowest numbers confirm that millions of people died. It should be stressed again that, from the legal point of view, concentrating on the exact number of millions – three, five, seven or ten – is pointless and irrelevant. At the same time, any political manipulation with figures that either increases or decreases the number of Holodomor victims is morally impermissible, as it displays a blatant disrespect towards their memory.

The Holodomor Machine

The Ukrainian Holodomor was organized by using all of the elements of the Party and Soviet system that formed the mechanism of the totalitarian "party state" (Gray – Dorsey) or "commune state" (S. Kulchytsky). A specific feature of this state was the total subordination of virtually every state body and public organization, both central and local, to the Communist Party. Shortly after the October coup of 1917, it had practically, and by the beginning

of the 1920s, had actually become the only party in the country. With the formation of the USSR, it was named the All-Union Communist Party (of Bolsheviks) (AUCP(b)).

The AUCP(b) was headed by the Politburo, which possessed real power in the USSR and was comprised of a fixed number of party leaders. After Stalin strengthened his position in the intra-party struggle and emerged as sole leader with dictatorial powers, his loyal followers – Kaganovich, Molotov, Mikoyan, Kalinin and a few others – became, as of the 1920s, the most influential members in the Politburo. The decisions adopted by the Politburo were enacted into laws and resolutions of the constitutional organs of power, and on the most important issues, in joint decisions of the Central Committee of the AUCP(b) and CPC of the USSR.

According to the 1924 Constitution, the USSR was a federal state, the constituent republics of which had wide powers. However, by the beginning of the 1930s, this Soviet federation was transformed into an ultra-centralized totalitarian party state led by Stalin and his closest associates. The legitimization of the dictatorship of the communist leaders, who ideologically shrouded themselves with demagogical slogans, was implemented through statutory acts of the Union and union republics' bodies of state power. These acts often bore the stamp "top secret" and were not made public. Party decisions on particularly important issues and the corresponding resolutions of various state bodies were approved by Stalin and his inner circle without any formal discussion even in the Politburo. They were often not even recorded in official documents but nonetheless served as guidelines for the party dictatorship's entire chain of command, from Moscow to the furthest peripheries.

The CP(b)U was a constituent part of the AUCP(b). It was deprived of independence and used by the all-union political leadership to keep Ukraine firmly within its control. To this end, party decisions, and laws and resolutions adopted at the center were then duplicated in Ukraine with corresponding acts of the CC of the CP(b)U, the Politburo of the CC of the CP(b)U, the Council of People's Commissars of the Ukr.SSR, and the All-Ukrainian Central Executive Committee. An important role in planning the suppression of Ukraine was assigned to the Ukrainian GPU (prior to 1922, the All-Ukrainian Extraordinary Commission).

This tandem of the CP(b)U and GPU in the 1930s was not Ukrainian, either by the ethnic composition of its leadership or by the orientation of its activities. Strictly controlled by the Kremlin, it was an obedient instrument for implementing the anti-Ukrainian policy of the center.

The Kremlin leadership played the principal role – as ideologist and organizer – in precipitating the Holodomor in Ukraine. The Party and Soviet leaderships of Ukraine became the active participants and accomplices in the crime.

The judiciary, prosecutor's office, special services, Red Army, and interior ministry, GPU and frontier troops were all involved in committing the crime.

In the lower tiers were the local leaders of the CP(b)U and bodies of Soviet power that recruited activists from the committees of poor peasants, and rural Party and Komsomol organizations to expropriate food produce from the peasants.

The chief ideologist and organizer of the Holodomor was Stalin, who played the leading role in planning the crime, devising the mechanism for its implementation, and controlling the process. As the General Secretary of the CC of the AUCP(b) who ruled the Politburo with dictatorial will, Stalin masterminded all principal party decisions related to the Holodomor in Ukraine.

Specialized elements of the centralized machinery for organizing the Holodomor in Ukraine and the Northern Caucasus were the Extraordinary Grain Procurement Commissions, established pursuant to decisions of the Politburo of the CC of the AUCP(b). The commissions were headed by Stalin's closest associates.

The Procurement Commission for Ukraine was headed by V. Molotov, a member of the Politburo of the CC of the AUCP(b) and Chairman of the CPC of the USSR. The Commission for the Northern Caucasus was headed by L. Kaganovich, a member of the Politburo, and Secretary of the CC of the AUCP(b) and Chief of its Agricultural Department. Although the membership of Molotov's commission in Ukraine was not defined, Kaganovich actually participated in its work. He was from Ukraine, knew the country well and had been General Secretary of the CC of the CP(b)U in 1925–1928.

