

EPILOGUE

It is clear from the facts at our disposal that, despite the sharp and massive official reaction in 1965-6, there has been continuing and apparently undiminished ferment in the Ukraine, as elsewhere in the Soviet Union. This has, in a number of ways, reflected a profound and growing discontent within the country with the policies of the regime in social, economic and political matters and as regards the rights of citizens and nationalities. In general, the answer to this agitation has been further repression, even though such a policy would appear to have proved counter-productive from the regime's own point of view. The punishment of a few dozen 'malcontents' would merely seem to have extended and intensified dissent and demands for the recognition of basic rights, instead of cowing potential critics into silence and acquiescence.

A sign of the times is the ever increasing volume of underground literature circulating in the USSR, and in particular the emergence of the 'Chronicle of Current Events' which first appeared in Moscow in April 1968, and at two-monthly intervals since then. The information provided is supplied by the readers, and its volume has grown issue by issue, which in itself suggests a steadily increasing circulation. The 'Chronicle' began as an information bulletin devoted to the defence of human rights and the exposure of their infringement by the regime, and its coverage centred on Moscow. Over the years, its field of interest has steadily widened, while the information it reported extended first to other cities in Russia and then to non-Russian areas. Ukrainian material has assumed ever increasing importance in it, and a similar new typewritten journal - 'The Ukrainian Messenger' - covering events in the Ukraine only has brought out two issues during the first half of 1970.

The continuing processes of Ukrainian dissent and repression over the years, and the forms they take, can be gauged from the appended List of Prisoners and the bibliography of 'unpublished' writings. Among the more recent documents, one is reproduced below: it is an appeal to the UN Human Rights Commission from three Ukrainian prisoners who describe one of the 'scientific' methods of pressure aimed at breaking down the resistance of the more recalcitrant political prisoners. The use of drugs for this purpose is not altogether new. Perfectly healthy people have for many years past been sent on KGB orders to 'special' mental hospitals on account of their nonconformist views: if they do not recant they are subjected, under colour of treatment, to massive injections of drugs described as 'aminazin' and 'sulphazin' which cause depressive shock reactions, headaches and serious physical disorders; sodium amine, a strong narcotic with a debilitating effect, is sometimes injected before a prisoner is interrogated [1]. Drugs, in addition to other means, were used in 1961 to induce Luts'kiv to give testimony which had been fabricated by the KGB and led to the convictions in the 'Jurists' Case'; they were likewise used on the chief defendant in that case, Lukyanenko, during his pre-trial examination [2]. There were rumours that the 1965-6 prisoners had been given drugs in their food which weakened their will-power and made them apathetic and generally acquiescent [3].

[1] Cf. 'Chronicle . . .', nos 8, 10, 11 (for details of publication cf. p. 240 below), confirming Valeriy Tarsis's unpublished account mentioned by P. Reddaway, 'The Soviet treatment of dissenters and the growth of a civil rights movement', in G. R. Hill (ed.), 'Rights and Wrongs' (Harmondsworth, 1969), p. 92.

[2] p. 82 above.

[3] ChP, p. 27.

The drugging of food reported in the appeal to the UN Human Rights Commission differs from the previous cases since this seems to be the first known instance of prisoners convicted and serving sentences in places of detention being subjected to the use of drugs. The three signatories of the appeal who were singled out for this treatment must have been regarded by the authorities as particularly dangerous political criminals; Mykhaylo Horyn' is one of two who received the longest sentence in 1966, while Kandyba and Lukyanenko were punished more severely in 1961 than any of the other members of the 'Jurists' Group'. Moreover, they showed no trace of repentance in the camps, and, instead, produced documents [1] indicting the regime that had wrongfully punished them.

The letter of the three prisoners ultimately reached the UN Human Rights Commission through Amnesty International; it was reported in the press [2] and quoted at length in 'The Review' of the International Commission of Jurists in Geneva [3]. In accordance with the procedure now in force [4], a copy of the letter must presumably have been communicated to the Soviet Government. It was reported in the first half of 1970 that the poisoning of the Ukrainian political prisoners' food had recently been stopped, but there is no means of telling to what extent, if at all, the publication of the appeal contributed to this result.

