



UKRAINE  
KYIV COURT OF APPEAL

2-A Solomyanska Street  
Kyiv

RULING  
in the name of Ukraine

13 January 2010

Kyiv

Judge of the Criminal Chamber of the Kyiv Court of Appeal, V. M. Skavronik, in the presence of M. S. Bondarenko, Secretary, with the participation of O. M. Dotsenko, Prosecutor from the Kyiv Prosecutor's Office, carried out a preliminary examination of criminal case № 1-33/2010, initiated by the Security Service of Ukraine pursuant to section 1, Article 442 of the Criminal Code of Ukraine, based upon the fact of the crime of genocide committed in Ukraine during the years 1932-1933, pertaining to:

- **Stalin (Dzhugashvili), Joseph Vissarionovich**, born December 21, 1879 in the town of Gori, Georgian, member of the bolshevik party since 1903, Secretary of the Central Committee of the All-Union Communist Party (bolshevik) from April 1922;

- **Molotov (Skriabin). Viacheslav Mikhavlovich**, born March 9, 1890, in Nolinsk, Viatka gubernia (now town of Sovetsk in the Kirov region of Russia), Russian, member of the bolshevik Party since 1906, during the period December 1930 to May 1941, Head of the Council of People's Commissars of the USSR and Council of Labour and Defence;

- **Kaganovich, Lazar Moiseevich**, born November 22, 1893, in Kabany (now township Poliske in the Kyiv region), Jew, member of the bolshevik party since 1911, from 1921 worked in the apparatus of the Central Committee of the Russian Communist Party (bolshevik), 1924-1925 Secretary of the Central Committee of the All-Union Communist Party (bolshevik), 1925-1928 General Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine; in the period 1928-1930, high-ranking official in

the All-Union Central Council of Trade Unions, Secretary of the Central Committee of the All-Union Communist Party (bolshevik); from 1930 First Secretary of the Moscow city and regional committees of the Party, Head of the Agriculture and Transportation sections of the Central Committee of the All-Union Communist Party (bolshevik); and from 1937 Deputy Head of the Council of People's Commissars of the USSR; expelled from the ranks of the Communist Party in 1961 for taking part in mass repression;

- **Postyshev. Pavel Petrovich**, born September 18, 1887, in the town of Ivanovo-Voznesensk, Russian, member of the bolshevik party since 1904, during the period from 1930 to 1933, Secretary of the Central Committee of the All-Union Communist Party (bolshevik), from 29 January 1933 to 17 March 1937, Second Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine and First Secretary of the Kharkiv Regional Committee of the Communist Party (bolshevik) of Ukraine;

- **Kossior. Stanislav Vikentivevich**, born November 18, 1889 in the town of Vengruv, Vengruvsky region, Syedlets gubernia (now the Warszawskie wojewodstwo of the Republic of Poland), Pole, member of the bolshevik party since 1907, from 14 July 1928 to December 1937, General Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine; repressed in 1938, executed on 26 February 1939, rehabilitated in 1956;

- **Chubar. Vlas Yakovlevich**, born February 22 1891, in the village of Fedorivka, Oleksander region of the Katerynoslavska gubernia, Ukrainian, member of the bolshevik party from July 1907, during the period from July 1923 to April 1934, Head of the Council of People's Commissars of the Ukrainian SSR;

- **Khatavevich, Mendel Markovich**, born March 22, 1893, in the city of Gomel, Jew, member of the bolshevik party from July 1913, during the period from October 1932 to January 1933, Second Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine, from January 29, 1933, First Secretary of the Dnipropetrovsk Regional Committee of the Communist Party (bolshevik) of Ukraine.

On May 22, 2009, Lieutenant-Colonel of Justice V. M. Udovychenko, Head of the First Division of the First Department of the Chief Investigation Department of the Security Service of Ukraine, initiated the criminal investigation No. 475, based upon the fact of

the crime of genocide committed in Ukraine during the years 1932-1933, as contemplated in section 1, Article 442 of the Criminal Code of Ukraine;

v. 1, p. p. 1-3.

On December 25, 2009, in the course of investigation of this criminal case by the Chief Investigation Department of the Security Service of Ukraine, headed by V. V. Vovk, Major-General of Justice, a criminal case was initiated pertaining to J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, M. M. Khatayevich, with evidence of crime pursuant to section 1, Article 442 of the Criminal Code of Ukraine;

v. 1, p. p. 22-26

On December 29, 2009, on the basis of the findings of the pre-trial investigation, a decision was made to turn the case over to the Kyiv Court of Appeal for examination in accordance with the current legislation, which decision was concurred with on December 31, 2009, by M. Y. Holomsha, Deputy Prosecutor General of Ukraine;

v. 330, p. p. 258-289

On December 31, 2009, in accordance with the letter from the Deputy Head of the Security Service of Ukraine, Lieutenant General of Justice, M. M. Herasymenko, the criminal case was turned over for examination to the Kyiv Court of Appeal, and on that same day, in the normal course, was handed over for examination to V. M. Skavronik, Judge of the Appeal Court Criminal Chamber;

v. 330, p. p. 290

**The pre-trial investigation established** that in 1932-1933 on the territory of the Ukrainian SSR, the leadership of the bolshevik totalitarian regime committed genocide of a part of the Ukrainian national group, the leadership consisting of: **Joseph Vissarionovich Stalin (Dzhugashvili)**, General Secretary of the Central Committee of the All-Union Communist Party (bolshevik); **Viacheslav Mikhaylovich Molotov (Skriabin)**, member of the Central Committee of the All-Union Communist Party (bolshevik), Head of the Council of People's Commissars of the USSR; **Lazar Moisseyevich**

**Kaganovich**, Secretary of the Central Committee of the All-Union Communist Party (bolshevik); **Pavel Petrovich Postyshev**, Secretary of the Central Committee of the All-Union Communist Party (bolshevik), Second Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine, First Secretary of Khar-kiv Regional Committee of the Communist Party (bolshevik) of Ukraine; **Stanislav Vikentievich Kossior**, member of the Central Committee of the All-Union Communist Party (bolshevik), General Secretary of the Communist Party (bolshevik) of Ukraine; **Vlas Yakovlevich Chubar**, member of the Central Committee of the All-Union Communist Party (bolshevik), member of the Polit-buro of the Central Committee of Communist Party (bolshevik) of Ukraine, Head of the Council of People's Commissars of the Ukrainian SSR; **Mendel Markovich Khatayevich**, member of the Central Committee of All-Union Communist Party (bolshevik), Second Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine \*.

According to the information presented in the decision, adopted on 29 December 2009, to turn the criminal case over to the Court the crime was committed in the following circumstances:

After crushing the Ukrainian People's Republic in November 1920, the bolshevik regime undertook active measures on its territory intended to prevent the restoration of an independent Ukrainian state through a fierce repressive policy aimed at establishing communist rule and suppressing any parties and movements that supported the idea of Ukraine's independence.

With that goal J. V. Stalin together with the above-mentioned persons began an all-encompassing forced collectivization of agriculture, deportation of Ukrainian peasant families, unlawful confiscation of their property, repressions and the physical destruction of Ukrainians.

All this ruined traditional forms of agriculture, deprived Ukrainian peasants of the supplies of grain necessary for normal existence, causing starvation of the Ukrainian population. This resulted in mass anti-Soviet uprisings on the territory of the Ukrainian SSR which were crushed through especially brutal punitive measures.

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\* The names of the various party and state organizations are abbreviated in the original document. They are here translated with their full names to assist the reader – translator.

In pursuit of their criminal intentions, J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich applied on the territory of Ukraine, during peacetime, the repressive apparatus of the communist totalitarian regime, adopted the decisions, and artificially created the conditions meant to exterminate, by famine, a part of the Ukrainian nation.

On January 15, 1932, S. V. Kossior, acting on J. V. Stalin's instruction and in spite of starvation in Ukrainian villages, arranged for the adoption of the decree "On grain procurements" by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, which increased control over the activities of the leadership of the regions during the grain confiscation.

On February 1, 1932, continuing the criminal actions aimed at the genocide of the Ukrainian national group, S. V. Kossior and V. Ya. Chubar signed an order, "On Seed", directing the regional, city and district committees to deny any seed aid to Ukraine's collective farms.

On March 17, 1932, S. V. Kossior arranged for the adoption of the decree "On seed reserves", which was followed by increased repressions in Ukraine with the recruitment of so-called "activists" from among the peasants.

On March 29, 1932, S. V. Kossior arranged for the adoption by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine of the decree "On Polissia" which formed the basis for brutal repressions against villagers in the Ukrainian SSR and for the deportation from the regions of Polissia of 5,000 families to specially created settlements for the development of building stone and clay quarries. Additionally, together with the Central Committee of the All-Union Communist Party (bolshevik), he arranged for the deportation of a further 5,000 families outside the borders of Ukraine.

Beginning in Spring 1932, in the execution of their criminal intentions, J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ja. Chubar and M. M. Khatayevich, began to implement a number of additional decrees and bylaws, which fueled the conditions calculated toward the physical destruction of a part of the Ukrainian national group.

Representatives of other nationalities also suffered when the crime of genocide was committed against the Ukrainian national group.

To implement his criminal intentions, J. V. Stalin delegated an authorized commission from the All-Union Communist Party (bolshevik) headed by V. M. Molotov. On 6 July, 1932, at the Kharkiv meeting of the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, V. M. Molotov, together with L. M. Kaganovich, S. V. Kossior and V. Ya. Chubar, arranged for the adoption of the decree "On grain procurements quota". They also arranged for the approval by the Third All-Ukrainian Party Conference, of a grain procurement quota of 356 million pood<sup>1</sup> per year, which far exceeded the realistic capacity of the Ukrainian peasants.

On 25 July 1932, continuing their illegal actions, L. M. Kaganovich and V. M. Molotov signed and sent to the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR a strictly secret telegram calling for the intensification of grain confiscation, trade prohibition and brutal repressions against the starving peasants.

Furthermore, on August 7, 1932, in pursuance of their criminal intentions, J. V. Stalin and L. M. Kaganovich arranged for the adoption, by the Central Executive Committee and the Council of People's Commissars of the USSR, of the decree "On protection of property of state enterprises, collective farms and cooperatives and the strengthening of public (socialist) property", which introduced punishment in the form of executions by shooting, property confiscations and prohibition of amnesty.

Additionally, on September 16, 1932, J. V. Stalin approved and sent a secret instruction to the Supreme Court of the USSR, the Prosecutor's Office, the State Political Directorate<sup>2</sup> of the Ukrainian SSR and other repressive institutions, setting out punishment for "«kulaks»"<sup>3</sup> and other "socially hostile elements", which prescribed the highest order of punishment - execution by shooting, and in isolated cases, ten years of imprisonment. All punishments were to be carried out within a fifteen-day period from the date of accusation.

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<sup>1</sup> One pood is equal to 16.38 kg – transl. note.

<sup>2</sup> DPU – the secret police – transl. note.

<sup>3</sup> Ostensibly "wealthy" farmers – transl. note.

J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich used the decree adopted on August 7, 1932 and the secret instruction on the application thereof to create conditions directed at the physical destruction of a part of the Ukrainian peasants.

Despite the famine in the Ukrainian SSR, on 2 August 1932, V. M. Molotov signed the decree No. 1200 "On harvesting and grain procurement quota for August 1932" adopted by the Council of People's Commissars of the USSR and sent it for implementation by the central authority in Ukraine. Under that decree, for the month of August grain procurement quota for Ukraine exceeded previous targets by 100 million pood.

In addition, on August 9, 1932 S. V. Kossior signed the decree "On measures for fighting grain speculation" passed by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, requiring the repressive bodies of the State Political Directorate and militia to ensure full removal of grain and flour vendors from the market and providing for the application of repressions (arrest, confiscation).

On 20 August 1932, continuing these criminal actions, L. M. Kaganovich signed and sent a telegram, "On the unsatisfactory pace of grain procurement", to the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR in which he demanded that severe punitive measures be taken against those responsible.

While realizing the tragic consequences of exporting grain and other foodstuffs during mass famine in the Ukrainian SSR, on 18 September 1932, P. P. Postyshev sent a telegram to the Central Committee of the Communist Party (bolshevik) of Ukraine demanding full implementation of the export plan for the fourth quarter of 1932.

On 23 September 1932, despite the famine in Ukraine and a complete absence of seed funds, J. V. Stalin and V. M. Molotov, persisting with their criminal intentions, jointly signed and sent a telegram to the Central Committee of the Communist Party (bolshevik) of Ukraine refusing to provide Ukraine with a loan of seed grain.

Implementing the joint criminal genocidal intent of the above-mentioned persons, on 23 October 1932, M. M. Khatayevich signed

and sent a directive letter to all regional, city and district committees of the Communist Party (bolshevik) of Ukraine with instructions to take particularly firm actions in the confiscation of grain from peasants.

On 25 October 1932, under the leadership of S. V. Kossior, the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine adopted the decree "On the necessity to overcome Ukraine's lagging behind in fulfilling the grain procurement plan", which increased the tempo of the annual plan by a factor of ten.

On 30 October 1932, V. M. Molotov organized a meeting of the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, which passed the decree "On measures to intensify grain procurement". This decree demanded that local authorities prevent the sale of grain or industrial goods in Ukraine and strengthen repressions by judicial bodies.