A special role in Ukraine was also performed by Postyshev. Both he and Kaganovich were instructed by the Resolution of the CC

of the AUCP(b) and the CPC of the USSR "On Grain Procurements in Ukraine" of 19 December 1932 to take all necessary measures together with the republic's leadership to ensure the fulfillment of the grain procurement plans. To this end, Kaganovich and Postyshev visited Ukraine 20–29 December 1932.

In January 1933 Postyshev was appointed Second Secretary of the CC of the CP(b)U and First Secretary of the Kharkiv Regional Committee of the CP(b)U. At the same time, he remained Secretary of the CC of the AUCP(b) until February 1934. As a close associate of Stalin, he actually controlled Kosior, First Secretary of the CP(b)U, who had lost Stalin's confidence. Ostensibly ensuring the fulfillment of grain procurement plans, Postyshev actually helped organize the Holodomor and played a decisive role in suppressing the national deviation within the CP(b)U.

An important role in precipitating the Holodomor was assigned to the law enforcement and punitive agencies acting on the Kremlin's orders. By the Politburo's decision of the CC of the AUCP(b) of 24 November 1932, OGPU Deputy Chief V. Balytskiy was appointed to the position of Extraordinary Representative of the OGPU in Ukraine. He arrived in Kharkiv at the beginning of December 1932 and soon thereafter assumed his position as chief of the GPU of the Ukr.SSR, which had been previously held by Stalin's distant relative, S. Redens.

The republic's activists who participated in implementing the Holodomor included S. Kosior, First Secretary of the CC of the CP(b)U; V. Chubar, Chairman of the CPC of the UkrSSR; H. Petrovskiy, head of the All-Ukrainian Central Executive Committee; and the first secretaries of the regional committees of the CP(b)U – in particular, M. Khatayevych, Ye. Veher, R. Terekhov, V. Strohanov, M. Mayorov, S. Sarkisov, and N. Alekseyev. These officials ensured that the Holodomor was carried out by leaders at the lower levels. Furthermore, the top officials of the republic's leadership were incorporated into the higher Party bodies of the USSR. Thus, S. Kosior had been a member of the Politburo of the CC of the AUCP(b) since 1930; V. Chubar – an associate member of the Politburo of the CC of the AUCP(b) in 1926–1935; H. Petrovskiy – a member of the CC of the AUCP(b) in 1921–1939, and an associate member of the Politburo of the CC of the AUCP(b).

The structure of the upper level of the machinery for implementing the Holodomor made it possible to effectively control the activity of the republic's leaders and ensure their unconditional execution of the will of the Kremlin leadership.

The Holodomor was orchestrated by a group of persons who belonged to the highest echelons of the "party state." It was a joint criminal enterprise with a clearly structured hierarchical chain of command and coordination, and consciously used the party state to involve a wide variety of others in its criminal activities.

A distinctive feature of this criminal group was its obviously multi-ethnic character. The leading roles in ideology, planning, organizing and implementation of the crime were performed by a non-Ukrainian team composed of Stalin, Kaganovich, Molotov, Postyshev, Mikoyan, Kosior, Balytskiy, Khatayevych, Veher, Terekhov, Redens and others.

The GPU, which was headed by V. Balytskiy, consisted mainly of non-Ukrainians and among its top leadership there were no Ukrainians at all.

It should be acknowledged that there were ethnic Ukrainian participants – in particular, leaders at the republic level, although they did not play key roles in adopting and implementing decisions. These included V. Chubar, H. Petrovskiy, V. Zatonskiy and others, as well as numerous local accomplices.

For the most part, the lowest tiers included members from the poorest strata of rural society who shared the ideas of Bolshevism and consciously supported the local authorities in implementing plans for the building of a "bright communist future." However, there were also many who belonged to the rural *lumpenproletariat*, which the communist regime deliberately used as an instrument of the crime. Driven by feelings of envy towards the wealthy and a desire for vengeance, such people used the opportunity to prove to themselves and to the regime their own importance and survived at the expense of their fellow villagers.

It is necessary to write about this, not only for the sake of telling the historical truth and relating the specifics and distinctive features of the crime, but because certain researchers, politicians and political scientists are either reluctant or simply refuse to qualify the Ukrainian Holodomor as the crime of geno-

cide, due to the multi-ethnic composition of its perpetrators and, in particular, the participation of ethnic Ukrainians.

Such an approach is legally groundless. Neither national nor international criminal law makes the ethnicity of the perpetrator a condition precedent to the commission of a crime. The crime of genocide is not and should not be an exception to this fundamental rule.

The 1948 Convention provides no basis for linking the crime of genocide to the ethnicity of persons who participated in the crime. Article IV of the Convention only stipulates: "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

The ethnic composition of the participants in the crime of genocide is therefore legally irrelevant and does not affect the qualifying of concrete unlawful actions as the crime of genocide.

