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Commemorating the 90th anniversary of the Holodomor – Ukraine once again faces the threat of genocide

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Knut ABRAHAM, Germany, Group of the European People's Party

Summary

The Holodomor, an artificial famine, killed between 3.9 and 10 million Ukrainians in 1932-1933. Hitherto secret documents show that the famine was the intended result of the policies imposed by the Soviet regime. There was no shortage of grain until the authorities confiscated even the seed grain for the following year. The confiscation of food targeted not only grain, but all foodstuffs found in Ukrainian farmers' houses in brutal searches carried out by officials even when family members were already dead or dying on the floor. NKVD troops surrounded the stricken villages, preventing the inhabitants from escaping and blocking any foodstuff from entering. The artificial famine was preceded by a campaign of show trials, enforced disappearances and other forms of repression against the Ukrainian intellectual elites. The Committee on Legal Affairs and Human Rights therefore considers the Holodomor as a genocide.

It expresses its deep concern in relation to the genocidal threat that Ukraine is facing once again in the ongoing full-scale Russian war of aggression, noting that statements made at the highest level deny the Ukrainian people's very right to exist as an independent nation.

The methods used by the Russian military in the war against Ukraine and the actions of the illegal Russian authorities in the temporarily occupied Ukrainian territories show that these statements are not empty threats. The persecution of the Ukrainian political and cultural elites by the illegal occupation authorities and the systematic destruction of the cultural heritage demonstrate the intention of the Russian occupiers to destroy Ukrainian nationhood wherever they can. The deportation of tens of thousands of Ukrainian children may also amount to an element of genocide.

The committee calls on all governments to do their utmost to help the people of Ukraine to fight off the ongoing genocidal assault against their nation and to hold to account the perpetrators.

1. Reference to committee: Doc. 15728, Reference 4733 of 26 May 2023.

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A. Draft resolution[2]

1. The Parliamentary Assembly stresses that the present war of aggression of the Russian Federation against Ukraine must be seen in the context of an earlier attempt to wipe out Ukrainian nationhood, namely the Holodomor, whose 90th anniversary was commemorated in November 2023.

1.1. The Holodomor, genocide by artificial famine, killed anywhere between 3.9 and 10 million Ukrainians, mostly in the countryside, away from foreign observers posted in the cities.

1.2. Hitherto secret documents published after the "Orange Revolution" show that the famine was the intended result of the policies imposed by the Soviet regime. The artificial famine targeted mostly Ukrainians, within the Ukrainian Soviet Socialist Republic as well as Ukrainians living in other regions of the Soviet Union; only ethnic Kazakhs, who may well have been targeted by the Kremlin for similar reasons, suffered comparable loss of life.

1.3. According to the official Russian narrative, the famine was the unintended result of erroneous economic policies pursued by Josef Stalin. But documents show there was no shortage of grain until the authorities confiscated even the seed grain that would have ensured the following year's harvest. Documents also show that the confiscation of food targeted not only grain, but any and all foodstuffs found in Ukrainian farmers' houses in brutal searches carried out by officials even when family members were already dead or dying on the floor.

1.4. The deadliness of the artificial famine was heightened by the fact that NKVD (People's Commissariat for Internal Affairs) troops surrounded the stricken villages and regions, preventing the inhabitants from escaping and blocking any foodstuff from entering the target regions.

1.5. The Soviet Union also refused international aid offered by several countries to alleviate the suffering in Ukraine and instead exported confiscated Ukrainian grain abroad.

1.6. The artificial famine was preceded by a campaign of show trials, enforced disappearances and other forms of repression against the Ukrainian intellectual elites – the cultural backbone of Ukrainian nationhood. This campaign of terror and repression targeting the Ukrainian "intelligentsia" took place years before Stalin's purges and terror campaign in the late 1930s also engulfed numerous ethnic Russians and members of other Soviet nationalities.

