



Doc. 12181

09 March 2010

Commemorating the victims of the Great Famine (Holodomor) in the former USSR

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Paul ROWEN, United Kingdom, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

The Committee on Legal Affairs and Human Rights welcomes the strong condemnation, as a crime against humanity, of the Soviet regime's policies in 1932-1933 aimed at the physical annihilation of the peasant population in Ukraine and other regions populated by ethnic Ukrainians, but also in Kazakhstan and other parts of the former Soviet Union. These policies resulted in millions of deaths by starvation. However, the report of the Political Affairs Committee does not highlight clearly enough that the criminal policies in question specifically targeted the Ukrainian people. In the interest of true reconciliation, this historical truth must be fully recognised and not hidden among other crimes committed by the Soviet regime against other ethnic and social groups.

B. Proposed amendments to the draft resolution

Amendment A (to the draft resolution)

Change the title of the report to: "Commemorating the victims of the *Holodomor* in Ukraine and of the great famines in Kazakhstan and other regions of the former Soviet Union".

Amendment B (to the draft resolution)

In the draft resolution, in paragraph 5, in the first sentence, after the words "which suffered the most," insert the words "and territories of the North Caucasus where Ukrainians constituted the majority of residents,".

Amendment C (to the draft resolution)

In the draft resolution, in paragraph 5, after the first sentence, insert the following sentence:

"This deliberate deprivation of food was aimed at creating such conditions of life as to bring about the partial physical destruction of the Ukrainian people."

Amendment D (to the draft resolution)

In the draft resolution, in paragraph 5, second sentence, replace the words "are recognised by Ukrainian law as" with the words "should be recognised as".

1. Reference to committee: [Doc. 11512](#), Reference 3423 of 14 April 2008 and [Doc. 11542](#), Reference 3435 of 18 April 2008. Reporting committee: Political Affairs Committee. See [Doc. 12173](#). Opinion approved by the committee on 28 January 2010.



Amendment E (to the draft resolution)

In the draft resolution, replace paragraph 15 with the following text:

“The Assembly calls on historians and lawyers from all over Europe to conduct joint independent research in an unbiased and depoliticised manner in order to fully establish the facts about this human tragedy, and to assess these facts in terms of current international law.”

C. Explanatory memorandum by Mr Rowen, rapporteur

1. The objective facts surrounding the Ukrainian *Holodomor* are quite well established by now, despite decades of elaborate policies of obfuscation and disinformation: between 3 and 10 million² peasants died of hunger and hunger-related diseases as a consequence of Stalinist policies of forced collectivisation of agriculture involving the systematic confiscation of all foodstuffs targeting the rural areas of Ukraine, Kazakhstan,³ and certain areas of Russia (hardest-hit were the Kuban region and parts of the North Caucasus, which also had large ethnic Ukrainian populations). As of the autumn of 1932,⁴ regions, villages and collective farms unable to fulfil impossible grain delivery quotas were “blacklisted” and punished by collective “fines in kind”. This meant that they were surrounded by armed NKVD units, cut off from any deliveries of goods and from seeking food elsewhere and that all food and other basic necessities were confiscated from shops and private homes, after searches carried out at gunpoint. Under the so-called “Law of Five Ears of Grain”, any “theft”, however minimal, of food by starving peasants was severely punished, by execution or deportation for ten years.⁵ Especially in the second year of the cruel artificial famine, peasants were prevented from leaving the affected regions,⁶ and any “smuggling” of food into the starvation zone was prohibited. Entire villages and large areas ended up being completely depopulated. They were resettled by farmers from Russia, Belarus and other parts of the former Soviet Union.⁷ The human suffering caused by this outrage has been described in horrible detail in many testimonies of survivors.
2. As to the legal assessment of these facts, two main schools of thought⁸ oppose each other:
 - a. Most Russian historians and political observers consider the artificial famine as the consequence of criminal policies targeting independent peasants as a class, whose resistance against forced collectivisation was broken in this way. The fact that Ukraine and other Ukrainian-populated areas of the Soviet Union were hardest hit was due to the fact that these were the main agricultural zones in which resistance against collectivisation had been strongest. In sum, the victims were killed because they were peasants.
 - b. Most Ukrainian⁹ historians and political observers consider these facts as an act of genocide against the Ukrainian people, which were not only objectively the hardest hit in terms of population loss, but specifically targeted: in sum, the victims were killed because they were Ukrainians.
3. In my own view, strong arguments speak in favour of both schools of thought:

2. The latter figure was allegedly given by Stalin himself in a conversation with Winston Churchill in 1942, reported in Churchill’s memoirs (quoted in: Andriy J. Semotiuk, “The Ukrainian Holodomor – Was it a Genocide?”, 2008 (at: faminegenocide.com); the figure of 7-10 million is included in a statement by the Ukrainian Permanent Mission to the United Nations on 7 November 2003, signed by 25 United Nations member states and issued at the 58th Session of the UN General Assembly.

3. In terms of the percentage of the population that perished, Kazakhstan, whose traditionally nomad population also put up strong resistance against forced collectivisation, suffered even worse losses than Soviet Ukraine.