On 5 November 1932, S. V. Kossior arranged for the adoption of the decree "On strengthening the role of judicial bodies in grain procurement" by the Politburo of the Central Committee of the Communist (bolshevik) Party of Ukraine, which was aimed at activating the participation of judicial bodies and the prosecutor's offices in the confiscation of grain.

On 9 November 1932, the People's Commissariat for Justice of the Ukrainian SSR issued the Instruction "On activating the participation of judicial bodies in the struggle for grain", setting the maximum timeframe for case investigations at three days.

On 6 November 1932, S. V. Kossior signed a telegram to the regional committees of the Communist Party, imposing a blockade of goods deliveries to most regions of Ukraine.

On 11 November 1932, S. V. Kossior and V. Ya. Chubar signed and sent an extract from Protocol No. 90 of the meeting of the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, the Decree and Instruction of the Council of People's Commissars of the Ukrainian SSR "On organizing grain procurements in the private farmer sector" to the regional committees of the Communist Party (bolshevik) of Ukraine. In accordance with the Decree and Instruction, repressions against peasants increased, involving full confiscation of their foodstuffs, deprivation of their land allotments and homestead plots and deportation beyond the borders of their districts and regions.

The Decree also provided for the imposing of a so-called "black board" regime on the collective farms which failed to fulfil grain procurement plans. Black listed collective farms were subjected to:

- a) Immediate suspension of delivery of goods and of cooperative and state trade activities in their villages and the removal of all available goods from cooperative and state stores;
- b) Full prohibition of collective farms trade activities by collective farms, collective farmers, and, as well, private farmers;
- c) Suspension of all credit activities and pre-payment demand of all outstanding credits and other financial obligations;
- d) Investigation and purging of collective farms with the identification of counter-revolutionary elements and the organizers of grain-collection disruptions.

Fines in the form of additional procurements of a 15-months quota for meat and a year's quota for potatoes were imposed, and repressions intensified against Ukrainian peasants.

Moreover, on 18 November 1932, V. Ya. Chubar and M. M. Khataevich signed and circulated the decree "On the liquidation of counter-revolutionary nests and the crushing of kulak groups" passed by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine, which was then used by S. V. Kossior to develop a special operational plan, involving the military and task units for the destruction of Ukrainian peasants showing resistance to the bolshevik authorities.

On 27 November 1932, S. V. Kossior signed and sent for execution by local authorities the decree adopted by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine "On applying repressive measures against collective farms that sabotage grain procurements". This decree was used for organizing court trials against Party members who supported the Ukrainian peasants while genocide was being perpetrated against them.

On December 1, 1932, continuing his criminal activities, S. V. Kossior signed and sent to the regional committees of the Party a directive from the Central Committee of the Communist Party (bolshevik) of Ukraine, which demanded that grain be taken from the countryside by January 15, 1933.

On December 1 and 3, 1932, V. Ya. Chubar arranged for the adoption of decrees of the Council of People's Commissars the

Ukrainian SSR "On prohibiting the trade of potatoes in regions which maliciously do not fulfill their contractual obligations and on auditing the available potatoe stocks in the collective farms", and "On prohibiting the trade of meat and livestock". The consequence was the elimination decreeof potatoes, as one of the basic foodstuffs, and the ban on the trade in meat in the Chernihiv, Kyiv and Vinnytsia regions, which immediately resulted in the murder by famine of a part of the Ukrainian peasants.

Upon agreeing with Y. V. Stalin, V. M. Molotov and V. Ya. Chubar on the implementation of the death penalty during grain confiscations, and in order to realize the above-mentioned joint criminal intent, on December 5, 1932 S. V. Kossior arranged for the adoption by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine of the decree "On measures for eliminating sabotage of grain procurements". This became a basis for creation in the regions of so-called "troika", commissions composed of the first secretary of the Party regional committee, the head of the regional division of the State Political Directorate and the regional prosecutor which, without court examination, applied repressive measures, including execution, against the peasants.

According to a reference note from the Council of People's Commissars of the Ukrainian SSR of December 2, 1932, not only collective farms, but also village councils, villages individual farmers, and administrative units, such as districts, were listed on the "black boards". In particular, in Vinnytsia region "black board" lists included 8 districts, 44 collective farms, 42 villages of private farmers; in Chernihiv region - 13 collective farms, 38 villages, 1646 private farmers; in Donetsk region - 12 collective farms, 6 villages, 2 village councils, 25 private farmers; in Dnipropetrovsk region - 228 collective farms in 44 districts; in Kyiv region - 51 collective farms in 48 villages and 19 districts; in Kharkiv region - 23 collective farms in 16 villages and 9 districts; in the Odessa region - 12 collective farms in 9 districts.

On December 13, 1932, S. V. Kossior signed the directive of the Central Committee of the Communist Party (bolshevik) of Ukraine "On taking measures against "kulaks" and anti-soviet elements, organizers of grain procurement sabotage" and sent it to the secretaries of the regional Party committees ordering them to identify

those communist who had resisted implementation of Party decisions, and to arrest and deport them to the North.

Continuing their criminal actions, J. V. Stalin and V. M. Molotov on 14 December 1932 signed the decree of the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars "On grain procurements in Ukraine, the Northern Caucasus and the Western Region". Pursuant to this decree, measures were undertaken to break the resistance of peasants, to terminate ukrainization and to apply stringent repressions, including arrests and imprisonment in concentration camps for a period from 5 to 10 years.

On December 23, 1932, S. V. Kossior and P. P. Postyshev attended a meeting of the Dnipropetrovsk Regional Committee of the Communist Party (bolshevik) of Ukraine where they arranged, for the adoption of a decision "On reviewing timeframe for grain procurements in the districts", which served as a basis for the application of repressive measures in the region and creation of conditions leading to starvation among the peasants.

On 24 December 1932, S. V. Kossior signed a letter from the Central Committee of the Communist Party (bolshevik) of Ukraine and sent it to the secretaries of Party district committees, chairmen of district executive committees, and persons authorized by regional Party committees. In the course of implementation of the letter's orders, during the allotted five days there were expropriated, without exception, all collective farms reserves, including sowing seed, and those who resisted were arrested.

On 29 December 1932, L. M. Kaganovich and S.V. Kossior arranged for the adoption by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine of the decree "On strengthening repressions against private farmers who maliciously hoard grain". This document ordered repressions against 1,000 homesteads in the Kharkiv region and 500 in the Dnipropetrovsk region, involving confiscation of all their property and appropriation of all farm land and buildings.

On that same day, L. M. Kaganovich and S. V. Kossior, using the decree "On the extension of measures applied in the Odessa region to the Dnipropetrovsk region", ordered the deportation of 700 families and 700 peasants to the Soviet North, and the exile of 50 persons to concentration camps.

Separate from the forced deportations of the civilian population of the Ukrainian SSR were repressive measures undertaken concerning so-called "grain" cases, that is grain hoarding, its "theft", etc. According to data of the State Political Directorate of Ukrainian SSR, in 1932 94,354 people were arrested.

In January 1933, continuing to commit acts aimed at the destruction of a part of the Ukrainian national group by famine, J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich arranged for the adoption of a number of decisions ordering a total confiscation of grain and other foodstuffs in rural areas of Ukraine, which led to the murder of millions of Ukrainians by famine.

Thus, on 1 January 1933, J. V. Stalin signed and sent a telegram to S. V. Kossior regarding further strengthening repressions against Ukrainian peasants, including execution by shooting.

On 2 January 1933 M. M. Khatayevich and P. P. Chubar signed a similar directive and sent it to the Party and Soviet bodies of the Ukrainian SSR.

On 22 January 1933, in furtherance of their criminal intention of perpetrating genocide of a part of the Ukrainian national group and being fully aware of mass deaths by famine in the Ukrainian SSR, J. V. Stalin and V. M. Molotov signed the directive "On preventing the mass flight of starving peasants in search of food from the Ukrainian SSR", adopted by the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR, and sent it to the Ukrainian SSR. This prohibited the departure of peasants from Ukraine and blocked the borders of the Ukrainian SSR by military units.

This ban deliberately deprived starving Ukrainian peasants of the possibility of obtaining, beyond the famine stricken territory, the food they needed for survival dooming them to death by famine.

On 4 June 1933, the Head of the political division of the Directorate of border guard troops and the troops of the State Political Directorate of Ukraine reported to the Central Committee of the Communist Party (bolshevik) of Ukraine on the active role of the border guards and the troops of the State Political Directorate of Ukraine in the spring sowing campaign in the collective farms, and also on repressive measures used against Ukrainian peasants.

Thus, the pre-trial investigation established irrefutable evidence that during the years 1932-1933 J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich organized and perpetrated genocide in Ukraine by creating conditions of life calculated to bring about the physical destruction of a part of the Ukrainian national group, using the following:

- imposing on Ukraine of grain procurements quota at such a high level as to make their implementation unrealistic, and where they were fulfilled, only through force with the use of repressions and by total confiscation from peasants of grain and seed grain reserves;
- "blacklisting" districts, population centres, collective farms, and village councils, thus blockading them by military forces, preventing the population from leaving the black-listed areas, authorising the full confiscation of foodstuffs, and prohibiting trading activities;
- isolating Ukraine's territory by task armed groups, military units and militia;
- preventing peasants from freely travelling in search for food and banning correspondence;
- imposing fines in kind;
- instituting constant searches and confiscation of grain, sowing seed reserves, chattels, clothing, all foodstuffs, and cooked food;
- strengthening criminal repressions, including execution of people who during the confiscation of meat, potatoes, sunflower seeds, and other foodstuffs showed resistance to the authorities.

The **Conclusions of the forensic court demographic expertise** of the Institute of Demography and Social Research of the National Academy of Sciences of Ukraine, dated November, 30, 2009, state that 3 million 941 thousand people died as a result of the genocide perpetrated in Ukraine. Of these, 205 thousand died in the period from February to December 1932; in 1933-3,598 thousand people died and in the first half of 1934 this number reached 138 thousand people;

v. 330, p. p. 12-60

Furthermore, according to the conclusion of the pre-trial investigatory body the guilt of J. V. Stalin (Dzhugashvili), V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich in organizing and perpetrating in 1932–1933 genocide against a part of the Ukrainian national group is confirmed by factual data contained in the testimony of:

– **witness H. F. Yakhno**, who testified that during the period of 1932–1933 the leadership of the Soviet Union (Stalin and Molotov) and of Ukraine (Kossior and Postyshev), as well as other Party leaders and the acting Soviet authorities created conditions for Holodomor in Ukraine. Members of Komsomol<sup>1</sup> and “activists” of the Soviet regime searched the premises in order to confiscate foodstuffs. He also stated that in 1932–1933 there was no drought or failed grain harvest;

v. 28, p. p. 129–134

– **witness K. M. Ihnatush (Bojko)**, who testified that the village council and district executive committee in his village created several units (of 5–6 people) which searched peasants’ property, confiscated foodstuffs, livestock, personal belongings and clothing. In 1932–1933 in the village of Trypillya approximately 300 people died of starvation. There were cases of cannibalism in the village. In 1933 representatives of the Soviet regime destroyed two Orthodox churches in the village;

v. 28, p. p. 21–27

– **witness P. V. Hubsy**, who testified that because of the laws and decrees of the Communist Party, the Council of People’s Commissars and decisions of village councils, the famine was turned into a terrible all encompassing instrument of massive killings and bloody carnage against the nation. Famine and death, as was designed, changed the balance of forces in favour of the bolsheviks, consolidated full and final political and economic victory of the Party in the country. All the actions of the higher Party-Soviet leadership correspond to the meaning of the notion of “genocide” as set out in the UN Convention on Genocide from December 9, 1948;

v. 287, p. p. 136–157

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<sup>1</sup> Young Communist League – transl. note.