1.7. These special measures, in particular the confiscation of all foodstuffs in house-to-house searches and the NKVD blockades as well as the repression targeting the urban intellectual elite were applied only in Ukraine and other regions chiefly populated by Ukrainians, not in other parts of the Soviet Union suffering from famine.

1.8. The Assembly therefore considers that the successive elimination of first the political and cultural leaders and then millions of independent peasants, who constituted the cultural backbone of the Ukrainian nation, was clearly intended as genocidal. Genocide, as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention), does not require the physical elimination of all members of the target group. It is sufficient that living conditions are made so difficult that the existence of the group as such, in whole or in part, is put in jeopardy.

1.9. Until the fall of the Soviet Union, Ukrainians continued to suffer from the leaden silence about the Holodomor enforced by the Soviet regime. After Ukraine became independent, and in particular since the "Orange Revolution", the Ukrainian people have enjoyed a revival of their language, culture and political consciousness, with unquestionable support for human rights and the rule of law. Such resilience in the face of genocide and historic and present brutal repression deserves the greatest admiration.

2. The Assembly expresses its deep concern in relation to the genocidal threat that Ukraine is facing once again in the ongoing full-scale war of aggression by the Russian Federation, noting that:

2.1. Russian propaganda, including statements at the highest level, deny the Ukrainian people's very right to exist as an independent nation;

2.2. the methods used by the Russian military in the war against Ukraine and the actions of the illegal Russian authorities in the temporarily occupied Ukrainian territories show that these statements are not empty threats;

2. Draft resolution adopted unanimously by the committee on 24 June 2024.

2.3. the massacres of Bucha and Irpin and those discovered in other towns liberated from Russian occupation and the use of powerful explosives and even thermobaric and cluster munitions in heavily populated areas constitute war crimes and, given their widespread, systematic nature, crimes against humanity. The same is true for the siege and destruction of the city of Mariupol, the heavy shelling of Kharkiv, Odessa and other Ukrainian cities and towns, even ones far from the frontline, and the systematic targeting and destruction of vital civilian infrastructures such as hospitals, markets, power stations, district heating, food storage and processing facilities;

2.4. the systematic tracking down, "filtering out" and ill-treatment in makeshift torture chambers of patriotic Ukrainian political and cultural elites (local officials, community leaders etc.) by the illegal occupation authorities, the forcible incorporation of men living in the temporarily occupied areas of Ukraine into the Russian military and the systematic destruction of cultural heritage such as churches, museums, publishing houses and monuments demonstrate the intention of the Russian occupiers to destroy Ukrainian nationhood whereever they can;

2.5. the forcible transfer and deportation of tens of thousands of Ukrainian children to temporarily occupied Ukrainian territories or faraway regions of the Russian Federation and Belarus is a war crime, a crime against humanity and may well amount to an element of genocide. The Assembly welcomes the arrest warrants by the International Criminal Court (ICC) against Vladimir Putin and the Russian Commissioner for Children's Rights, Maria Lvova-Belova.

3. The Assembly therefore:

3.1. recognises the Holodomor as an act of genocide against the Ukrainian people and invites all national parliaments who have not yet done so to do the same;

3.2. commends Ukraine for the thorough investigations carried out by the Security Service (SBU) and the Prosecutor General's Office since 2009. These judicial investigations exposed the horrific scale of the crime and the brutal methods used, and they identified its instigators and perpetrators, in particular Josef Stalin. Finally, they established their motive – to destroy the Ukrainian people as a national group, in order to ensure unfettered Russian domination of the Soviet Union;

3.3. calls on all governments to do their utmost to help the people of Ukraine to fight off the ongoing genocidal assault against their nation and to hold to account the perpetrators of the crimes against humanity and war crimes committed in the context of the Russian war of aggression;

3.4. recalls that all contracting parties to the Genocide Convention, including all member States of the Council of Europe, have undertaken a legal duty to prevent and punish any acts of genocide and may call upon the competent organs of the United Nations to take appropriate action;

3.5. calls on all member and observer States of the Council of Europe as well as States whose parliaments enjoy partner for democracy status with the Assembly to make use of all the instruments at their disposal, including under the Genocide Convention, to prevent any further acts of genocide against the Ukrainian people as a national group, including the attempt to commit genocide and the direct and public incitement to genocide, and to ensure that the perpetrators of earlier such acts are punished;

3.6. invites the Prosecutor of the ICC to consider examining the reported allegations of genocide against the Ukrainian people, generally in respect of the situation in Ukraine, including in the temporarily occupied territories of Ukraine, and more specifically regarding the transfer of Ukrainian children.