A new and important collection of documents concerning the 1966 trials, hitherto not available in the West, has been published in Ukrainian in the summer of 1970 [5]. This documentation provides much important detail to fill in the outlines given in Chornovil's memorandum [6]; individual documents comprising this collection are enumerated in the Bibliography below. Among many points arising from these documents, certain references to the secrecy of the trials can appropriately be mentioned here.

The documents so far quoted in the present volume, and in particular those originated by Lukyanenko and Kandyba, do deal with this question, but the arguments they contain were produced very much after the event [7] and, as far as is known, evoked no response from the authorities; moreover, these documents do not mention whether those concerned objected to in camera proceedings during the trials themselves, and if so, how the judges reacted. The new documents help to fill this gap in our knowledge in respect of one of the 1966 trials, that of the Horyn' brothers and two others on 15-18 April.

Mykhaylo Horyn' wrote in his appeal of 25 April:

I . . . cannot accept the judgment of the Judicial Division of the L'vov Regional Court as an act of justice in respect of the crime committed by me, because the whole trial was in camera, which is a flagrant violation of Art. 20 UCCP. To my question, as to what guided the Judicial Division in deciding whether to conduct the trial in camera, the presiding S. I. Rudyk answered that the

[1] Cf. nos 2, 6, 7, 9, 10 above.

[2] S. Constant, 'Poisoning by KGB alleged', in 'Sunday Telegraph', 14 Sep 1969. Significantly, there was no Soviet reaction to this report, unlike two and a half years earlier, when a letter to the Editor (Doc. 20 above) came in reply to a report in the same paper on the very trials in which Mykhaylo Horyn' was among the defendants.

[3] No. 5 (Mar 1970) 16-17.

[4] Cf. Hilary Cartwright, 'International action for the protection of human rights', in C. R. Hill (ed.), vol. cit., pp. 162-3.

[5] UI. English translation of these documents is in preparation.

[6] ChP, Part I.

[7] Although this fact alone does not vitiate them; cf. p. 66, fn. 2 above.

Judicial Division was guided by Art. 20 UCCP. But Art. 20 clearly states which kinds of cases are subject to judicial examination in camera. . . .

Guided by Arts. 20 and 370 UCCP [1], 1961 ed., I put before the Ukrainian SSR Supreme Court the question of revoking the judgment of the Judicial Division of the L'vov Regional Court as having been passed in conditions of flagrant violation of Soviet legality and discrediting the judiciary in the eyes of society. [2]

Chornovil was called as a witness at the same trial of the Horyn' brothers and others. He refused to testify, 'since', as he said, 'the trial is in camera, and thus unlawful', and was tried for this on 8 July by a district court in L'vov. The record of this trial sheds further light on the attitude of the judicial authorities towards in camera proceedings. For instance, Judge Yakibchuk argued that 'the court decided to hear the case in a closed session, and, according to law, you had to obey the court's decision'. Chornovil, believing that 'flagrant violations of socialist legality' such as unlawful trials in camera were harmful to the Soviet order, insisted:

I have the right, and even the duty, to speak up whenever I notice an action that harms the Soviet order. If I am wrong I must be given a reasoned reply. But no such reply did I hear in the L'vov Regional Court; I was merely called 'an enemy' there. Nor was I given an answer at the KGB as to why the trial had been in camera.

Judge explains [the trial record continues] that the trial of the Horyn's and others was in camera on the basis of Art. 20 UCCP, as a matter of protecting state interests.

Chornovil: I know Art. 20 UCCP by heart. It deals with a state *secret*, not with state interests. And this is not the same thing by a long chalk . . .

At the end of the trial, Chornovil attempted to avail himself of his right to a closing statement; he was, however, repeatedly interrupted and allowed to read out only a small part of his notes [3]. Some passages from the remainder of his statement which are relevant to the present subject follow:

I turned to lawyers for an explanation. They shrugged their shoulders: it would seem that according to the Code the trial in this instance ought to have been open, but the court itself decides in each case which kind [of trial] it is to be. Such a reply did not satisfy me. How can it be that the law says one thing while the court is able to decide otherwise? . . . Then I turned to the laws myself.