- **witness L. Yo. Shepel**, who testified that none of the bolshevik authorities provided any food, medical or any other help to the peasants. In 1932-1933, police units did not let the peasants of Boriv out of the village and forced them to stay at home;

v. 28, p. p. 71-73

- **witness S. I. Kutsenko**, who testified that in the middle of 1932 her family was "de-kulakized", and in the neighbouring village of Ivanivtsi some peasants stood up to the activists, defending their property, however their property was taken by force and the peasants themselves, with their families, were sent to Siberia. The organizers of Holodomor in Ukraine were Stalin, and those who carried it out: Molotov, Chubar and Postyshev;

v. 28, p. p. 98-104

- **witnesses K. H. Ishchenko, H. H. Yakhno, I. V. Tarasyuk, P. F. Shcherbak, H. M. Avramivko, H. Yu. Korniyenko, K. A. Damchuk and others;**

v. 28, p. p. 69-70, 27-128 139-140, 141-142; v. 66, p. p. 83-85, 134-138, 165-167; v.215, p. p. 276-279

**The circumstances of forced collectivization are confirmed by factual data contained in the testimony of:**

- **witness Ye. K. Lyubchyk**, who testified that peasants who didn't want to join the collective farm and give up their property were deported from the village;

v. 66, p. p. 139-142

- **witness A. K. Androshchuk**, who testified that approximately 3,000 Ukrainians lived in the village. In 1931 her family listed as "«kulaks»" was dispossessed and exiled. In the spring of 1932, 5-6 activists carried out searches during which they confiscated all foodstuff, domestic livestock, personal belongings and tillage tools. The organizers of the forced famine in Ukraine were J. V. Stalin, V. M. Molotov, L. M. Kaganovich, P. P. Postyshev, S. V. Kosior and V. Ya. Chubar. Peasants were not issued identification cards or other documents, which made it impossible for them to travel within Ukraine or beyond. J. V. Stalin issued a law "On five ears of grain", as it was known among the population. According to this legislation, it was prohibited under threat of severe pu-

nishment, even execution, to collect on collective farm land the remains of harvest. Fines in kind were imposed for not implementing the grain procurements quota. These fines were paid both by foodstuffs, household items and livestock;

v. 28, p. p. 62-68

- witnesses **O. V. Dovbysh, M. O. Boichenko, N. F. Litvinova, Ya. H. Zhurakivska, Z. I. Kostenko**, and others, who testified that in 1932-1933 the authorities took all the grain and other food from the peasants;

v. 288, p. p. 57-60, 61-64, 65-68, 39-43, 73-77

- witnesses **I. P. Hlmozda, V. S. Moskalenko, M. T. Nabok, P. H. Pechersky, A. P. Telehuz, H. I. Dovzhcnko, M. I. Demydenko, O. I. Zubenko** and others, testified that the authorities enforced total collectivization. At their instructions brigades of local "activists" confiscated all food, without exception from the people who refused to join the collective farm, thus condemning them to death by famine;

v. 323, p. p. 178-182, 190-194, 204-208, 227-230,  
239-242, 263-266, 287-291, 44-49

**With regard to the intensification of grain procurements,  
mass searches and confiscation of food from peasants:**

- witness **M. Ya. Baidachny** testified that the grain held in each peasant's household was confiscated without warning. Representatives of the authorities and "activists" drove around the village in a cart and took grain from every house, and every homestead;

v. 66, p. p. 78-82

- witness **V. T. Dovhan** testified that everything edible and valuable was taken away, they even took food out of small pots, and also confiscated clothing and shoes;

v. 66, p. p. 202-205

- witness **R. F. Oliynyk** testified that about 20 men came, with a metal "stick" and prodded the ground in order to find stores of grain. It was Stalin who was responsible for this since it was his decree to take everything away and kill people by famine;

v. 2, p. p. 249-252

- **witness I. I. KoIesnikov** testified that in the village of Illinka in the Luhansk Region they dispossessed and exiled the most affluent peasants listed as "kulaks". People had wooden mortars in which they ground grain to prepare food. The "activists" intentionally smashed the mortars so that they could not grind the grain to make food. The "activists" went around courtyards with metal sticks, prodded (i. e. made holes in) the ground, looking for grain. When they found grain on someone's property, they took both the grain and the person;

v. 173, p. p. 164-167

- **witness N. F. Slyusar** testified that in the spring of 1933 authorized officials arrived in the village together with "activists" who went around peasants courtyards taking away seeds;

v. 173, p.p 117-119

Similar testimonies were received from **witnesses Ye. S. Hrybnyuk, M. P. Paliy** and others;

v. 67, p.p 45-47, v. 66, p. p. 234-238

#### **With regard to the circumstances of the imposition by the bolshevik regime of "black boards":**

- **witness Ye. F. Stepatska** testified that for non-fulfilment of the grain procurement quota their village Horodok, located in the Vinnytsia region, was placed on the so-called "black board". Trading was prohibited in the village, there were no goods, all benefits for the collective farmers were cancelled, and leaving the village was possible only with a special pass, which supposedly was to be issued by the village council, but never was;

v. 67 p. p. 114-117

From the testimony of **witness V. M. Sereda** it can be seen that during 1932-1933 there was famine in the village of Piski. "Activists" searched peasants' premises and took away grain and all that was edible. A "troika" formed of representatives of Soviet authorities operated in the village, and killed without trial those who expressed dissatisfaction with the regime. They collected the bodies of those who had died of famine from the houses, took them to the village cemetery and threw them into a huge pit. Together with the victims of the village of Kostyantynivka, around 700 people

died of hunger in 1932-1933. The village of Piski was placed on the "black board"; and guards were posted at the exits from the village; these guards didn't let anybody in or out;

v. 215, p. p. 262-266

- **witness B. V. Parkhomenko** testified that in 1932-1933 the people put on the "black board" were punished, and deprived of all foodstuffs. The Holodomor happened as a result of the State policy of the Soviet regime headed by Stalin. The regime knew the high number of deaths from famine among the rural population;

v. 149, p. p. 195-199

In her testimony, **S. I. Koutsenko** stated that in the middle of 1932 her family listed as "kulaks" was dispossessed and exiled. In the neighbouring village of Ivanivka, some peasants spoke out against the "activists", defending their possessions, however their property was confiscated by force and the peasants themselves with families were sent to Siberia. She also said that the organizers of the Holodomor in Ukraine were Stalin, Molotov, Chubar and Postyshev.

v. 28, p. p. 98-104

Testimony on the utilization by the authorities of this "black boards" procedure in collective farms was provided by **witnesses M. H. Ponomarenko, D. A. Kudla, O. A. Velychko, N. D. Velychko, K. O. Sherstyuk, and others.**

v. 111, p. p. 41-48; v. 216, p. p. 180-183

The pre-trial investigation established that in 1932-1933 the authorities used the "black board" procedure in 735 districts, villages, households, collective farms, state owned farms [sovkhoz], machine-tractor stations (MTS), worker/peasant cooperatives, which existed at that time within the borders of the administrative-territorial and regional division of Ukraine.

v. 65, p. p. 115-142; v. 109, p. p. 86-100; v. 105, p. p. 2-9; v. 120, p. p. 46-50; v. 122, p. p. 190-220; v. 140, p. p. 239-250; v. 146, p. p. 223-250, 252; v. 159, p. p. 106; v. 237, p. p. 248-254; v. 210, p. p. 100-105; v. 212, p. p. 6-65; v. 213, p. p. 43-79, 89, 111-112; v. 237, pp. 248-254; v. 244, p. p. 107; v. 255, p. p. 76-81; v. 256, p. p. 5-32, 40-61; v. 257, p. p. 111-122; v. 284, p. p. 185-187; v. 290, p. p. 138-139; v. 301, p. p. 152-153; v. 322, p. p. 194-205

The following factual testimony evidences how the bolshevik authorities created detachments to block and prevent Ukraine's starving population from receiving assistance from abroad:

- witness **K. I. Yurova** testified that the population of Western Ukraine during the Holodomor gathered two trainloads of grain for the starving however these were not allowed through the border. The authorities claimed that there was no famine in Ukraine. These trainloads stood on the border for a month. People who tried to break through the border- were shot on the spot;

v. 67, p. p. 69-72

- witness **V. F. Zhuravel** stated that people who managed to get to Kyiv died in large numbers right on the streets next to buildings. Hiding from the Soviet authorities, residents of Kyiv travelled to the city of Voronezh, where they would exchange and barter their personal items for grain at the markets, which activity was prohibited and severely punished by the authorities;

v. 150, p. p. 12-15

- witness **N. M. Nochnyk** testified that around May 1933, in the town of Fastiv, Kyiv region, a train stopped near Yakubovsky Street on the railway line. The military removed around thirty young people from one of the carriages. These people were emaciated and very hungry, some could not even move by themselves. Within three days, they all died. Their bodies were left on the roadside;

v. 150, p. p. 77-80

- witness **M. P. Adamchuk** testified that in 1932-1933 it was impossible to leave one village and move to another village, city or district because peasants had no documents and the authorities prohibited them from leaving their villages;

v. 66, p. p. 112-116

Similar testimony was given by witnesses **F. L. Bilokin, V. H. Dmytruk, P. N. Balytska, L. Yo. Shepel, R. M. Pasyuk, Pohribchenko** and others;

v. 66, p. p. 206-208; v. 126, p. p. 206-210; v. 150, p. p. 124-126, v. 28, p. p. 71-73, v. 28, p. p. 115, 119; v. 173 p. p. 129-131

- witness **S. V. Kolomiytseva** stated that in 1932-1933 the authorities stopped peasants who tried to leave their villages, taking

away their identification documents. A military cordon was established surrounding Kyiv, which prohibited people from other regions to enter the city;

v. 28, p. p. 110-114

**With regard to the application of repressions  
against Ukraine's starving population:**

- **witness O. S. Savchenko** testified that people gathered ears of grain from the fields, for which they were arrested and tried. Guards patrolled the fields and took away everything that was gathered from those peasants they caught. Such people were taken away and never seen again;

v. 67, p. p. 73-76

- **witness N. Ya. Shcherbak** testified that in 1932-1933 she lived in the town of Obukhiv in the Kyiv region. The Holodomor was caused by a forced shortage of food and its confiscation by the Soviet authorities due to the policy of Stalin, Kaganovich, Postyshev and the Ukrainian leadership;

v. 28, p. p. 74-77

As is deduced from the testimony of **witness H. M. Maslyuk**, those in power were provided with food. In 1932-1933 the famine occurred because representatives of the Soviet regime forced people to surrender all the grain and other food products. Those who refused to surrender grain and food voluntarily and chose to hide it instead were searched and their belongings confiscated by force;

v. 149, p. p. 102-106

- **witness N. Kh. Pyrkh** stated that the Soviet regime headed by J. Stalin created all of the conditions for famine. Collectivization was carried out and excessive taxes and impossible grain procurements quota were then introduced. Taxes were imposed on livestock, fruit trees. These taxes were constantly increased. It was prohibited to gather ears of grain from the field and severe punishment was provided for those who disobeyed. Her neighbour who hid grain was arrested and imprisoned. Many Ukrainians from the village were deported to Siberia for showing resistance to the authorities';

v. 150, p. p. 98-101

- **witness V. I. Dashko** testified that from autumn 1932, following instructions of the authorities a brigade of so-called "activists" was sent to those who didn't wish to join the collective farm, taking all foodstuffs from them. Wealthy peasants known as "kulaks" were dispossessed and with all their property taken by the government, they were forced to leave their houses. In 1932 the priests of two churches in the village were repressed and the church premises were destroyed;

v. 323, p. p. 209-213

Similar testimony was given by **D. D. Dyak, P. A. Myronenko**, and others;

v. 28, p. p. 135-138; v. 66, p. p. 243-245

- **witness H. T. Bashchenko** testified that Lapin, the head of the collective farm was arrested for having given 4 kilograms of grain to each collective farmer;

v. 66, p. p. 72-74

- **witness M. I. Yanenko** gave testimony of so-called "troikas" being formed on the territory of Ukraine. They sentenced people to death for crimes, which included the hiding of food. Ukrainian writers and officials of various levels were also sentenced to death in large numbers;

v. 149, p. p. 5-9

- **witness L. P. Vinnichenko** reported that her grandfather, a communist who refused to execute the criminal orders of the Soviet regime to take food from peasants, was convicted and exiled to the northern regions of the USSR. Representatives of the Soviet authorities acted brutally with regard to Ukrainians;

v. 150, p. p. 94-97

As **witness Ye. F. Suslyuk** testified, there were Jews in neighbouring villages, who had their own shops, they lived well. The violence as was applied to Ukrainians was not used against them;

v. 67, p. p. 83-85

- **witness M. I. Samarska** recounted how she was arrested and sentenced to a year in prison for taking a handful of grain to feed her mother and sister;

v. 173, p. p. 105-107

Witnesses **K. I. Shlyonchyk** (v. 323, p. p. 127-131), **H. K. Korshak** (v. 323, p. p. 144-147), **O. O. Kopysh** (v. 2, p. p. 155-158), **K. I. Holub** (v. 2, p. p. 166-169), **P. D. Dubyna** (v. 2, p. p. 170-173), **D. Yo. Usaty** (v. 323, p. p. 174-177), **V. S. Moskalenko** (v. 323, p. p. 190-194), **D. K. Kolesnyk** (v. 323, p. p. 199-203), **M. T. Nabok** (v. 323, p. p. 204-208), **H. V. Sakun** (v. 323, p. p. 274-278), **V. P. Yurchenko** (v. 323, p. p. 279-282), and others gave similar testimony.