B. Explanatory memorandum by Mr Knut Abraham, rapporteur

1. Introduction and context: the Holodomor and Russia's genocidal warfare against Ukraine today

1. Between 1932 and 1933, the "Holodomor", the great famine in Ukraine and other parts of the former Soviet Union, killed millions of Ukrainians, many of them villagers, living as independent farmers. These individuals formed a pillar of the Ukrainian national revival that was initially encouraged and then feared by the Soviet regime in Moscow. The other pillar of Ukrainian nationhood, the intellectual elite, the "intelligentsia" in Kyiv and other cities, had previously been decimated following mass executions based on "show trials" finding them guilty of treason or other trumped-up charges.

2. The official Soviet and Russian narrative is that the victims of the Holodomor were "collateral damage" of the Soviet regime's ill-advised economic policies such as industrialisation at all costs, exports of scarce foodstuff to pay for imports of machinery, and the rushed forced collectivisation of agriculture on mistaken ideological grounds. The proponents of the official narrative point out that millions died of hunger also in other parts of the Soviet Union, including the Russian Federation and Kazakhstan.

3. Meanwhile, historians have had access to a large volume of hitherto secret archival materials made available during a "thaw" between Ukraine's independence and the Russian-dominated Yanukovych regime, which was ended by the "Revolution of Dignity". These materials were made available and in part even translated into English in co-operation between the State security authorities of Ukraine and Poland. In view of this treasure trove of newly available material, the official Russian narrative has been strongly undermined and a consensus has emerged far beyond Ukraine that the Holodomor was not an accident, but part of a genocidal campaign intended to wipe out Ukrainian national identity as such, by destroying the above-mentioned two pillars of Ukrainian national culture: the independent farmers ("kulaks") and the urban intelligentsia. The proponents of this view point out that the Russian regions hit by the same famine were also heavily populated by ethnic Ukrainians, whereas the people of Kazakhstan may well have been the target of another, separate genocide attempt similarly motivated by the resurgence of a Kazakh national movement spurred by Lenin's early 1920s policies intending to win over national minorities.

4. Interestingly, the issue of the Holodomor was on the Parliamentary Assembly's agenda once before. In Resolution 1723 (2010) "Commemorating the victims of the Great Famine (Holodomor) in the former USSR", the Assembly followed to a large extent the official Russian narrative. During the preparation of the resolution, the Committee on Legal Affairs and Human Rights drew attention to the apparent targeting of the Ukrainian people and stressed that the historical truth must be recognised.

5. The committee's conclusions back in 2010 are worth recalling:

> *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.*

6. Sadly, the issue of a genocide led by the Russian Federation against the Ukrainian people has gained terrible new relevance. The way Russia is waging war – massively targeting civilian infrastructures such as electricity and water supply, flooding an entire region, abducting and putting up for adoption by Russians large numbers of Ukrainian children and tracking down, arresting and "disappearing" Ukrainian patriots such as locally-elected officials, teachers, lawyers, civil servants and their families – shows that the statements by Kremlin propagandists, including former President Medvedev,[3] that the Ukrainian nation does not have a right to exist are meant seriously. In a chilling article published by the State news agency Ria Novosti in April 2022,[4] Russian "political technologist" Timofey Sergeytsev speaks of the need to "eliminate" the "Banderist elites" and of the "educational" effects on the general population of a harshly conducted war. The *ad hoc* sub-committee of the Assembly, which visited Kyiv, Bucha and Irpin in June 2022 soon after the discovery of the atrocities committed by the Russian forces before they were pushed back, received a shocking first-hand

3. On 12 June 2023, former Russian President Medvedev, posted a photoshopped picture of Independence Square in Kyiv renamed into "Russia Square", complete with a large Russian flag (see: Medvedev posts doctored image with Russian flag in Kyiv.