4. Resolution of the Political Bureau of the Central Committee of the Communist Party of Ukraine “On the Intensification of Grain Procurement” of 18 November 1932.

5. The “Law on the Protection of the Property of State Enterprises, Collective Farms, and Co-operatives and the Strengthening of Public (Socialist) Property”, promulgated on 7 August 1932, led to mass arrests and executions.

6. Directive of the Central Committee of the All-Union Party of Bolsheviks and Council of the People’s Commissioners of the USSR on 22 January 1933 on Prevention of Mass Departure of Starving Peasants (source: “*Holodomor*” brochure of the Ukrainian Institute of National Memory, page 9; see also paragraph 36 of the explanatory memorandum by Mr Çavušoğlu, [Doc. 12173](#)).

7. By the end of 1933, about 117 000 people were resettled in Ukraine (source: “*Holodomor*” brochure of the Ukrainian Institute of National Memory, page 13).

8. I chose to ignore the rare voices that still deny the facts, calling them fascist propaganda, and those who only partly recognise them and consider them as regrettable, unintended and/or acceptable consequences of an overzealous industrialisation policy for the good of the country as a whole.

4. The “Russian” view stresses the considerable number of famine victims which were not ethnic Ukrainians, but also Russians, Belarusians, Tatars, Germans and others, who happened to live in all main agricultural regions of the Soviet Union targeted by the forced collectivisation policies. They point out that Ukrainian city dwellers did not suffer from mass starvation, though it would have been relatively easy for the Soviet regime to cut off food supplies to cities surrounded by starving agricultural regions if it had been their intention to exterminate all Ukrainians. In addition, the forced collectivisation policies were carried out on the ground by ethnic Ukrainians. They were ruthless Stalinists, but they would surely not have participated in the intentional destruction of their own ethnic group. Extreme economic hardship for the peasantry, even its partial destruction, was considered by Stalin and his entourage as an acceptable price to be paid for the rapid industrialisation of the USSR, but not as an objective in itself.

5. The proponents of the “Ukrainian” view stress that in parallel with the starvation policy against the Ukrainian peasantry, a savage terror campaign against Ukrainian intellectuals and independence-minded political leaders took place, which preceded similar “purges” in Moscow by several years.¹⁰ The combined effect of the two campaigns was clearly designed to break the backbone of Ukrainian nationalism, without the need to depopulate the whole country and in particular to kill all city dwellers (other than key intellectuals and politicians), who would become easy victims of Russification after the destruction of the pillars of the Ukrainian national revival.¹¹ The well-established fact that peasants belonging to other ethnic groups also starved in large numbers, to the extent that they also resisted forced collectivisation,¹² has no bearing on the classification of the particularly harsh measures taken against the Ukrainian peasantry and the Ukrainian “intelligentsia” as genocide.

6. Personally, I feel that the stronger arguments are those in favour of classifying the *Holodomor* as an act of genocide. In view of the strong evidence, I am quite surprised that the report of the Political Affairs Committee takes sides in favour of the “Russian” view without even properly acknowledging the arguments in favour of the “Ukrainian” view. For the sake of the credibility of the Parliamentary Assembly as a whole, I therefore feel duty bound to fairly present the arguments speaking in favour and against recognition of the *Holodomor* as an act of genocide, albeit in summary form.

7. As a rapporteur for the Committee on Legal Affairs and Human Rights, I should also like to recall the definition of genocide: Under Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, genocide is “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group”.¹³

9. The classification of the *Holodomor* as genocide is also recognised officially by many other countries, including the United States of America, Canada, Australia and many Latin American and eastern European countries. A particularly thorough inquiry was performed by the US Commission on the Ukraine Famine, whose report to Congress was adopted on 19 April 1988 (US Governing Printing Office, 1988, 524 pages); in its finding No. 16 the commission found that “Joseph Stalin and those around him committed genocide against Ukrainians in 1932-1933”. The author of the concept of genocide and “father” of the United Nations Convention on the Prevention and Punishment of Genocide, Raphael Lemkin, came to the same conclusion in a famous speech pronounced in 1953 on the occasion of a ceremony in New York on the 20th anniversary of the great famine in Ukraine (see Raphael Lemkin, “Soviet Genocide in Ukraine”, speech reprinted and translated in 28 languages, Kyiv, 2009, with a foreword by President Victor Yushchenko of Ukraine).

The OSCE Parliamentary Assembly, at its 17th Session in Astana (Kazakhstan) in July 2008, adopted a resolution on the *Holodomor* of 1932-1933 in Ukraine in which it “pays tribute to the innocent lives of millions of Ukrainians who perished during the *Holodomor* of 1932 and 1933 as a result of the mass starvation brought about by the cruel deliberate actions and policies of totalitarian Stalinist regime” and “welcomes the recognition of the *Holodomor* in the United Nations, by the United Nations Educational and Scientific Organization and by the national parliaments of a number of the OSCE participating states”.

10. The number of arrests in Ukraine rose from about 30 000 per annum in 1929 and 1930 to 50 000 in 1931, 75 000 in 1932 and 125 000 in 1933 to drop again to 30 000 in 1934 (source: “*Holodomor*” brochure of the Ukrainian Institute of National Memory, page 14).