**With regard to the export of grain and other cereals  
during the 1932-1933 Holodomor in Ukraine:**

- **witness H. S. Shlenskova** testified that all the grain was taken to the collective farm and guarded by soldiers. It rotted, while at the same time people became bloated from hunger and died in the streets and in courtyards;

v. 67, p. p. 51-53

- **witness Z. V. Vilchynska** testified that despite the famine the State leadership fulfilled its export commitments;

v. 66, p. p. 65-68

- **witness K. T. Koshchuk** testified that all the harvested grain was taken to the collective farm, then to the rail station and taken away somewhere. If it was not transported on time, large amounts of the grain rotted while people were starving. No help was provided or came from outside;

v. 66, p. p. 213-215

**With regard to whether the communist authorities  
were aware of the facts of severe shortage of food  
for the population of Ukraine and about people starving:**

- **witness O. L. Pobukovska** testified that to survive people were forced to eat orach, lentils, frozen potatoes. The authorities knew about the famine and the mortality caused thereby, however people were not given either medical or food aid. On the contrary, the Soviet authorities did everything to leave Ukrainians without food;

v. 149, p. p. 36-39

- **witness H. F. Tsopenko** reported that in 1932-1933 there was a terrible Holodomor in the village. People died right on the street, near houses, in the field. She saw how they brought a full wagonload

of bodies and threw them into a pit. One woman was alive and began climbing out of the pit but nobody paid any attention to her and they continued filling it up. The neighbouring house was inhabited by people who ate people;

v. 150, p. p. 44-47

According to data in the testimony of **witness M. L. Shekhtamn**, in 1932-1933 the radio and newspapers worked, however they didn't give any information about the famine;

v. 149, p. p. 204-207

- **witness L. F. Dzenenko** testified that in the village of Burty during 1932-1933 everyday on average five or more people died of starvation. Their bodies were taken by carts to the old cemetery and buried in pits, several bodies lying together. In those years there was a harvest in the collective farms and there were enough foodstuffs. The famine was artificially created by the Soviet regime, the country was then ruled by J. V. Stalin;

v. 149, p. p. 119-122

As **witness H. M. Horbatyuk** testified, food aid was only given to the head of the village council, while other peasants helped each other as they could;

v. 67, p. p. 28-30

- **witness A. I. Oksenchuk** reported that there were cases of cannibalism in the village of Novaky, where a neighbour ate her own children, and then she herself died. People at that time travelled on the roof of railcars or on flat-cars to Belarus and exchanged their own belongings for food. Her parents sent her by train to Leningrad. There and in other cities of the USSR there was no famine. At that time only "activists", communists and representatives of the Soviet authorities lived well because they received a food ration, money, clothes and shoes;

v. 125, p. p. 86-89

- **witness O. I. Rohovy** testified that the decree "On measures to strengthen grain procurement" passed by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine on 18 November 1932, instructed the creation of local level brigades of "activists". These "activists", not without personal benefit, confiscated the last loaf of bread from the peasants;

v. 66, p. p. 175-193

Similar testimonies were given by **P. A. Myronenko, O. S. Savenko, M. P. Paliy**, and others;

v. 28, p. p.135-138; v. 66, p. p. 234-238; v. 67, p. p. 73-76

**On the absence of famine in adjacent regions  
of Russia and Belarus:**

- **witness H. I. Mozhova** reported that in the 1920s and 1930s in her Ukrainian village there were a lot of Russian settlers who held leading positions in the village administration, Party and Soviet bodies. In those years many people secretly travelled to the village of Kantemirovka in Russia because there it was possible to purchase bread, buy a cow or bull, if you had money, because there was no such a famine in Russia;

v. 173, p. p. 132-134

- **witness M. V. Potapova** drew attention to the fact that the harvest in 1932 was good but that it was all taken away. Together with her father, she walked to the village of Urazove in the Belgorod region of Russia. In Russia there was no such famine. The people there were not starving at all, they ate white bread and butter. In her native village during the Holodomor up to half the people died, Ukrainians only;

v. 173, p. p. 168-170

Similar testimony was given by **witness H. V. Palahuta** and others;

v. 173 p. p. 135-137

**Regarding facts of burial in mass graves of those who died  
from famine, eating food surrogates and cases of cannibalism  
in 1932-1933:**

- **witness A. A. Ryaba** testified that in her village nearly 400 Ukrainians died from the famine. Their bodies were taken away by carts to hide in mass pits at the old village cemetery in Rusaniv. The pits were covered with earth only when they were filled to the top with the corpses of people who died of famine. No crosses were put up;

v. 150, p. p. 5-7

- **witness L. H. Bezzhon** stated that the bodies of those who had died of famine were buried in masspits;

v. 150, p. p. 8-11

- **witness L. P. Savchuk** reported that in 1932-1933 at the Baikove Cemetery in Kyiv there was a waste area where those who had died of famine were buried in masspits;

v. 150, p. p. 81-82

- **witness M. N. Karlovych** testified that he and his brother went around the village begging for food but nobody gave them anything because there was famine. During the famine of 1932-1933 seven children in his family died. They ate whatever they could find - grass, bark of trees, etc. In the village people bloated and died of famine;

v. 216, p. p. 106-108

- **witness M. M. Lisovenko** claimed that for J. V. Stalin, Ukraine was a target for persecution;

v. 287, p. p. 167-170

- **witness N. V. Lapchynska** testified that on August 7, 1932 at the peak of harvest, the decree prepared with the direct participation by Stalin in light of the situation in Ukraine was adopted by the Central Executive Committee and the Council of People's Commissars of the USSR and became the main legal basis for criminal sentencing. It was planned that the Ukrainian countryside, gripped by famine, mass illness and a rising death toll, should be deprived of grain.

v. 287, p. p. 121-135

#### **Regarding mass mortality from famine and its side effects:**

- **witness F. P. Kravchenko** testified that in 1933 in her village about 600 people died;

v. 173, p. p. 171-173

- **witness T. I. Bermas** testified that in her native village of Bezky there was a mass grave of victims of Holodomor 1932-1933, about 200 people from the village died;

v. 217, p. p. 50-53

- **witness O. P. Seredyk** reported that in 1932 her family, listed as "kulaks", was dispossessed and forced to deportation. Stalin, Molotov, Kaganovich, Postyshev, Kossior and Chubar created the conditions under which during 1932-1933 in the village about 800

Ukrainians died. As a result of this among the peasants of Ivanivka there were instances of cannibalism;

v. 28, p. p. 48-54

Similar testimonies regarding a forced confiscation of foodstuff, death from famine and use of food substitutes were given by witnesses N. T. Sypaty, O. K. Kulak, V. S. Nason, K. Ya. Sobol, K. Ya. Kryukova, E. A. Shabovty, I. A. Lukyanenko, V. V. Malashenko, I. A. Kotlyar, V. H. Zhytnyk, H. I. Savenchuk, O. Yu. Piup, H. O. Malets, H. M. Karpenko, H. D. Ivashko, A. J. Nikytenko, M. T. Ostrovetsky, T. P. Borets, H. M. Ordynska and others;

v. 323, p. p. 1-5, 6-12, 13-18, 20-21, 22-26, 29-33, 39-43, 47-51, 52-56, 57-61, 62-66, 67-69, 70-74, 75-79, 84-86, 87-89, 90-94, 95-98, v. 28, p. p. 55-61

Thus, according to the testimony of witnesses, those who failed to fulfil excessive grain procurement plans imposed by bolshevik authorities were subject to fines in kind; the rural population was prevented from freely travelling in search for food beyond the borders of Ukraine.

At the same time, in the period 1932-1933, armed groups, brigades and "activists" led by persons authorized by the Communist Party bodies, chairmen of village councils in all regions of Ukraine constantly searched peasants' homes, homestead plots, and other premises, removing all the grain, seed, personal belongings, chattels, clothing, millstones. They totally confiscated all foodstuffs, including cooked food, etc.

In this context, the peaceful Ukrainian rural population was the target of mass scale violence: beatings, repression, arrests, military blockade of "blacklisted" villages, settlements and even administrative districts, as well as of Ukraine's borders preventing people from leaving these territories. As a consequence, people were deprived of access to foodstuff. In this way the bolshevik authorities caused their death by famine.

Concurrently, systematic and brutal repressive measures were also applied against Party and Soviet leaders of all ranks who expressed their disagreement with the imposed grain procurements quota and sought to help starving Ukrainian peasants by providing them with food from collective farms stocks.

**The guilt of J. V. Stalin (Dzhugashvili) in organizing  
the commission of the crime of genocide is additionally  
confirmed by the following material evidence:**

*Archival documents:* a report by M. M. Khatayevich to the Central Committee of the All-Union Communist Party (bolshevik) dated March 12, 1933, on a grave food situation and mortality rate from starvation in the Dnipropetrovsk region (v. 8, p. p. 341-344); a directive letter No. P 4731 dated December 7, 1932, with a written order of J. V. Stalin, Secretary of the Central Committee of the All-Union Communist Party (bolshevik), to apply repressive measures and criminal punishment to the leadership of the Orikhovskiy district of the Dnipropetrovsk region, involving imprisonment from five to ten years, and other measures (v. 17, p. p. 285; v. 19, p. p. 30); a telegram of 1 January 1933, to S. V. Kossior, General Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine, ordering an unconditional implementation of the decree of the Central Committee of the All-Union Communist Party (bolshevik) "On grain procurements in Ukraine" (v. 7 p. p. 164); a memorandum of 18 May 1933, from the Donetsk regional Party committee to the Central Committee of the All-Union Communist Party (bolshevik) and the Central Committee of the Communist Party (bolshevik) of Ukraine on the status of spring sowing in the region and on food difficulties in the Starobelsk district (v. 9, p. p. 250-253); and other documents as indicated above (v. 7, p. p. 164, 167, 171-174, 206-207; v. 9, p. p. 149-150, 151-152, 153-154; v. 13, p. p. 23-27; v. 32, p. p. III; v. 288, p. p. 125).

**The guilt of V. M. Molotov (Skriabin) in organizing  
the commission of the crime of genocide  
is confirmed by material evidence:**

*Archival documents:* a decree of 30 October 1932, "On measures to intensify grain procurement" adopted with the participation of V. V. Molotov by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine (v. 256, p. p. 147-154); a decree of 14 December 1932, of Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR (v. 9, p. p. 23-27); a telegram of 21 June 1933, from the Central Committee of the All-Union Com-

munist Party (bolshevik) and the Council of People's Commissars of the USSR to the Central Committee of the Communist Party (bolshevik) of Ukraine and to the Council of People's Commissars of the Ukrainian SSR, signed by J. V. Stalin and V. M. Molotov, containing a categorical demand for the mandatory implementation of the yearly grain quota by all collective farms, state farms and private farmers of Ukraine (v. 7, p. p. 206–207); a telegram of 9 April 1932, "On the tempo of butter procurements and export of butter" signed by J. V. Stalin and V. M. Molotov and sent by the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR to the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR, with a strong demand to meet butter procurements quota in order to ensure export (v. 7, p. p. 215); a telegram signed by V. M. Molotov and L. M. Kaganovich demanding an increase in the tempo of grain procurements, and that was sent by the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR to the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR (v. 7, p. p. 305–306); a telegram of 21 November 1932, intensifying the grain procurements campaign, sent by V. M. Molotov to the regional committees of the Communist Party (bolshevik) of Ukraine (v. 7, p. p. 320–323); and other aforementioned documents (v. 7, p. p. 171–174 , 175–179, 200; v. 14, p. p. 184–186; v. 11, p. p. 52–54; v. 98, p. p. 86; v. 13, p. p. 22–27; v. 288, p. p. 125; v. 32, p. p. III; v. 9, p. p. 151–152 , 153–154).

**The guilt of L. M. Kaganovich in organizing the commission of the crime of genocide is confirmed by material evidence:**

*Archival documents:* a telegram ordering an increase in the tempo of grain procurements, signed by L. M. Kaganovich and V. M. Molotov and sent by the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR to the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR (v. 7, p. p. 305–306); a letter of 30 March 1933, informing about the famine and cannibalism in the

village of Mezhyrichya and that was sent from the Pavlohradsky district Party committee to the Dnipropetrovsk regional Party committee (v. 8, p. p. 348–351); a decree of 29 December 1932, “On applying to the Dnipropetrovsk region measures applied to the Odessa region”, adopted by the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine with the participation of L. M. Kaganovich and ordering repressions, deportation beyond the borders of Ukraine and imprisonment in concentration camps of persons expelled from the Party (v.9, p. 63); a decree of 29 December 1932, “On grain procurement” adopted by the Central Committee of the Communist Party (bolshevik) of Ukraine with the participation of L. M. Kaganovich, obligating Party organizations and local authorities to remove all grain from the collective farms, including seed grain reserves as part of grain procurements quota (v. 9, p. p. 64, 67), and other documents (v. 7, p. p 303–304; v. 9, p. p. 63–67, 153–154).

**The guilt of P. P. Postyshev in organizing the commission of the crime of genocide is confirmed by material evidence:**

*Archival documents:* a telegram of 8 December 1933, on the tempo of beet procurements warning regional leadership of judicial responsibility for not ensuring the collection of beet from the fields by the end of the ten day period, signed by P. P. Postyshev and sent to the regional committee of the Communist Party (bolshevik) of Ukraine (v. 322, p. p. 11–13); a copy of the telegram of 18 September 1932, from the Central Committee of the All-Union Communist Party (bolshevik) to the Central Committee of the Communist Party (bolshevik) of Ukraine, signed by P. P. Postyshev and ordering the Central Committee of the Communist Party (bolshevik) of Ukraine to fully execute the export quota for the fourth quarter of 1932 (v. 9, p. p. 111–113); a letter of 22 April 1935, “On the state of population register in the Ukrainian SSR” from the Chief of the Office of Population Register of Ukrainian SSR, Asatkin, reporting a sharp increase in the death rate in Ukraine in 1932–1933 (v. 9, p. p. 268–270); a memorandum of 16 August 1933, on the state of food consumption among the populace and grain delivery in the collective farms of the Kyiv region sent from the Central Coordinating Committee of the Communist Party (bolshevik) of Ukraine to the Central Committee of the Communist Party (bolshevik) of Ukraine (v. 8, p. p. 97–104); a letter of 12 March

1933, on the grave food situation and increased mortality in a number of districts of the region sent from the Kyiv regional department of the State Political Directorate to the Chief of the State Political Directorate of the Ukrainian SSR (v. 8, p. p. 220–226); a report of 14 March 1933, on the grave food situation in the village of Shaparske of Novoposkovsk district in the Donetsk region, sent from the State Political Directorate of the Ukrainian SSR to the Central Committee of the Communist Party (bolshevik) of Ukraine (v. 8, p. p. 227); and other above-mentioned documents (v. 98, p. p. 55, 106–107, 188; v. 9, p. p. 63–67).