4. Timofey Sergeytsev, "What should Russia do with Ukraine?", translation by Mariia Kravchenko.

impression of what Russian occupation really means.[5] Furthermore, as described in a report presented by the Committee on Culture, Science, Education and Media debated in the June 2024 part-session of the Assembly, Russia has deliberately targeted the cultural heritage of Ukraine, destroying churches, theatres, museums and historical monuments throughout the country, including monuments to the victims of the Holodomor in the temporarily occupied territories of Ukraine. In those territories, the occupation authorities also forcibly conscript men into the Russian armed forces – a clear violation of international law. Furthermore, the inhabitants of the temporarily occupied territories, especially schoolchildren, are subjected to massive propaganda aimed at undermining their Ukrainian identity and are strongly pressured to accept Russian passports.

7. In view of the full-scale invasion of Ukraine by the Russian Federation and the brutal manner in which the war is being conducted, it was particularly appropriate to commemorate the 90th anniversary of the Holodomor of 1932-1933 in Ukraine, in November 2023.[6]

8. In this report, I intend to sum up the known facts concerning the Holodomor (Chapter 2) and to examine on the basis of available information whether these facts justify the classification of the Soviet policies as "genocide" within the meaning of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide[7] (Chapter 3). In Chapter 4, I will sum up the main takeaways from our hearing with experts on 21 June 2024, before presenting my conclusions reflected in the draft resolution.

2. Known facts surrounding the Ukrainian Holodomor

9. The objective facts surrounding the Ukrainian Holodomor are quite well-established now, despite decades of elaborate policies of obfuscation and disinformation by the Soviet regime and later under Vladimir Putin: between 3,9 and 10 million[8] villagers 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, and certain areas of Russia – hardest-hit were the Kuban region and parts of the North Caucasus, which back then also had large ethnic Ukrainian populations.

10. It must be said that 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. The famine in Kazakhstan may well also have genocidal character. In Kazakhstan too, the rural population was the backbone of a national revival movement that Stalin saw as a threat to the unity of the Soviet Union. But this falls outside the scope of this report.

11. As of the autumn of 1932,[9] regions, villages and collective farms unable to fulfil grain delivery quotas which the authorities knew perfectly well were unreachable were "blacklisted" and punished by collective "fines in kind". This meant in practice 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 stores and private homes, after searches carried out at gunpoint. There are harrowing reports by officials involved in these searches describing how they ripped up wooden floorboards to find hidden food preserves, whilst the family looked on, too weak to even beg them to stop, with some of the children already dead. Under the so-called "Law of Five Ears of Grain", any "theft", however minimal, of food by starving villagers was severely punished, by execution or deportation for ten years.[10] Especially in the second year of the cruel artificial famine, starving villagers were prevented from leaving the affected regions,[11] and any "smuggling" of food into the starvation zone was prohibited. Entire villages and large rural areas ended up being completely depopulated. They were resettled by farmers from Russia, Belarus and other parts of the former Soviet Union.[12]

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5. AS/Jur (2022) 27 – *Ad hoc* sub-committee of the Committee on Legal Affairs and Human Rights on carrying out a fact-finding visit to Ukraine for the purpose of gathering information on possible war crimes and crimes against humanity committed during the war of aggression launched by the Russian Federation against Ukraine (ad hoc sub-committee) Report to the Committee on Legal Affairs and Human Rights on the ad hoc sub-committee's visit to Kyiv on 28 June 2022.
6. See Resolution 2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe".
7. Available at: Convention on the Prevention and Punishment of the Crime of Genocide.
8. The latter figure was reportedly 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 UN on 7 November 2003 signed by 25 UN member States issued at the 58th session of the UN General Assembly.
9. 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.
10. The "Law on the Protection of the Property of State Enterprises, Collective Farms, and Cooperatives and the Strengthening of Public (Socialist) Property", promulgated on 7 August 1932, led to mass arrests and executions.