11. In a letter of 11 August 1932 to Lazar Kaganovich (Secretary of the Communist Party of the USSR between 1928 and 1939), Stalin stated that “if we do not start rectifying the situation in Ukraine now, we may lose Ukraine”. A decree signed by Stalin on 14 December 1932 effectively put an end to the policy of “Ukrainisation” (the Ukrainian version of policies implemented in the 1920s and early 1930s in non-Russian parts of the Soviet Union, which were intended to shore up support for Soviet rule by granting the local population a measure of cultural autonomy; this policy led to a Ukrainian national revival that worried Soviet leaders).

12. In terms of the percentage of the population that perished, Kazakhstan, whose nomad population also put up a strong resistance against forced collectivisation, suffered even worse losses than Soviet Ukraine, as indicated in footnote 2.

13. The same formulation appears in Article 6 of the Rome Statute of the International Criminal Court.

8. This definition requires the presence of an *actus reus* (namely the destruction, at least in part, of a group of the kind included in the definition, by one of the acts listed therein) and of specific criminal intent (*mens rea*), that is to say the intent to at least partially destroy such a group as such.

9. The *actus reus* is clearly present in the case of the *Holodomor*: the killing of a considerable percentage of the Ukrainian people is well established. In particular, there is no reasonable doubt that Ukrainians in 1932-33 did indeed form a distinct “national or ethnical group” within the Soviet Union. It is the specific intent to destroy part or all of the targeted group that is in dispute, as shown above.

10. A general “intent to destroy” can hardly be doubted, given the massive scale of the famine, its long duration and the brutal enforcement of seizures not only of grain, but of all foodstuffs – the latter practice having been limited to Ukraine and Ukrainian-populated areas of Russia, which is significant. Stalin’s and his henchmen’s “intent to destroy” is also established by numerous documents (reports at all levels of the party and state machinery and correspondence between the main proponents themselves) made public in recent years, and which prove that the leadership was well-informed of the extent of the famine at a time when the Soviet Union was still exporting huge quantities of grain and turned down offers of international assistance. Another indication that the famine was intentional is the speed with which it was ended in the second half of 1933, after its purpose was achieved and before it destroyed the food production capability of the Soviet Union for good.

11. The main question is whether Stalin intended to partly destroy the peasantry in the regions affected by the *Holodomor* because they were peasants, or because they were Ukrainians – or, as I believe, because they were Ukrainian peasants, who were the backbone of the Ukrainian national revival movement so feared by Stalin.

12. In my view, it is not the task of this Assembly to pass a final judgment, on the strength of the majority of the day, as to whether the *Holodomor* does or does not fulfil the definition of genocide. Neither is this question likely to ever be decided by a court of law: the perpetrators are long dead, and so are almost all direct witnesses.¹⁴ But the “Court of History” shall decide, and this Assembly should contribute to a fair decision. The “Court of History” should uphold the principle that all crimes, even the worst, are committed by individuals, not peoples, even if the criminals were able to magnify the scale of their crimes due to their positions of power and to the willing assistance of numerous accomplices. The “Court of History” should also be enabled to establish the whole truth, however shocking; because for the victims and their descendants, the denial or minimisation of the crimes committed against them constitutes a permanent, painful and insulting reminder of the past, which stands in the way of true reconciliation and friendship.

13. In conclusion, the draft resolution needs to be somewhat reworked by way of the amendments proposed above in order to express more clearly:

- a. that the Ukrainian people was the main victim of the *Holodomor*;
- b. that there are serious arguments according to which the *Holodomor* fulfils the definition of genocide, and to call for the creation of an international truth and reconciliation commission on the *Holodomor*, along the lines of the South African model, or of the “Russell tribunals”, bringing together historians and also criminal and international lawyers from Ukraine, Russia, Kazakhstan and other former Soviet states as well as colleagues from other countries tasked with establishing the full truth in an unbiased, transparent manner.

14. The Ukrainian Security Service (SBU) has nevertheless opened a criminal case for genocide (Article 442 of the Criminal Code of Ukraine). It has gathered extensive materials from archives (including under a joint co-operation project with its Polish counterparts analysing hitherto unknown documents from the archives of the special services, which published its 7th volume of documents concerning the *Holodomor* in Ukraine in 1932-33 on the occasion of the 75th anniversary of the *Holodomor*), and has collected testimony from numerous *Holodomor* survivors, other witnesses, and family members. According to a summary of the SBU’s efforts dated 25 November 2009, made available to the rapporteur for opinion, the “pre-trial investigation” in question came to the conclusion that the *Holodomor* in 1932-1933 constitutes genocide, based, *inter alia*, on the analysis of 3 456 documents of the Communist Party and other executive organs and 400 documents from the SBU’s archives, 3 186 folios of death registration acts and 857 mass burial sites, and the testimony of 1 730 witnesses. The investigation is still continuing, and the SBU has addressed requests for judicial assistance to the law enforcement bodies of Austria, Belarus, Germany, Italy, Kazakhstan, Moldova, Poland, Russia, the United Kingdom and the United States.