**The guilt of S. V. Kossior in organizing the commission of the crime of genocide is confirmed by material evidence:**

*Archival documents:* a memorandum on giving permission to apply judicial measures against saboteurs, signed by S. V. Kossior and sent by direct line from the Central Committee of the Communist Party (bolshevik) of Ukraine to the Chernihiv regional committee of the Communist Party (bolshevik) of Ukraine (v. 317, p. p. 84–86); an extract from Protocol No. 90 of the meeting of the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine “On organizing grain procurements in the private farming sector”, dated December 11, 1932, signed by S. V. Kossior and sent to all regional committees of the Communist Party (bolshevik) of Ukraine (v. 256, p. p. 131–134); a telegram of 5 January 1933, on terms and conditions for private farmers to become members of collective farms, signed by S. V. Kossior and sent from the Central Committee of the Communist Party (bolshevik) of Ukraine to the regional bureaus of the Communist Party (bolshevik) of Ukraine (v. 317, p. p. 226); a decree of 9 August 1932, “On measures for fighting grain speculation”, signed by S. V. Kossior and sent from the Politburo of the Central Committee of the Communist Party (bolshevik) of Ukraine to the secretaries of regional organizational bureaus of the Communist Party (bolshevik) of Ukraine, ensuring that measures are implemented in the elimination of resellers of grain and flour, and imposing judicial responsibility upon those private farmers who were selling grain at farmers markets (v. 318, p. p. 239–241); and other documents (v. 7, p. p. 61, 65–66, 67–71, 72–73, 74–75, 76–78, 79, 80–89, 94–95, 111, 170, 183–186, 189–191, 188, 202–203, 205, 243–254, 278–285,

345-346, 351, 381-383; v. 9, p. p. 62; v. 32, p. p. 109; v. 98, p. p. 55; v. 135, p. p. 76-78; v. 12, p. p. 261; v. 256, p. p. 131-134, 136).

**The guilt of V. Ya. Chubar in organizing the commission of the crime of genocide is confirmed by material evidence:**

*Archival documents:* a memorandum of 6 December 1933, delegating authorized persons to "blacklisted" villages for merciless struggle with saboteurs, "kulaks" and other anti-soviet elements, was signed by S. V. Kossior, Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine and V. Ya. Chubar, Chairman of the Council of People's Commissars of the Ukrainian SSR, and sent from the Central Committee of the Communist Party (bolshevik) of Ukraine and Council of People's Commissars of the Ukrainian SSR to the regional committees of the Communist Party (bolshevik) of Ukraine and to the regional executive committees (v. 321, p. p. 10-12); and other above-mentioned documents (v. 7, p. p. III, 188; v 12, p. p. 261; v. 9, p. p. 74-76, 163-165; v. 14, p. p. 233-234, 235-236, 237; v. 15, p. p. 14-19; v. 256, p. p. 131-134, 136).

**The guilt of M. M. Khatayevich in organizing the commission of the crime of genocide is confirmed by material evidence:**

*Archival documents:* a directive of 2 January 1933, on voluntary surrender of hidden grain by collective and private farmers, signed by M. M. Khatayevich and V. Ya. Chubar and sent from the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR to Party and Soviet bodies (v. 7, p. p. 165); a directive letter of 23 October 1932, signed by M. M. Khatayevich, instructing on measures to be taken in order to increase grain deliveries by private farmers, in particular by applying unconditional penalties and other means of influence, sent from the Central Committee of the Communist Party (bolshevik) of Ukraine to all regional, city and district Party committees (v. 7, p. p. 180-181); in connection with the mass flight of peasants from Ukraine, a directive of 23 January 1933, signed by M. M. Khatayevich and V. YA. Chubar, prohibiting peasants from leaving their places of permanent residence which was sent from the Central Committee of the Communist Party (bolshevik) of Ukraine and the Council of People's Commissars of the Ukrainian SSR and issued in accordance with

the directive of the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People's Commissars of the USSR (v. 9, p. p. 163–165); a memorandum of 20 April 1933, sent by the Pavlohrad district Party committee to the Dnipropetrovsk regional Party committee confirming that the regime was aware of the grave situation in the district (v. 8 p. p. 283–287); a letter of 4 March 1933, from M. M. Khatayevich, Secretary of the Dnipropetrovsk regional Party committee to the Central Committee of the All-Union Communist Party (bolshevik) confirming that J. V. Stalin was in fact informed about the grave food situation, people bloating of hunger and dying from starvation in the Ukrainian SSR (v.8, p. p. 330–337); a letter of 11 March 1933, from the Melitopol district Party committee to the Dnipropetrovsk regional Party committee about the worsening of food situation in the district (v. 8, p. p. 338–340); a report of 3 March 1933, from the Dnipropetrovsk regional Party committee to the Central Committee of the Communist Party (bilshovik) of Ukraine indicating that the regime was aware of the grave food situation and the death rate from starvation in the region (v. 8, p. p. 341–344); a special report of 12 March 1933, from the Katerynska railways transport division of the State Political Directorate to the Dnipropetrovsk regional Party committee indicating that there were deaths from starvation at railway stations (v. 8, p. p. 345–347); and other above-mentioned documents (v. 9, p. p. 74–76; v. 9, p. p. 163–165).

**The following fact also evidences that the crime of genocide was directed specifically against a part of the Ukrainian national group.** In accordance with the decisions of the Politburo of the Central Committee of the Soviet Communist Party and the Council of People's Commissars of the USSR, the organization of population resettlement from Russia and Belorussia to the Odessa, Dnipropetrovsk, Donetsk and Kharkiv regions of Ukraine where Ukrainians had been murdered by famine. This helped achieve an intended change in the ethnic composition of the rural population in Ukraine.

A letter on the resettlement of people from the Ivanovsk region (Russia) to Starobilsk area in Ukraine sent on October 13, 1933, by Maximov, Deputy Head of the Donetsk regional land administration, to the People's Commissariat of Land Affairs of the Ukrainian SSR, recommends that 3,500 families of resettled collective

farmers be distributed between 14 districts of the Starobilsk group, which immediately needed additional settlers.

v. 14, p. p. 45-46

In compliance with the decree of 11 September 1933 "On additional settlement in steppe areas" adopted by the Politburo of the Central Committee of the Communist Party (Bolshevik) of Ukraine, 22 thousand families were ordered for relocation into the Dnipropetrovs'k, Odessa and Donetsk regions in the fourth quarter of 1933. The decree of 31 August 1933, adopted by the Council of People's Commissars of the USSR, instructed the All-Union Resettlement Committee to organize the resettlement of 15-20 thousand families to the steppe areas of Ukraine in the beginning of 1934;

v. 7, p. p. 363-366

In accordance with the decree of September 23, 1933 "On measures for additional settlement in steppe areas" adopted by the Central Committee of the Communist Party (Bolshevik) of Ukraine the decision was made to create under regional executive committees special commissions for resettlement.

v. 1, p. p. 361-362

**The mass deaths in Ukraine in 1932-1933 as a result of famine, exhaustion, malnutrition and consequent illnesses are confirmed by the conclusions of the forensic medical expert assessments carried out on the basis of archival documents with regard to the registration of deaths:**

In the Vinnytsia region (v. 91, p. p. 10-135, 137-207, 209-255; v. 92, p. p. 1-85, 87-204, 206-268; v. 93, p. p. 2-96, 98-222, 224-259; v. 94., p. p. 1-242; v. 95, p. p. 2-251, v. 96, p. p. 1-230);

In the Dnipropetrovs'k region (v. 103, p. p. 134-139);

In the Donetsk region (v. 117, p. p. 320-331);

In the Zhytomyr region (v. 133, p. p. 11-329);

In the Zaporizhyya region (v. 140, p. p. 288-301);

In the city of Kyiv and the Kyiv region (v. 155, p. p. 10-109, 118-180);

In the Kirovohrad region (v. 162, p. p. 17-150);

In the Luhansk region (v. 174, p. p. 159-163);

In the Mykolaiv region (v. 227, p. p. 199-203);

In the Odessa region (v. 24, p. p. 303-316);

In the Poltava region (v. 254, p. p. 229–327);  
In the Sumy region (v. 261, p. p. 126–128);  
In Kharkiv city and region (v. 282, p. p. 67–241, v. 283,  
p. p. 8–148);  
In the Kherson region (v. 290, p. p. 134–136);  
In the Khmelnytsky region (v. 300, p. p. 163–266);  
In the Cherkasy region (v. 316, p. p. 297–302);  
In the Chernihiv region (v. 325, p. p. 213–236).

**According to the conclusions of the forensic medical expert assessment No. 550 of 26 October 2009**, food is one of indispensable sources of life support for the human organism. A human being can exist for a while without food.

An approximate limit of human endurance of hunger (with the consumption of water) for over eight weeks can be fatal. Starvation of a person, especially over a long period, causes alimentary (nourishment-linked) illnesses: vitamin deficiency, microelement deficiency, dystrophy, etc., which eventually result in death.

Death of a human being from hunger is determined by a shortage or lack in the daily intake of basic nutrients: protein, fat, carbohydrates, vitamins, microelements, which disrupt a person's metabolism.

If medical assistance is not provided in time to starving people in order to bring them out of their state of starvation, functional and organic disruptions in their bodies occur, eventually resulting in death.

v. 330, p. p. 113–116

**According to the materials of the criminal case, the guilt of J. V. Stalin, V. M. Molotov, L. M. Kaganovich and the other aforementioned persons in organizing and committing genocide in Ukraine in 1932–1933 is also confirmed by material evidence in the form of archival documents, which attest to the implementation, at the local level, of the decisions made by the leadership of the bolshevik party:**

According to a top secret Protocol No. 21 of the meeting of the Bureau of the Kyiv regional committee of the Communist Party (bolshevik) of Ukraine, "Performance of meat procurement plan", authorized officials and chiefs of grain procurements brigades in

the district were given 48 hours to inform every village about the final meat procurement quota and every household about its particular obligations.

v. 144, p. p. 222-224

A decree of 16 February 1933, of the presidium of the Kyiv regional executive committee, "On the tempo of meat procurements in the region" recited unsatisfactory state of meat procurement in the first quarter of 1933: as of February 13, 1933 - 29.2%, and by sectors: state farms - 9.4%, collective live-stock farms - 2.3%, private farmers - 32.7%, collective farmers - 27.9%. A three day time limit was established for firm quotas of meat confiscation, using sanctions including fines and seizures.

v. 146, p. p. 42-43

A decree of 28 July 1933 of the Bureau of the Kyiv regional committee of the Communist Party (Bolshevik) of Ukraine containing reports on the tempo of grain procurements in the district, on unacceptable incidences of clipping ears of grain, on strengthening security measures, and on the implementation of the decree adopted on June 19, 1933, by the regional committee with regard to Borodianka district.

v. 144, p. p. 156-157

A decree "On grain procurement targets for January 1933", adopted by the Presidium of the Kyiv regional executive committee on January 7, 1933, requiring district executive committees to lead a decisive struggle against producers and sellers of hand-milled flour, including confiscation of all millstones and household mills, and imposing criminal responsibility for secretly milling grain;

v. 146, p. p. 60

A copy of the decree "On the transportation of grain from the hinterland", adopted by the commission of the Kyiv regional executive committee on December 21, 1932, and specifying the need to ensure unobstructed transportation of grain from outlying areas;

v. 146 p. p. 61

A copy of the decree "On the performance of grain procurements in the region", adopted by the Presidium of the Kyiv regional executive committee on December 16, 1932. It allowed the

use of repressions as set out in the instructions of the Council of People's Commissars of the Ukrainian SSR on the organization of grain procurements. The regional prosecutor's office was instructed to ensure immediate court proceedings of cases, and the district executive commissions should engage in a decisive struggle with people who ground grain on mills that were not part of the current network, and on hand mills, etc;

v. 146, p. p. 62-63

Secret circular № 168/76 "On intensifying the struggle of the militia with individuals who violate the Government decree banning the sale of new harvest grain before January 15, 1933", passed by the Chief Administration of the Worker and Village Militia of the Ukrainian SSR on September 22, 1932. This prohibition deprived peasants of the possibility of obtaining grain vital for their survival;

v. 98, p. p. 72

A memorandum № 029933, signed by S. V. Kossior, Secretary General of the Communist Party (Bolshevik) of Ukraine, and sent by direct line via a representative of the State Political Directorate to the secretaries of regional committees. It demanded intensification of repressive measures and an increase in the number of criminal cases against those hiding grain and hindering procurements. It also called for a swift enforcement of sentences in such cases;

v. 98, p. p. 87-88

A summary report of 17 January 1933, signed by Markitan, Secretary of the regional organizational bureau and sent from the Chernihiv regional organizational bureau of the Communist Party (bolshevik) of Ukraine to the Central Committee of the Communist Party (bolshevik) of Ukraine. It contained the report on fulfilling grain procurements plan owing exclusively to the seizure of hidden grain;

v. 317, p. p. 31

An act of 18 February 1933, on the confiscation of "hidden grain" and other foodstuffs such as potatoes, wheat, corn, millet, flour, peas, sun flower seeds, in a total amount of 8.27 centners (1 centner equals 100 kilograms) from collective farmer P. Pan-assenko by the chairman of the Shyrokivske village council;

v. 98, p. p. 198

An act of 23 March 1933, on the confiscation of "hidden grain" and other foodstuffs: beans, potatoes, corn from K. and M. Vobyachenko by the chairman of the Novo-Mykolaivske village Council and the persons authorized by the district party committee;  
v. 98, p. p. 198