12. The human suffering caused by this outrage has been described in horrible detail in many testimonies of survivors. Western journalists (including Gareth Jones) and diplomats were also aware of the large-scale famine, though their observations were mainly limited to the larger cities, which were not hit as hard as the sealed-off rural areas. Their reports sadly did not trigger a strong reaction in Western public opinion. Western countries were preoccupied by their own financial and economic crisis and the political turmoil arising from it. Mass media were also divided along ideological lines – those on the left did not wish to criticise the Soviet Union or simply did not believe or refused to believe these reports. Nonetheless, humanitarian assistance was offered to the Soviet Union by several Western countries. It was turned down by Stalin.

3. Legal assessment of the facts: was the Holodomor an act of genocide against the Ukrainian people?

13. As to the legal assessment of the facts, two main schools of thought[13] oppose each other:

– Many Russian historians and political observers consider the artificial famine as the consequence of ideologically-motivated erroneous or even criminal policies targeting independent farmers 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 in their view due to the fact that these were the main agricultural regions in which resistance against collectivisation had been strongest. In sum, the victims were killed in a "class war" launched by the Communist regime because they were independent farmers.

– The overwhelming majority of historians and political observers from other countries[14] consider these facts as an act of genocide against the Ukrainian people, which was not only objectively the hardest hit in terms of population loss, but specifically targeted: in sum, the victims were killed because they were Ukrainians. In my own view, it is appropriate to review the arguments in favour of both schools of thought in order to reach a sound assessment built on historical fact.

14. The "official Russian" view stresses the considerable number of famine victims who were not ethnic Ukrainians, but included Russians, Belarusians, Tatars, Germans and others, who happened to live in the main agricultural regions of the Soviet Union targeted by Stalin's forced collectivisation policies. They point out that Ukrainian city dwellers did not suffer from mass starvation, though it should 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 would surely not have participated in the

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11. Directive of the Central Committee of the All-Union Party of Bolsheviks and Council of the People's Commissioners of the USSR of 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 of Mr Mevlüt Çavuşoğlu (Türkiye, EDG), Doc. 12173).

12. 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); Ukrainian historian Tetiana Hranchak (University of Syracuse, New York) provided me with copies of original documents establishing details of this policy, preserved in the National Holodomor Museum in Kyiv and the National Archives of Ukraine.

13. 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.

14. The classification of the Holodomor as genocide is also recognised officially by many 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 concluded 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 UN Convention on the Prevention and Punishment of Genocide, Raphael Lemkin, came to the same conclusion in a famous speech held 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 of President Victor Yushchenko of Ukraine).

The Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE), at its 17th session in Astana (Kazakhstan) in July 2008 passed 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".

intentional destruction of their own ethnic group. Extreme economic hardship for the group of independent farmers, even its partial destruction by starvation, 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.

15. The proponents of the "Ukrainian" view, shared by most Western historians, 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. This is well illustrated by the evolution of the number of arrests In Ukraine before, during and after the Holodomor years. The number increased 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.[15] The combined effect of the two campaigns was clearly designed to break the backbone of the Ukrainian national movement, 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 targets for russification policies after the destruction of the pillars of the Ukrainian national revival.[16] 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, has no bearing on the classification of the particularly harsh measures taken against the Ukrainian peasantry and the Ukrainian "intelligentsia" as genocide. Finally, Raphael Lemkin, who coined the term "genocide", referred to the Holodomor as a "classic example of Soviet genocide". He later significantly influenced and formulated the UN Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (the Genocide Convention).