Art. 20 UCCP is as every law ought to be: clear and unambiguous. I found no other laws on the publicity of judicial examination. If there are some secret decrees, why are they secret? . . .

. . . How can one call the reading of some article or book - published abroad, what is more - a state secret? . . .

. . . The judge beat a tattoo on the desk with his fists, shut me up, shouted 'Enemy' at me. These are not unimportant facts. Lawyers with years of experience had suddenly lost their professional self-control. Does this not bear witness to the fact that, in their heart of hearts, they felt that they were doing something unlawful, and that it stung them to the quick when they were reminded of this? [4]

[1] Cf. pp. 84-5 and p. 66, fn. 2 above.

[2] UI, p. 175.

[3] Despite the fact that the UCCP imposes no restrictions on the defendant's closing statement. Cf. also p. 166 above.

[4] UI, pp. 41, 43, 50, 55.

And so Judge Rudyk tried to drown Chornovil's arguments by sheer noise, his colleague, procurator Antonenko, had nothing relevant to say, and in another part of that trial the same Rudyk, in answer to Horyn's question, invoked Art. 20 UCCP without stating which part of it was being applied, how or for what reason. It was left to the judge in a lower court to be more explicit; and in doing so he confirmed in effect that there was no legal justification for trials in camera in such cases. It is just possible that, quite unwittingly, he misquoted the vital Art. 20 without being aware of the essential difference between 'interests' and 'secrets'. This may have been due to his inadequate legal training and experience (there had probably not been any genuinely secret political trials in his court), but he proved to be completely out of his depth when the difference between the two terms was pointed out to him, and preferred to drop the subject.

The higher judiciary and supervisory (i.e. procuracy) authorities, on the other hand, must be fully aware that there were no legal grounds for secrecy in the cases discussed. The trial of Hevrych provides a good example of this: it was held in camera, according to Chornovil's account [1] which there is no reason to disbelieve, yet the judgment referred to an 'open judicial session' [2], presumably to 'keep the record straight'.

It will be remembered [3] that in January 1968 a delegation of the CC of the Communist Party of Canada stated in its report that it could not understand why trials were conducted in secret; eighteen months later, the CC CPC received a letter signed by 28 personalities active in government, the arts, scholarship, culture and public life in the Ukraine [4]. This letter contains the following two paragraphs referring to arrests and trials:

Some members of the delegation evidently took a negative view of the explanations given to them regarding the court hearings of those who by their anti-Soviet activities committed crimes against the state and the people. The anti-Soviet campaign started in connection with the so-called 'letters from prisoners' had some effect and evidently impressed even some Communists. At the same time, it is not difficult to understand what is behind this propaganda ballyhoo. The bourgeois press seeks at all costs to prove that in Soviet Ukraine people are persecuted for *thinking*, and that these people are intellectuals, the 'thinking elite of the nation'. Proceeding from such an artificially constructed scheme and speculating on the myth about 'secret trials', the official bourgeois press of the West in company with 'Ukrainian' nationalist organs shouts about the 'infringement' of the rights of man in the Soviet Union.

Actually it is a question of crimes committed by people who flouted Soviet laws, sought to undermine the foundations of the socialist system by illegal activities, harmed the interests of the state and people by their *deeds*, and were punished for this. They were briefly described in their true colors by the newspaper 'Visti z Ukraini' (no. 16, April 1968, an interview entitled 'Who is who'). But even without these explanations it was not difficult a priori to guess whom hostile anti-Communist propaganda was actively defending. Obviously not champions of Soviet Ukraine, not defenders of the interests of the Ukrainian people. [5]

[1] ChP, pp. 39-40.

[2] ChP, p. 40, and UI, p. 161.

[3] p. 182 above.

[4] Headed by Vira M. Dmytruk, Chairman, Ukrainian Society of Friendship and Cultural Relations with Foreign Countries; among the other signatories, the following names are known from references elsewhere in the present volume: I. Bilodid, Yu. Dadenkov, O. Poltorats'ky and Maria Kikh.