A decree of 7 May 1932, "On the Drabivsk Case" adopted by the Central Committee of the Communist Party (Bolshevik) of Ukraine and the Presidium of the Central Control Commission confirming the decision of the Kyiv regional committee of the Communist Party (Bolshevik) of Ukraine to dissolve the Drabivsk bureau of the district Party committee, arrest its former leaders and purge the district Soviet apparatus, etc.;

v. 7, p. p. 338-340

A decree of 23 December 1932, on confiscating natural reserves from collective farms, including seed stocks, adopted by the Mykolaiv city committee of the Communist Party (Bolshevik) of Ukraine;

v. 212, p. p. 53-55

A decree of 31 December 1932, "On the imprisonment of former members of the Communist Party (Bolshevik) of Ukraine in concentration camps" adopted by the Odessa regional executive committee. In accordance with this decree a decision was made to imprison for various terms 50 former Party members expelled by the decree of 30 December 1932, of the Odessa regional party committee "for sabotage of grain procurements and betrayal of Party interests";

v. 212, p. p. 93

A decree of 23 November 1932, "On measures to intensify grain procurements in the Mykolaiv suburban area", adopted by the City Party Committee prohibiting collective farms from freely using any available natural reserves;

v. 214, p. p. 141-142

A telegram of 23 January 1933, "On applying repressive measures to ensure the realization of grain procurements plan", sent by the Chernihiv regional organizational bureau of the Communist Party (bolshevik) of Ukraine to the Central Committee of the Communist Party (bolshevik) of Ukraine, and signed by the Secretary Markitan. It demanded intensification of grain procurements by

applying repressive measures in the Bobrovyts, Burynsk, Varvynsk, Bubnovsk, Nedrihailivsk, Prylutsk, and Romny districts of the Chernihiv region;

v. 317, p. p. 49

A letter № 1325/t of 20 July 1933, from the Prosecutor of the Higher Court imposing criminal responsibility on collective and private farmers for clipping ears of grain on their own home plots;

v. 98, p. p. 172

A letter № 261-135-263 of 12 July 1933, from the prosecutor of Dnipropetrovs'k region, the provisional head of the district court and the provisional chief of the Orginstr addressed to all prosecutors and judges of the Dnipropetrovs'k region about the timely use of repressive measures;

v. 98, p. p. 173-176

Acts of 15 and 18 January 1933, and other documents, on the confiscation of all property from Makar Yablukov and Fedir Bahon for failure to fulfil the contracting quota and for hiding grain and potatoes under the stove;

v. 98, p. p. 178, 179

A complaint, dated July 30, 1932, of V. Ya. Myronenko, resident of Khotiv village of the Kyiv suburban area, to the All-Ukrainian Central Executive Committee concerning the forced collective farm expropriation of his livestock, dated July 30, 1932;

v. 146, p. p. 118-119

A letter № 886, sent from the chairman of the city council to all village councils of the district, concerning the intensification of work among private farmers in meeting grain procurements quota, and on immediate use of repressions against blacklisted collective farms;

v. 98, p. p. 181

An act on the confiscation and complete disposal of the property of P. Shevchenko for failure to meet grain procurements quota, adopted by the commission of the Novo-Oleksandrivsk village council on March 23, 1932;

v. 98, p. p. 182

A 1932 memo to Party members visiting villages in suburban areas to verify the progress of ongoing economic-political campaigns;

v. 147, p. p. 89–90

An operational report submitted by the head of the operational “troika” to the chief of the Mykolaiv district division of the State Political Directorate on granting permission to arrest and deportation of families subject to “dekulakization” and on evicting peasants from the villages administrated by the village councils of the Varvarivsky district

v. 212, p. p. 81–83

A decree of 9 February 1932, “On creating regional executive committees on the territory of the Ukrainian SSR”, adopted at the IV Session of the All-Ukrainian Central Executive Committee of the XII assembly. According to this decree, five regions were created, namely: the Kharkiv, Kyiv, Vinnytsia, Dnipropetrovsk and Odessa regions, with relevant administrative and territorial units. The Donbas administrative and territorial units were also formed and were directly subordinate to the central authorities;

v. 11, p. p. 276–282

An order № 290/t of 2 April 1932, adopted by the Unified State Political Directorate (Moscow), “On allocating employees from the staff of economic units of district divisions and on vacating the position of authorized persons on economy matters”. The Order increases the attention by Soviet authorities, in particular by the Unified State Political Directorate, to the economy and agriculture in the Spring of 1932. New staff units were added to the district divisions of the Unified State Political Directorate which were assigned to specific branches of the national economy in view of the growth of industrial enterprises of local and all-Union significance. With the creation of a network of state owned farms and machine and tractor stations, authorized officials were assigned for economic duties in all district divisions;

v. 26, p. p. 114–117

An order № 0017 of 25 January 1933, issued by the Unified State Political Directorate (Moscow). “On establishing political units in machines- and tractors stations and in state owned farms, and on creating within these units the position of deputy head of the political division for work with the Unified State Political

Directorate" According to this order, the Unified State Political Directorate, in implementing the decision of the Central Committee of the Soviet Communist Party (Bolshevik), set up political divisions in each MTS, collective farm and state owned farm in order to fight on the spot every sign of counter-revolutionary behaviour.

v. 26, p. p. 44

A letter of 27 March 1933, of the secretary of the Odessa regional committee of the Communist Party (Bolshevik) of Ukraine to the Secretary of the Mykolaiv city party committee on the intensification of efforts against the decentralization of grain procurements in districts and the creation of "troika" composed of the secretary of the district party committee, the head of the district executive committee and the person authorized by the State Political Directorate

v. 212, p. p. 84-85

A resolution of 4 August 1932, by the bureau of Mykolaiv city committee of the Communist Party (bolshevik) of Ukraine, on imposing judicial responsibility on the leadership of the village of Balabanivka in the Mykolaiv region for disrupting grain procurements;

v. 212, p. p. 100-101

A circular № 164/SPO "On Chekist<sup>1</sup> servicing the collective farms", adopted by the State Political Directorate of Ukrainian SSR on June 19, 1933, and directed to all the heads of regional divisions, heads of city district divisions, representatives of the State Political Directorate in districts and deputy heads of political divisions in the MTS under the control of the State Political Directorate with an explanation of the provisions of the directive concerning the creation of a network of agents in the collective farms on the basis of the established plan

v. 26, p. p. 105

A circular № 308/SPO "On supporting the spring sowing" adopted by the State Political Directorate of the Ukrainian SSR on December 5, 1933, (Kharkiv) and sent to the heads of regional divisions, border detachments, road and transport agencies, city district divisions, district representatives of the State Political

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<sup>1</sup> State security personnel – transl. note.

Directorate of the Ukrainian SSR, deputy heads of the political divisions of MTS and state owned farms. The Circular demanded that they intensify the work of their agents and to create an agent apparatus to penetrate the counterrevolutionary underground and undercover plans and intentions of an organized counterrevolution;

v. 26, p. p.107-112

An order № 1138/c "On agent operational work in the villages" adopted by the State Political Directorate on December 8, 1932 (Moscow), stating that the so-called counter-revolutionary element had chosen to organize a sabotage of the grain procurements as the main form of struggle against the Bolshevik regime and stressed the need to intensify the work of agents in villages;

v. 26, p. p. 38-41

An order № 0022 "On intensifying the agent operational work in the cities against the counter-revolutionary elements linked with the villages" adopted by the State Political Directorate on January 29, 1933 (Moscow), and other documents;

v. 26, p. 45

To ensure implementation of their criminal plans to perpetrate genocide, the authorities used measures to promote the creation of party activist units at the local level. Thus, the Decree of the Secretariat of the Mykolaiv city party committee, dated May 3, 1933, established the parameters for providing village leadership with food beginning from May until 15 July 1933.

v. 212, p. 143

A letter to A. Matveyev from his brother on 20 March 1932, in which he reports unlawful actions by the local authorities against poor households in the village and workers in the city, such as excessive taxes, confiscation of clothing, arrests for not paying taxes;

v. 212, p. p. 117-120

An application from S. P. Havrylenko to the procurements department of the Mykolaiv city council, dated January 7, 1933, asking to return to underage orphans the grain confiscated from him during a search by the brigade of the Bohoyavlensk village council;

v. 213, p. 20

Information about grain available in the Berezansk granary as of 21 September 1932;

v. 148, p. 69

Information that contains data on the amount of grain stored in the "Zahotzerno" granary of the Pereyaslavsk station as of 22 September 1932;

v. 148, p. 70

An informational review of data, by the Odessa office for grain export, "Exportkhliv", during the period from 16 to 21 November 1932, on the accumulation of grain and the implementation of plans for the loading of steamships with grain. According to this review, 15 grain loaded steamships were stationed at the 3 ports of the region, with 25,000 tonnes of grain loaded in Odessa, 32,000 tonnes in Mykolaiv and 12,000 tonnes in Kherson;

v. 214, p. p. 43-47

A memo from the head of the social service group of the Kyiv municipal controlling commission of the worker-peasant inspection, "Zaslavsky", to the regional controlling commission of worker-peasant inspection about the increase of the number of homeless children (abandoned) in Kyiv, especially those from 1 to 4 years old. According to the memo, beginning from January 1932, the number of these children increased every month: 34 (in January), 98 (in February), 103 (in March), 144 (in April), 227 (in May), 223 (in June). The review revealed unimaginable signs of neglect towards the children (dirt, a large pile up of bodies of dead children, etc). Almost all the children arrived from the countryside, and their numbers continued to increase every day: in May there were 502 children, in June - 1454 and in July - 852;

v. 144, p. p. 99-100

A decree of September 13, 1932 adopted by the Presidium of the board of the Kyiv municipal controlling commission "On caring homeless children in the "Okhmatdit"<sup>1</sup> which noted abandonment of children up to four years old and increasing mortality among them. It stated that the administration of the "Okhmatdit" had issued a directive not to bury the bodies of dead children separately, but to gather them in a large number for a single mass burial;

v. 144, p. p. 96-98

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<sup>1</sup> A clinic for mother and child care - transl. note

Items 9 and 10 of the decree "On eliminating homelessness", adopted by the presidium of the Kyiv city council of the XI convocation on February 3, 1933, noted a large influx of children from adjacent areas who made up 68 % of the homeless;

v. 144, p. p. 210-211

A report on the work of the commission for fighting homelessness, operating under the Presidium of the Kyiv City Council, dated September 1 to November 6, 1932, stating that 2,368 homeless children had been found and accommodated; blockade units had been organized at railway junctions to stop the inflow of homeless children. According to the data from the State Sanitary Inspection, the inflow of the homeless was increasing by approximately 500 people a month. The quarantine reception centres were overloaded by around 200-300 %;

v. 146, p. p. 180-184

Minutes of the meeting of the secretariat of the Mykolaiv city committee of the Communist Party (bolshevik) of Ukraine on April 24, 1933, prohibiting the release of grain for public consumption on days that the collective farmers did not work in the fields. In addition, it was proposed to judicial bodies, State Political Directorate and local level police that the leadership of collective farms be held responsibility for violating this prohibition;

v. 1, p. p. 154

An order .Na 15 of 15 January 1933, issued by the State Political Directorate of the Ukrainian SSR with regard to break outs by families (in groups) fleeing to Poland, and other similar orders concerning penetration by groups of the border on the Dniester river and attempts to flee to Poland (State Political Directorate Orders Jfa 247t and 16 248 dated June 7, 1933);

v. 26, p. p. 150-152, 153, 154

An order JvTe 645/c of July 14, 1932 (Moscow) "On increasing the number of border guards of the border patrol of the Unified State Political Directorate of the Belarussian SSR" issued by State Political Directorate, which increased the number of border guards of the border patrol of the State Political Directorate of the Belarussian SSR by 3,000. This document testifies to the fact that the abovementioned decision was taken in connection with the steady

increase of the number of incidents of illegal border crossing by the starving population of Ukraine;

v. 26, p. 120

**The crime of genocide in Ukraine is also confirmed  
by material proofs that evidence the export  
of grain from the country in 1932-1933:**

A telegram № 95628 sent from Moscow by the deputy chairman of the council of labour and defence of the USSR to the Central Committee of the Communist Party (bolshevik) of Ukraine and to the grain export agency "Exportkhliv" in Kharkiv on August 27, 1932, noting that only 20,000 tonnes of the 190 thousand tonnes of grain planned for shipment to the ports in August had actually been shipped. The party leadership in Ukraine was required to immediately ensure the shipment, by the end of the month, in the first instance of 30 thousand tonnes of wheat, 20 thousand tonnes of barley and 10 thousand tonnes of rye, as well as to speed up shipping of 170 thousand tonnes of barley.

v. 7, p. p. 216

A decree "On the lading of ships with grain for export" adopted by the Mykolaiv city Party committee on December 15, 1933, set daily norms of grain delivery to elevators for subsequent lading onto ships in ports until December 25, 1933;

v. 212, p. 107

Information about ships passing through the Mykolaiv port from January to December 1932, carrying grain from Ukraine abroad;

v. 211, p. p. 177-184, 186-188

Information about ships laden with grain in Mykolaiv port during January-December 1933;

v. 211, p. p. 185, 189-196

A plan establishing the volumes of consignments of wheat and other cereals for the ports of the cities of Kherson and Mykolayiy for export shipments from the USSR in the third quarter of 1932. The data evidence the export of grain in the third quarter, as follows:

- 90 thousand tonnes from Kherson port. The destination: France, Italy, Egypt and Greece;

- 253 thousand tonnes from Mykolaiv port. The destination: North America, Germany, Holland;

v. 211, p. p. 199

Information about the loading of 339, 312, 675 kilograms of wheat, rye, barley, oats, corn, other cereals and grouts, onto ships in the seaport of Mykolaiv in 1933. The loading was completed in full with 41 vessels in Mykolayiv, with a loading of 14 other ships completed at other ports. 42 of these vessels were foreign ships bound for Western Europe, 6 ships for the Far East and 7 soviet ships were also bound for Western Europe;

v. 211, p. p. 208-211

A decree "On measures for loading export vessels with grain" adopted by the Mykolaiv Party committee on November 20, 1933, established a schedule of delivery of 6 thousand tonnes of grain per day to the elevator to ensure the loading of 5 ships stationed in port;

v. 214, p. p. 81

Other archival documents.