16. Personally, I feel that the stronger arguments are those in favour of classifying the Holdomor as an act of genocide. In view of the strong evidence, I am quite surprised that the Assembly resolution of 2010 did not properly acknowledge the arguments in favour of the internationally recognised perspective on the Holodomor. In my report, it is my intention to fairly present the arguments speaking in favour and against the recognition of the Holodomor as an act of genocide, albeit in summary form – notwithstanding the recent recognition of the genocidal character of the Holodomor by the Assembly in Resolution 2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe", which deliberately left the presentation of the factual and legal justification of this assessment to the present report.

17. As a rapporteur for the Committee on Legal Affairs and Human Rights, I should like to begin by recalling the definition of genocide: Under Article 2 of the Genocide Convention, 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; forcibly transferring children of the group to another group".[17]

18. The definition of genocide thus requires the presence of an *actus reus* (i.e., 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*), i.e., the intent to at least partially destroy that group as such.

19. 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. What is still disputed is whether the specific intent to destroy concerned a part or the whole of the targeted group, as well as which group was targeted: independent farmers or Ukrainians?

20. A general "intent to destroy" can hardly be doubted, given the massive scale of the famine, its long duration and the brutal enforcement of the seizure not only of grain, but of all foodstuffs. It is important to note that the latter practice was limited to Ukraine and Ukrainian-populated areas of Russia. 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), which have been 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

15. Source: "Holodomor" brochure of the Ukrainian Institute of National Memory, page 14.
16. In a letter of 11 August 1932 to Lazar Kaganovich (Secretary of the Communist Party of the USSR between 1928 and 1939), Stalin stated: "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 30s 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).
17. The same formulation appears in Article 6 of the Rome Statute of the International Criminal Court.

assistance. These documents also prove that the leadership deliberately prohibited starving farmers to leave their villages, let alone Ukraine in search of food. Another indication of the intent to destroy and of the fact 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 capacity of the Soviet Union for good.

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

4. Conclusions of the hearing with experts on 21 May 2024

22. The question whether or not the Holodomor fulfils the definition of genocide[18] is unlikely to ever be decided by a court of law: the perpetrators are long dead, and so are almost all direct witnesses.

23. Where judicial proceedings can no longer hold to account the actual perpetrators, it is up to the "Court of History" to establish and preserve for posterity the true facts and their legal qualification. The Assembly should make a strong contribution to this process, taking into account all evidence, including that made available more recently and that collected by the investigation carried out by the Prosecutor General's Office and the Security Service of Ukraine (SBU).

24. In order to draw our conclusions formulating the Assembly's contribution to the "Court of History", I invited two eminent historians, Professor Hrytsak of the Catholic University of Lviv and Professor Schulze Wessel of the Ludwig Maximilian University of Munich, along with the Ukrainian Prosecutor General Andriy Kostin to address our committee at its meeting in Paris on 21 May 2024.

25. Prosecutor General Kostin presented the two criminal investigations carried out by his office and the SBU. The first investigation (2009-2019) exposed the horrific scale of the crime and the brutal methods used, and identified the top-level instigators and organisers, in particular Josef Stalin. Finally, it established their motive – to destroy the Ukrainian people as a national group, in order to ensure unfettered Russian domination of the Soviet Union.