Such methods of denying the genocidal nature of the Ukrainian Holodomor are immoral as they deliberately distort the clear and unambiguous provisions of the 1948 Convention. In effect, this is tantamount to a justification of the crime.

Guilt and Healing

Qualifying the Holodomor of 1932–1933 as the crime of genocide also raises the issue of responsibility. From a legal point of view, this responsibility rests with the USSR as the party state, and with all persons who participated in organizing and committing this crime, regardless of their position, status, or ethnic origin.

The party state ceased to exist with the collapse of the USSR. All of the former union republics had become its successor states. However, the Russian Federation, contrary to international law, has declared itself to be the "state continuator of the USSR." In any case, Ukraine has repeatedly stated that it does not link recognition of the Holodomor as genocide with the international responsibility of the Russian Federation. Ukraine will therefore make no claims in that regard. Of course, this does not preclude individuals – the descendants of Holodomor victims – from claiming

against the Russian Federation as it considers itself the state continuator of the USSR. However, in practical terms the successful realization of such claims would be problematic.

The terrible circumstances of the crime make it impossible to state the exact number of victims and, in many cases, to determine their identities. It would also be very difficult to find witnesses for concrete cases, as the crime was committed several decades ago. Finally, one should also take into account the jurisdictional difficulties associated with the fact that perpetrators of the crime at the republic level were officials of the Ukr.SSR, who in many cases acted on their own initiative and in compliance with the republic's legislative and regulatory acts. However, it must be remembered that the Ukr.SSR, as a constituent republic of the USSR, was subordinated to the "party state" dictatorship.

It is relatively simpler to establish the responsibility of the main organizers and perpetrators of the crime at both the union and republic levels. However, their punishment would be impossible because some of them – in particular, Stalin, Kaganovich, and Molotov – died natural deaths. By far the larger part – among them, Kosior, Chubar, Postyshev, Balytskyi, Redens, and Khatayevych, and heads of all regional committees of the CP(b)U – were eliminated during Stalin's purges. It is rather ironic that this larger group was punished, but not for their participation in the Holodomor.

It should be noted that the various ethnic affiliations of the ideologists, organizers, participants, perpetrators and accomplices of the Holodomor cannot, of course, be used to accuse their respective peoples – Georgians, Russians, Jews, Poles, Latvians and others – of having a role in the crime.

In political terms, responsibility for the Holodomor-genocide in Ukraine and the extermination of peasants by famine elsewhere in the USSR should rest with Stalin's communist regime. This explains why representatives and followers of the Communist Party of Ukraine, which is the ideological successor to the AUCP(b) and then CPSU, attempts to deny the genocidal nature of the Ukrainian Holodomor, and often denies that there was even famine in the former USSR.

Russian Federation officials have actively opposed international recognition of the Ukrainian Holodomor as the crime of genocide. This is not surprising, given that the principal organizer

of the crime, Stalin, is regarded today by Russia's ruling elite as a "strong politician" and "successful manager." What is surprising and incomprehensible, however, is that recognition of the Holodomor as genocide is viewed by various officials of the Russian Ministry of Foreign Affairs as an insult to the memory of the victims in other regions of the former USSR.

Qualifying the Ukrainian Holodomor as a crime of genocide should not be taken as a denial of the criminal nature of the actions of Stalin's regime against the peasants of Russia, Byelorussia, Kazakhstan, Bashkortostan and others. Ukraine does not oppose honoring the memory of those victims, nor is it against condemning the other crimes of Stalinism. In fact, the real insult to the memory of those victims is not the position taken by Ukraine, but the glorification of the person most responsible for the crimes of the communist regime.

The Russian political establishment's hysterical reaction to historical truth can be easily explained. The revelation about the causes of the Holodomor and its consequences undermine the position of anti-Ukrainian elements in both Ukraine and abroad, and calls for action aimed at strengthening national statehood, developing democratic institutions, and moving further towards Ukraine's integration into European and Euro-Atlantic structures.

The majority of the Russian political establishment still regards Ukraine as a part of Russia, sharing with it a common history and fate. Hence, the Russian leadership wishes to impose on Ukraine and the world its own version of Ukrainian history. Denying Ukraine the right to its own history is a covert form of denying its right to independence.

It is now obvious that the underlying causes of the Holodomor were rooted in Ukraine's loss of independence and its domination by a regime subordinated to the Kremlin leadership and hostile to its nationhood. This fact alone should expressly warn Ukraine about the deadly threat to its statehood by neo-imperialistic plans for the restoration of a "Unified Greater Russia" that includes Ukraine. The strategies for building the new Russian empire openly proclaim the slogan "Russia needs a Russian Ukraine rather than a pro-Russian Ukraine." Hypothetically, there are at least three possible options for implementing such strategies: (1) by the genocide of the Ukrainian national group as such;

(2) by linguocide, i.e., by eradicating the language of the Ukrainian nation as its basic and defining feature, which is tantamount to the final and complete destruction of the nation itself; or (3) by the cumulative application of these instruments of national destruction.