### **The struggle waged by the Stalinist totalitarian regime against the Ukrainian national liberation movement is also confirmed:**

*by material evidence:* archival documents - group criminal cases brought by the State Political Directorate against the "Union of Liberation of Ukraine" (1929-1933); the "Counter-Revolutionary Subversive Organization in the Ukrainian Agriculture" (1930); the "Army Officers Counter-Revolutionary Organization" (1930-1931), the "Ukrainian National Centre" (1930-1932), the "Labour Peasant Party" (1931); the "Ukrainian Military Organization" (1932-1933), and others;

v. 22, p. p. 121-144

Furthermore, **according to the Forensic Psychological Experts Conclusion № 10588, dated December 17, 2009**, in the years 1932-1933 conditions of life in Ukraine that caused long-lasting hunger and deprived people from the access to food resulted in psychological changes of the populace, which could result in people committing acts of suicide, murder for the purpose of cannibalism, and necro-cannibalism.

Famine is one of the most potent factors that affects the psyche, mentality and behaviour of a person. The feeling of hunger and experience of hunger is a single psycho-physiological process.

People who endured the 1932–1933 Holodomor in Ukraine could suffer from mental breakdowns resulting from the loss of strength, exhaustion, apathy, and demoralization caused by long-lasting hunger.

v. 330, p. p. 126–130

**According to the data, contained in the Conclusion № 02-15/409 of 30 November 2009, made by the Institute of Social and Political Psychology of the Academy of Sciences of Ukraine,** during the years 1932–1933 a large number of people in Ukraine experienced severe physical and psychological suffering caused by ongoing malnutrition and famine.

Having features of political technology, the actions of the Stalinist totalitarian regime during the 1930s caused the mental breakdown of the population living on the territory of Ukraine.

This psychological collapse had long-term effects, including psychological trauma for the immediate victims and signs of trans-generational transfer to future generations (the peculiarities of these psychological effects and the methods to overcome them by the descendants of the third generation requires special research).

Starvation suppressed and weakened practically all factors that determine man's behaviour: self-preservation, risk threshold, reproductive/sexual appeal; religious, moral, and aesthetic feelings, etc.;

v. 330, p. p. 134–152

Confirming the intentional creation in Ukraine in 1932–1933 of living conditions calculated to destroy a part of the Ukrainian national group, are numerous established facts concerning such asocial phenomena as cannibalism. This is confirmed by material evidence – 1,022 criminal cases concerning cannibalism and necrocannibalism in various regions of Ukraine registered, and only in 1932 – 1933.

v. 24, p. p. 1–123, 124–246, v. 25, p. p. 106, 153

**Death from famine in 1932–1933 is confirmed** by material evidence such as 3,186 death register books for 1932–1933 remained

in Ukraine and by the protocols of their review on the basis of which the fact of increased mortality rates caused by hunger and related diseases was established.

**857 mass burial sites of victims of genocide have been identified in Ukraine:**

v. 68, p. p. 2-78, 82-85, 90-93, 98-101, 104-107, 110-114; v. 102, p. p. 10-19; v. 127, p. 3; v. 139, p. p. 1-10; v. 151, p. p. 1-5, 7-13, 15-21, 23-28, 30-36, 38-45, 47-52, 54-59, 61-65, 67-73, 75-80, 82-86, 88-92, 94-99, 101-107, 109-114, 116-122, 124-129; v. 162, p. p. 1-12; v. 174, p. p. 8, 40, 47-49, 58, 92-99, 107, 111-114; v. 217, p. p. 1-159, v. 218, p. p. 1-177; v. 236, p. p. 1-174; v. 237, p. p. 259-260; v. 250, p. p. 1-297; v. 251, p. p. 1-257; v. 259, p. p. 1-95; v. 261, p. p. 52-59; v. 272, p. p. 1-257; v. 290, p. p. 2, 7-11; v. 299, p. p. 1-209; v. 301, p. p. 2-6; v. 326, p. p. 76-82, 87-93; v. 309, p. p. 1-208; v. 310, p. p. 1-240; v. 311, p. p. 1-214; v. 312, p. p. 1-247

In addition, the pre-trial investigation received documentary confirmation of events in the Ukrainian SSR during the Holodomor which are memorialized by reports of the Italian Consulates in Kharkiv, Kyiv, Odessa, Leningrad and the Italian Embassy in Moscow for

1932-1935. In particular, in the dispatch № 474/106 of 31 May 1933 "Famine and the Ukrainian Question" sent by Sergio Gradenigo, the Italian Consule in Kharkiv, to the Embassy of Italy in Moscow it is noted that "Famine continues to wreak havoc among the people and one simply cannot fathom how the world can remain so indifferent to such a catastrophe and how the international press can stand quietly by in the presence of this massacre organized by the Soviet government. It is incontrovertible that this famine artificial and contrived to "teach the peasants a lesson" "The ethnographic material must be changed", cynically stated one high-ranking official in the local State Political Directorate. Through barbaric requisitions the Moscow government has effectively engineered not so much a scarcity of food (which be putting it much too mildly) but rather a complete absence of every means of subsistence throughout the Ukrainian countryside, Kuban and the Middle Volga";

v. 38, p. p. 1-6, 7-132, 133

Confirmation of the perpetration of genocide against a part of the Ukrainian national group is also found in documents of German diplomatic institutions in 1932–1933, containing reports about the actions of the bolshevik regime in the Ukrainian SSR, and other archival documents;

v. 39, p. p. 1–296

According to the data of the **Conclusion of the forensic integrated historical and legal expertise, dated December 28, 2009**, during the second half of 1932 and the first half of 1933 the higher leadership of the USSR and the UkrSSR by deliberate and systematic actions committed a crime as defined in section 1, Article 442 of the Criminal Code of Ukraine. The decisions passed and enforced by the higher party and soviet leadership were aimed at a total requisition of all foodstuffs and denial of any access to food, which led to the mass killing by hunger of a part of the Ukrainian national group as such, since the Ukrainians constituted an absolute majority of the rural population and an absolute majority of the Ukrainians were peasants.

Conditions of life deliberately created on the territory of the Soviet Ukraine were calculated to destroy a part of the Ukrainian village population as a substantial component of the Ukrainian national group, which constitute a crime of genocide as defined in section 1, Article 442 of the Criminal Code of Ukraine.

v. 330, p. p. 175–251

Thus, the pre-trial investigation of the criminal case established that the crime of genocide in Ukraine during 1932–1933 was organized and perpetrated by the leaders of the Communist bolshevik party, who were members of the Central Committee of the All-Union Communist Party (bolshevik) and the Central Committee of the Communist Party (bolshevik) of Ukraine, namely: J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich.

Based on the above and taking into account that the crime of genocide was organised and perpetrated by J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar and M. M. Khatayevich, who are dead and cannot therefore be brought to criminal responsibility; believing that the criminal investigation was necessary to

establish all the circumstances of the committed crime; guided by Articles 1 and 2 of the UN Convention "On the Prevention and Punishment of the Crime of Genocide", dated December 9, 1948; Article 7 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, dated November 4, 1950; the UN Convention "On the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity", dated November 26, 1968; Article 62 of the Constitution of Ukraine; para. 8, sec. 1, Article 6, para. 2, sec. 1, Article 130 of the Code of Criminal Procedure of Ukraine, the pre-trial investigatory body, having had its decision confirmed with the Prosecutor General's Office of Ukraine, sent the criminal case for review by the Kyiv Court of Appeal in accordance with the current criminal procedure legislation.

**The report of Prosecutor P. M. Dotsenko considers it necessary to close the criminal case on the basis of paragraph 8, section 1, Article 6 of the Code of Criminal Procedure of Ukraine in view of the death of J. V. Stalin (Dzhughashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich, who, as stated in the Conclusion of the pre-trial investigatory body, committed a crime which falls under Article 442, sec. 1 of the Criminal Code of Ukraine. With this in mind, and having reviewed the materials of the case presented in the findings on the factual circumstances of organizing and perpetrating the crime of genocide against a part of the Ukrainian national group during 1932-1933 adopted by the pre-trial investigatory body on December 29, 2009, the Court of Appeal states as follows:**

The appeals of H. O. Omelchenko and O. V. Chornovolenko, Members of Ukrainian Parliament; L. H. Lukyanenko, Chairman of the Association of Researchers of Holodomors in Ukraine; R. M. Krutsyk, Chairman of Vasyl Stus Memorial Association; I. R. Yukhnovsky, Director of the Ukrainian Institute of National Memory; and Petitions of the citizens of Ukraine A. N. Glukhovska, A. P. Nosenko, H. M. Vasylyeva, V. T. Solomka, M. Ye. Manko, P. A. Metla and H. K. Krasovska containing information about the crime of genocide, as well as sufficient factual data about the commission of the crime of genocide by means of an artificially created Holodomor on the territory of Ukraine during 1932-1933 served

as reasons and grounds for bringing a criminal case concerning the perpetration of genocide in Ukraine in 1932–1933. These data were confirmed by information presented in the said appeals and petitions reviewed by the Security Service of Ukraine.

v. I, p. p. 30–34

In accordance with the requirements of Article 97 of the Code of Criminal Procedure of Ukraine and following paragraph 3, Article 24 of Law No. 2229–XII “On the Security Service of Ukraine”, dated March 25, 1992, the Security Service of Ukraine is also a body of inquiry and pre-trial investigation. Thus, its acceptance of the said Appeals and Petitions containing information about the crime of genocide has been legitimate. Taking into account the results of the pre-investigation review, the Security Service of Ukraine has initiated criminal proceedings based specifically upon the elements of crime as described in section 1, Article 442 and indicated by factual data revealed in the course of the pre-investigation review.

There are no grounds for alternative decision contemplated by Article 97 of the Code of Criminal Procedure of Ukraine, such as refusing to initiate this criminal case or sending the Petitions and Appeals that contain information about the crime of genocide to other law enforcement bodies state agencies and departments, since **according to the provisions of Article 112, section 3, of the Code of Criminal Procedure of Ukraine, in cases concerning the crime contemplated in Article 442 of the Criminal Code of Ukraine, pre-trial investigation is conducted by the investigators of the bodies of the Security Service of Ukraine.**

On May 25, 2009 at their press conference, the heads and representatives of the Press Service of the Security Service of Ukraine announced that they had initiated a criminal case concerning the perpetration of genocide in Ukraine in 1932–1933, that is in light of the elements of the crime, as defined in section 1, Article 442 of the Criminal Code of Ukraine.

Pursuant to Article 236–7 of the Code of Criminal Procedure of Ukraine, *“a decision of the investigation body, of the investigating officer or the prosecutor to initiate a criminal case against a specific person or over the fact of commission of a crime may be appealed in a local court according to where the body is located, or where the work*

*of the official who passed the decision was carried out, and in compliance with jurisdictional rules”.*

There were **no complaints filed** against the Resolution of the investigators of the Chief Investigation Department of the Security Service of Ukraine of 22 May 2009, to initiate a criminal case concerning the fact of the commission of the crime of genocide as defined in section 1, Article 442 of the Criminal Code of Ukraine, or against the Resolution adopted on 25 December 2009, regarding the initiation of a criminal case against J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich based on the elements of the crime as defined in section 1, Article 442 of the Criminal Code of Ukraine.