26. In its investigation of the crime of genocide (Article 442 of the Criminal Code of Ukraine) – investigation carried out jointly with the SBU between 2009 and 2019 – the Prosecutor General' Office 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, in the framework of which the 7th volume of documents concerning the Holodomor in Ukraine in 1932-33 was published, 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 dated 25 November 2009 made available to me, 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, as well as the testimony of 1 730 witnesses. The investigation involved requests for judicial assistance addressed to the law enforcement bodies of Austria, Belarus, Germany, Italy, Kazakhstan, the Republic of Moldova, Poland, the Russian Federation, the United Kingdom and the United States. It resulted in the indictment of Stalin (Dzhugashvili) Y.V., Molotov (Skryabin) V.M., Kaganovich L.M., Postyshev P.P., Kosior S.V., Chubari V. I. and Khataevich M.M. The Court of Appeal of the City of Kyiv ruled that the pre-trial investigation "fully and comprehensively established [their] special intent to destroy a part of the Ukrainian (and not any other) national group, and it has been objectively proven that this intention concerned a part of the Ukrainian national group as such." The court decided to close the criminal case against these persons on account of their death whilst ruling that the above-mentioned accused "with the aim of suppressing the national liberation movement in Ukraine and preventing the construction and establishment of an independent Ukrainian State, by creating living conditions designed for physical extermination of a part of Ukrainians with the planned Holodomor of 1932-1933, deliberately organized the genocide of part of the Ukrainian national group, as a result of which 3 941 000 people were killed, that is, they directly committed the crime provided for in part 1 of Article 442 of the Criminal Code of Ukraine".[19] The Prosecutor General pointed out that at the high point of the famine, in June 1933, 28 000 people died of

18. The question here is not one of applying the 1948 Genocide Convention "retroactively" in order to punish the perpetrators of the Holodomor. This would of course be legally inadmissible. The purpose of applying the criteria of the Genocide Convention is to allow for an assessment of the terrible facts established by historians in light of the modern understanding of the "crime of crimes", as defined in 1948.

hunger every day. He reminded us of the silent suffering the Ukrainian people went through for decades after the Holodomor. While the Soviet regime tried to stamp out the memory of the crime, survivors felt guilty and ashamed for not having been able to save those who died all around them. He noted that an additional criminal investigation has begun in 2019 and is still ongoing. Its purpose is to identify all those who executed the genocidal policies decided by Stalin and his inner circle in order to help families of victims find a degree of closure.

27. The two historians recalled the facts related to the Holodomor, in harrowing detail. I attempted to sum up the most important facts below.

28. Professor Schulze-Wessel placed the Holodomor in the historical context of long-standing anti-Ukrainian policies aimed at ensuring Russian domination starting in the 1860s, including attempts to ban the Ukrainian language. In the early 1920s, the Bolshevik regime, under Lenin, attempted to win over national minority populations to the Bolshevik cause by accommodating their national aspirations, granting them large cultural autonomy. But starting in 1928, under Stalin, the Kremlin returned to its "greater Russia" policies. The persistent Ukrainian resistance became Stalin's obsession. In April 1932, Stalin noted that "Soviet power had apparently ceased to exist" in Ukraine and made the restoration of Communist Party rule in Ukraine at all costs an absolute priority. In terms of anti-Ukrainian policy, a continuity could indeed be found between the tsarist period, the Soviet period (with the short interruption in the early 1920s) and Vladimir Putin's policies since 2014 culminating in the current full-scale aggression whose genocidal dimension was clear from the outset. Vladimir Putin made it clear from the beginning that he would not accept an independent Ukrainian nation and culture. This was a war not only against the Ukrainian army, but against the Ukrainian people.

29. Professor Hrytsak noted that the famine could be divided into two stages. The first, with about one million victims, from 1931 until the spring of 1932, could be seen more like a "class genocide". Independent farmers resisting forced collectivisation suffered in many regions of the Soviet Union, including outside of the Ukrainian Soviet Socialist Republic and the settlement areas of ethnic Ukrainians. When Stalin was informed in early 1932 that the resistance against collectivisation was by far the strongest among Ukrainians, whose acts of resistance also had patriotic Ukrainian undertones, he decided on the second phase of the Holodomor, introducing special measures such as the confiscation of seed grain and any foodstuff in house-to-house searches, and the sealing off of hunger-stricken villages and regions in order to prevent victims from escaping or food to be brought in from outside, which were only applied in Ukrainian-populated regions. This second phase of the Holodomor, from April 1932 through the first half of 1933, could indeed be called a genocide against the Ukrainian national group as such, according to Professor Hrytsak.