In this connection, one must remember that, except for very short periods, the entire history of the tsarist and Soviet empires was one of a continuous war for the eradication of the Ukrainian language. During the Holodomor, Ukrainianization was terminated and the attack on the Ukrainian renaissance and language was launched.

This attack did not even stop after Ukraine restored its independence, but has only acquired newer, larger, and more treacherous forms. This is evidenced by the intense linguo-cultural expansion currently being carried out by the Russian Federation in relation to Ukraine, which is essentially a covert form of linguocide. Should the Russian neo-empire be restored with the inclusion of Ukraine, it is unlikely, however, that mass killing of Ukrainians will take place. Because in the growing demographic crisis in Russia, the need for human resources is acutely felt and this will only continue for many years to come. However, there can be no doubt that the linguocide aimed at wiping out the Ukrainian nation will become a reality. The persecution and elimination of the Ukrainian elite will be an integral part of this scenario.

The tragedy of the Holodomor should compel one to resolutely oppose the Kremlin's neo-imperialistic plans. This may also explain why the revelation and dissemination of the historical truth about the Ukrainian Holodomor has met with such rejection and opposition on the part of official Russia.

James Mace concluded that the Holodomor left Ukrainian society in a state of post-genocidal trauma. To a considerable degree, this remains true today. Therefore the immediate task is to politically condemn the crimes of Stalin's totalitarian communist regime. This should be accompanied by an official legal assessment of the Holodomor, a systematic study of its devastating consequences, and the undertaking of comprehensive measures for the revival of the Ukrainian nation, the rehabilitation of Ukrainian society and the democratic development of an independent Ukrainian state.

Such measures, however, should not be situational in nature, nor applied only on commemorative dates. Rather, they should be implemented on a continuous, systematic basis at the national and regional levels. The first steps in this direction are being made by the Ukrainian Institute of National Remembrance but they are obviously not sufficient.

In order to resolve the large scale and complex issues associated with overcoming the consequences of the tragedy, the General Prosecutor's Office of Ukraine should, first of all, initiate criminal proceedings for the genocidal murder of millions of people under Ukraine's Law "On the Holodomor of 1932–33"; Criminal Code, article 442; and Code of Criminal Procedure, articles 94, 97, and 112 (part 3). If established facts related to the Holodomor meet the *corpus delicti* of genocide as defined in article 442 of the Criminal Code of Ukraine, the General Prosecutor's Office of Ukraine should then prepare an official indictment and submit it to the Supreme Court of Ukraine for further action.

At the same time, the Verkhovna Rada of Ukraine should establish an interim investigatory commission in accordance with the Constitution of Ukraine, Article 89 (Part 4), to conduct a parliamentary inquiry into all of the circumstances surrounding the Holodomor of 1932–33 as the gravest of international crimes and a tragic event of great significance to Ukrainian society. Such steps would not require the resolutions of international organizations. Current Ukrainian legislation and the political will to do so should suffice.

In this connection, it should be noted that article VI of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide provides that the prosecution of this crime should be carried out by a competent court of the state on the territory of which it was committed, or by an international criminal tribunal whose jurisdiction is recognized by the parties to the Convention. According to the generally recognized rules of international law, corroborated by the 1998 Statute of Rome of the International Criminal Court, cases of international crimes may only be submitted to the international judicial bodies when a state on the territory of which such crimes were committed is unable or unwilling to conduct an investigation, establish the identity of the alleged perpetrators, indict and put them on trial.

A comprehensive investigation into all of the circumstances of the Holodomor and its official qualification in Ukraine will create a convincing and solid legal and factual basis for wide international recognition and condemnation of the genocidal nature of this terrible crime.

Abbreviations

AUCP(b) – All-Union Communist Party (Bolshevik)

CC – Central Committee

CP(b)U – Communist Party (Bolshevik) of Ukraine

CPC – Council of People’s Commissars

GPU – State Political Directorate

OGPU – All-Union State Political Directorate

RSFSR – Russian Socialist Federal Socialist Republic

Ukr.SSR – Ukrainian Soviet Socialist Republic

ULU – Union for the Liberation of Ukraine

UPR – Ukrainian People’s Republic

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Scientific Issue

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**THE UKRAINIAN HOLODOMOR OF 1932–1933
AS A CRIME OF GENOCIDE**

A Legal Assessment

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