[5] 'Communist Viewpoint', i 4 (Sep-Oct 1969) 60-61.

The statement that secret trials are no more than a 'myth' not only sufficiently illustrates the value of this document but succeeds in completely missing the point: the Canadian communists were well aware of trials being conducted in secret but wished to know the reasons prompting the Soviet authorities to adopt in camera procedure. The letter of the 28 goes from bad to worse, first, in suggesting that the interview in 'Visti z Ukraini' [1] is amply sufficient to explain the arrests and trials in question; second, in further distorting the already somewhat disingenuous interview [2]; and third, in advising the Canadian communists that they can safely rely on a priori reasoning without necessarily bothering about the facts of the matter. The attentive reader will be able to form his own opinion about the latter from the documentation provided in the present volume.

The Canadian CP had in fact been severely taken to task for its report (which contains criticism of several other aspects of the policy of the CPSU in the Ukraine, apart from the trials) by their Soviet opposite numbers in the course of the preceding months, and the letter of the 28 was only the most serious piece of upbraiding to be published. It has subsequently been reported that in October 1969 the CC CP of Canada decided to retract the report of their delegation as an official document, and resolved to subject it to a thorough examination as well as undertaking a discussion of the nationalities question. If the results are published, it will be interesting to see whether the Canadian communists, with their largely ethnic Ukrainian membership, have been persuaded to accept repressions in the Ukraine as an inevitable part of the communist way of life, in defiance of the Marxist principle:

No nation can be free if it oppresses other nations.

[1] Given by H. Maly, the head of a Procuracy department (Doc. 23, discussed on pp. 22-3 above).

[2] Thus, Maly cannot deny the authenticity of the prisoners' letters (cf. pp. 22, 185-6 above), while the letter of the 28 implies that they are not genuine; nor can Maly deny the fact of secret trials (he simply avoids the subject).

Letter to the Human Rights Commission of the United Nations Organisation

We, Ukrainian political prisoners, are applying to you as the highest agency for the protection of human rights. We have been arrested for demanding an improvement in the position of the Ukrainian worker and for defending the rights of the Ukrainian language, education and culture. Since these demands are constitutionally admissible we continue to uphold them. Having been unable to break down our morale, the KGB agencies are trying to reduce us in a biological sense from intellectuals to vegetables.

Last year, Lukyanenko was taken to the Vladimir prison on 3 March where he was held until September. There, chemicals were added to his food, causing poisoning. He was given to understand that the long-term effect of the poison is the degeneration of the human organism.

In the camp also poison is added to the food. We have conducted a number of experiments and ascertained this. The symptoms of poisoning are as follows: ten to fifteen minutes after the consumption of food a slight pressure appears in the temples which afterwards turns into an intolerable headache. It is difficult to concentrate on anything, even on writing a letter home. When reading a paragraph one forgets by the end what was written at the beginning. In order to return to a normal condition one must fast for 24 hours. Thus, we alternate day of fasting with days of poisoned food.

Food parcels from home are poisoned even more strongly, so that we have had to throw them out altogether, although we are permitted to receive them only twice a year. And this while the camp rations amount to 2,000 calories per day.

Last year it was the same as this year. The symptoms of poisoning are somewhat different: a slight intoxication follows 10–15 minutes after food has been taken, then [a feeling of] severe cramps in the centre of the brain, with trembling of the hands and an inability to concentrate on anything. Headaches last for days.

When we complained to the camp authorities that we were being poisoned we were transferred to separate cells with frosted windows which, apart from the bars, also have a net and blinds to shut out daylight, and, apart from one hour's daily exercise, we live all day long by electric light. This is how the Russian KGB agencies treat Ukrainian patriots and honest citizens.

Honourable Commission, if you consider that such methods of reforming man are incompatible with humanitarian principles, we ask you to raise your voice in protest.

*Mykhaylo Horyn'
Ivan Kandyba
Lev Lukyanenko*

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List of Prisoners