5. Conclusions

30. In my view, the experts' findings fully confirm the view taken by many national parliaments and the Assembly in its Resolution 2516 (2023), namely that the Holodomor, the artificial famine in the Ukrainian Soviet Socialist Republic and other mainly Ukrainian-populated regions of the Soviet Union was an act of genocide. It was carried by a double genocidal intent: in its first phase, the artificial famine was directed against independent farmers as a class, to punish them for resisting collectivisation. It was designed to stamp out this resistance by brutally punishing and decimating these farmers. This first phase of the Holodomor, until 1932, which cost about one million lives, could thus be called a "class genocide"[20] – the deliberate killing of a large number of members of a social class the regime wanted to destroy. The second phase, in 1933, which caused the majority of the approximately four million victims, was directed against Ukrainians as a national group. Stalin, noting that the resistance against collectivisation was strongest in the Ukrainian-populated regions and was underpinned by the Ukrainian national movement, decided to destroy the Ukrainian national group as such by targeting in parallel the Ukrainian cultural elites, arresting well over 200 000 persons, most of whom were deported and killed, and the rural population, intensifying house-to-house searches to confiscate all foodstuffs and cordoning off starving villages and entire regions in order to prevent people from escaping or food to be brought in from outside. This second phase can therefore be called a genocide against the Ukrainian people.

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19. The ruling of the Kyiv City Court of Appeal (in Ukrainian, Russian and English) can be found here: Постанова суду | Національний музей Голодомору-геноциду (holodomormuseum.org.ua); the materials of the pre-trial investigation, which was carried out by a separate investigative group of the Main Investigative Department of the SBU, were published in "Genocide of Ukrainians 1932-1933 based on the materials of the pre-trial of investigations". Kyiv; Kharkiv: Pravo, 2022 (Геноцид українців 1932-1933 за матеріалами досудових розслідувань". Київ; Харків: Право, 2022).

20. I placed the term of "class genocide" in inverted commas because this term is not foreseen in the Genocide Convention. The term is used for the purpose of highlighting the massive scale of the killing of independent farmers.

31. In sum, to answer the question asked earlier, the vast majority of the victims of the Holodomor were killed not only because they were independent farmers, or because they were Ukrainians, but because they were Ukrainian independent farmers. In my view, this should be the verdict of the "Court of History" I referred to before.

32. The "Court of History" shall 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 among nations.

33. The "Court of History" should also 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 and not least due to the passivity of those who knew about the crimes but failed to speak out, let alone took action against them, because they were afraid or because they did not want to risk their comfortable careers under the criminal regime.

34. The world must also learn from history. A genocide orchestrated by the Russian leadership against the Ukrainian people must never be allowed to happen again. In fact, our member States and all States having observer status with the Council of Europe or whose parliaments enjoy partner for democracy status with the Assembly, as contracting parties of the Genocide Convention, have a legal duty to prevent any genocide, or attempted genocide.

35. The war led by Russia against Ukraine which the world is looking at with dismay since February 2022 is clearly directed at destroying Ukraine as an independent State, as well as eradicating the Ukrainian people's identity and culture. The methods used today are different than in the early 1930s: instead of hunger, Russia uses attacks against civilian infrastructures aimed at making normal life impossible, compelling millions of Ukrainians to flee abroad and to safer regions in Western Ukraine. In the areas under their – hopefully – temporary control, Russian forces track down Ukrainian patriots – local politicians, intellectuals, priests, in short, the pillars of the Ukrainian national identity. They are tortured into submission or disappear in so-called "filtration camps", often never to be seen again. Ordinary Ukrainians become victims of random violence designed to intimidate them and soften them up for "russification" by a massive propaganda campaign targeting, in particular, school children. The Ukrainian cultural heritage is systematically destroyed. Last but most certainly not least, tens of thousands of Ukrainian children have been abducted and transferred to Russia.

36. This new genocide in the making is what makes the remembrance of the Holodomor so important. The global community, which until recently had barely taken note of the horrors of the Holodomor, must remember, and it must act in solidarity to prevent any repetition of this "crime of crimes" against humanity.