Articles 213 and 214 of the Code of Criminal Procedure of Ukraine, set out the grounds and procedures for closing a criminal case at the pre-trial investigation stage, in particular under the circumstances stipulated in Article 6 of the Code.

According to section 1, paragraph 3 of Article 229 of the Code of Criminal Procedure of Ukraine, the Prosecutor or his deputy, after having examined a criminal case, closes it having reached a decision in compliance with the requirements of Article 214 of this Code.

Neither the pre-trial investigatory body, nor the Prosecutor availed themselves of the procedural powers vested in them, having come to the above-mentioned conclusion that the decision in the case should be made by the court.

**The Court of Appeal is convinced that the decision of the pre-trial investigatory body to send this criminal case to the Kyiv Court of Appeal is lawful and well-founded on the following grounds.**

For the Ukrainian criminal judicial practice this criminal case is absolutely unique and as such has specific procedural features.

The uniqueness and specific nature of this criminal case is explained by well-known procedural reasons, such as the fact of death of persons who perpetrated the crime of genocide. In this respect the case is subject to closure (section 1, paragraph 8 of Article 6 of the Code of Criminal Procedure ) and by those gaps and shortcomings, which objectively exist in the criminal procedure legislation of Ukraine.

According to Article 62 of the Constitution of Ukraine, *"a person is presumed innocent of the commission of a crime and can not be subjected to criminal punishment until his or her guilt is proved through lawful procedure and established by an order of the court"*.

Thus, regardless of the fact that the people who, according to the conclusion of the pre-trial investigatory body, organized and directly perpetrated the crime of genocide with relation to a part of the Ukrainian national group are deceased, taking in account the legal significance of the decision of the pre-trial investigatory body and that the crime was committed specifically by J. V. Stalin (Dzhughashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich, the given decision should be reviewed by a court, since in accordance with section 2, Article 124, of the Constitution of Ukraine **"the jurisdiction of the courts extends to all legal relations that arise in the State"**.

Article VI of the UN Convention, "On the Prevention and Punishment of the Crime of Genocide", dated December 9, 1948, also provides that **"persons charged with genocide** or any of the other acts enumerated in article III (they are also reproduced in the disposition to Article 442, section 1 of the Criminal Code of Ukraine), **shall be tried by a competent tribunal of the State in the territory of which the act was committed"**.

**Section 1, Article 442, of the Criminal Code of Ukraine sets forth** various forms of punishment for the crime of genocide, including life imprisonment.

According to section 1, paragraph 2 of Article 34 of the Code of Criminal Procedure of Ukraine courts of appeal of the regions, the autonomous republic of Crimea, the cities of Sevastopol and Kyiv are competent to examine criminal cases involving crimes, the commission of which is subject to life imprisonment.

Thus, the above-mentioned provisions of Ukrainian legislation and the 1948 UN Convention, ratified by the Ukr.SSR on 22 July 1954, evidence the equity and legal propriety that the court, in this case the Kyiv Court of Appeal, should specifically rule upon the issue concerning the review of the factual circumstances of commission of the crime of genocide against a part of the Ukrainian national group, the conclusions of the pre-trial investigatory body thereon, and the closure of the case.

Furthermore, provisions set out in Article VI of the 1948 UN Convention "On the Prevention and Punishment of the Crime of Genocide" exclude the jurisdiction of the courts of other countries in the given criminal case, including the courts of the Russian Federation, despite the fact that implementation of a number of decisions adopted in Moscow in 1932–1933 caused man-made Holodomor in Ukraine, which was a means of perpetrating the crime of genocide against a part of the Ukrainian national group. Thus, the Russian Federation lacks the relevant jurisdiction in the case since the Convention requires **that the case be examined "by a competent tribunal of the State in the territory of which the act was committed"**.

As may be seen from the material of the case, the Security Service of Ukraine was guided by the aforementioned provisions of the Convention when opening the proceedings and investigating the criminal case under section 1, Article 442 of the Criminal Code of Ukraine.

**The reasoning of the pre-trial investigatory body with regard to the retroactive applicability of Article 442 of the Criminal Code of Ukraine to the period of the commission of the crime of genocide by means of the Holodomor of 1932–1933 is based on the following provisions of domestic and international legislation:**

Article 58 of the Constitution of Ukraine establishes the general rule, according to which *"laws and other normative legal acts have no retroactive force, except in instances where they mitigate or annul the responsibility of a person"*.

The mentioned constitutional provisions are reflected in Article 5 of the Criminal Code of Ukraine: *"Retroactive effect of the law on criminal responsibility in time"*.

**At the same time**, according to the requirements of section 5, Article 49 of the Criminal Code of Ukraine, the **passage of time** as a basis for waiver of criminal liability (as well as a basis for the establishment of the commission of a crime) *"shall not apply in the case of the commission of a crime against the peace and security of humanity as provided for in Articles 437 through 439 and section 1, Article 442 of this Code"*.

Article 442: "Genocide", is contained in Chapter XX of the Criminal Code of Ukraine: "Crimes against peace, humanity and international order".

The essence of the abovementioned domestic legislation which provides for criminal responsibility for the crime of genocide is based on and fully complies with the provisions of international law, which provides for criminal responsibility for crimes against peace and humanity.

**Article 1 of Law of Ukraine № 376-V "On the Holodomor of 1932-1933 in Ukraine", dated November 28, 2006, referring to the UN Convention, "On the Prevention and Punishment of the Crime of Genocide", dated December 9, 1948, states that "the Holodomor of 1932-1933 in Ukraine is an act of genocide of the Ukrainian people".**

Article 7 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, dated November 4, 1950, provides that the principle of non-retroactivity of criminal law "shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by civilized nations".

The UN Convention "On the Non-applicability of Statutory Limitations to War Crimes and Crimes Against Humanity", dated November 26, 1968 and ratified by the UkrSSR on March 25, 1969 provides that *genocide is criminally punishable even if such acts do not constitute a violation of the domestic law of the country in which they were committed (Article 1 of the Convention).*

According to Article 9 of the Constitution of Ukraine, the abovementioned international normative legal acts are parts of the national legislation of Ukraine since the Parliament of Ukraine agreed to make them binding. Their provisions comply with the substance of Articles 21 and 24 of the Constitution of Ukraine, according to which "All people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable" (Article 21), "the Constitutional rights and freedoms are guaranteed and shall not be abolished" (Article 24, section 2).

**Thus, there are no legal prohibitions for applying section 1 of Article 442 of the Criminal Code of Ukraine retroactively with respect to the actions of Stalin (Dzhugashvili) J. V., Molotov (Skriabin) V. M., Kaganovich L. M., Postyshev P. P., Kosior S. V., Chuba V. Ya. and Khatayevich M. M. in organizing**

and directly committing genocide of a part of the Ukrainian national group by means of an artificially created Holodomor in Ukraine during 1932 and 1933 as is stated in the findings of the Chief Investigation Department of the Security Service of Ukraine.

This conclusion of the Court of Appeal is also based on the following:

The Preamble of the UN Convention "On the Prevention and Punishment of the Crime of Genocide", dated December 9, 1948, recognizes that "*at all periods of history genocide has inflicted great losses on humanity*" and expresses conviction that mankind should be liberated from such an "odious scourge".

According to Article 1 of the Convention, *genocide*, whether committed in time of peace or in time of war, "*is a crime under international law and against which the Contracting Parties undertake to take measures to prevent and punish its commission*".

Having reviewed the factual circumstances of the case set forth in the findings of the pre-trial investigatory body, the Court of Appeal, on the basis of a thorough analysis and comprehensive assessment of the gathered evidence in its entirety, findst hat the conclusions set forth in these findings as to the commission, by Stalin (Dzhugashvili) J. V., Molotov (Skriabin) V. M., Kaganovich L. M., Postyshev P. P., Kossior S. V., Chubar V. Ya. and Khatayevich M. M., of the crime correctly identified in accordance with section 1, Article 442 of the Criminal Code of Ukraine as genocide of a part of the Ukrainian national group, are substantiated and proven.

The substance and constituent elements of the crime of "genocide" are set out in the introductory part of Article II of the 1948 Convention, which states that "*genocide means . . . acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such*".

It is generally recognized in the doctrine and practice of international law that *to qualify a criminal act as genocide it is necessary to prove that the person who committed the crime had special intent (dolus specialis) to destroy a group specified in the Convention and that the criminal behavior was directed against the defined group, as such.*

Therefore 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; and thirdly it is not directed just against individual members of the group, but primarily against the group, as such.

According to the disposition of section 1, Article 442, of the Criminal Code of Ukraine, **the target of the given crime is the very existence of one or another national, ethnic, racial, or religious group.**

Thus, the essence of genocide lies in the fact that the members of the groups, defined in the UN 1948 Convention "On the Prevention and Punishment of the Crime of Genocide" and in section 1, Article 442 of the Criminal Code of Ukraine, are destroyed, in whole or in part, because of their affiliation with such groups.

Thus, the ethnic composition of the perpetrators is not an element of the crime of genocide, and therefore it is not relevant to the determination that the illegal actions, committed by J. V. Stalin, L. M. Kaganovich, V. M. Molotov, P. P. Postyshev, V. Ya. Kosior, S. V. Chubar, and M. M. Khatayevich, as established by the pre-trial investigatory body, constituted the crime of genocide.

The established factual circumstances of the case prove that the **criminal actions of the persons identified in the findings of the investigatory body were directed against the very existence of a part of the Ukrainian national group.** The gathered and verified proofs confirm that the living conditions inflicted on the Ukrainian national group were meant to bring about its partial physical destruction by means of the Holodomor perpetrated in Ukraine, which resulted in the extermination of 3 million 941 thousand people.

According to the rules of relevant Ukrainian legislation and international law, a national group (**nation**) is **what has developed historically, a stable community of people with a common territory, economics, their own language, specific features of life, culture, spirituality.**

The Ukrainian national group targeted in 1932-1933 fully corresponds to the above-mentioned definition.

**The objective aspect of the crime of genocide, contemplated in Article 442, section 1 of Criminal Code of Ukraine, is also established in the case.** It has been determined that the actions that resulted in artificially created living conditions led to the Holodomor of 1932-1933 destroyed a part of the Ukrainian national group.

The factual evidence gathered by the pre-trial investigatory body confirms that the crime of genocide organized and perpetrated by Stalin (Dzhughashvili) J. V., Molotov (Skriabin) V. M., Kaganovich L. M., Postyshev P. P., Kossior S. V., Chubar V. Ya. and Khatayevich M. M. was directed specifically against a part of the Ukrainian nation and not against members of other national groups who also suffered from the Holodomor of 1932-1933, but in much smaller numbers than ethnic Ukrainians.

It is uncontrovertibly proven that the Holodomor was planned by the above-mentioned persons and executed as one of the phases of a special operation against the Ukrainian national group as such, since only the Ukrainian nation, rather than ethnic minorities, is the subject of state-creating self-determination and only the Ukrainian nation could exercise the right to self-determination, confirmed by the Constitution of the USSR of 1924, by seceding from the USSR and establishing an independent Ukrainian State. For this reason the Ukrainian national group and its essential core - the Ukrainian peasantry became the focused target of the Holodomor of 1932-1933.

According to the circumstances of the case established by the pre-trial investigatory body, the leading roles in the ideological substantiation, planning, organization and commission of the crime of genocide were done by a non-Ukrainian international group composed of Stalin, Kaganovich, Molotov, Postyshev, Kossior and Khatayevich.

The participation of V. Chubar, an ethnic Ukrainian, has no bearing on the qualification of the crime, perpetrated through the artificially induced Holodomor of 1932-1933, as genocide, since neither domestic nor international criminal law, including the above-mentioned Convention, condition the qualification of a crime on the ethnicity of the perpetrators.

The 1948 UN Convention "On the Prevention and Punishment of the Crime of Genocide" and the provisions of section 1, Article 442, of the Criminal Code of Ukraine do not link the qualification of specific cases of genocide with the nationality of persons who committed the crime.

Article IV of the 1948 UN Convention "On the Prevention and Punishment of the Crime of Genocide" only stipulates that "*Persons committing genocide or any of the other acts enumerated in Ar-*

*ticle 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals”.*

The perpetrator of the crime as defined in Article 442 of the Criminal Code of Ukraine is generic.

It is of no significance whether such a crime was perpetrated by a representative of the so-called titled nation or national minority, of the European or Negroid race, or a believer or atheist. It is equally of no importance whether the perpetrator and the victims belong to one race, nationality, ethnicity or faith.

In the given criminal case, **the pre-trial investigatory body has identified the following perpetrators of the crime** contemplated in section 1, Article 442 of the Criminal Code of Ukraine: J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich.

The Security Service of Ukraine, acting as the pre-trial investigatory body, has established that the chief ideologist and organizer of the Holodomor of 1932–1933 in Ukraine as a means of committing the crime of genocide was J.V. Stalin. He played the leading role and a key role in masterminding the crime, establishing the means for its commission and in controlling its execution. As Secretary General of the Central Committee of the All-Union Communist Party (bolshevik) that ruled the Politburo, Stalin conceived all principal Party decisions, set forth above, related to the Holodomor in Ukraine.

The Extraordinary Grain Procurements Commissions, established pursuant to the decisions of the Politburo of the Central Committee of the All-Union Communist Party (bolshevik) and headed by Stalin’s closest associates, were specialized integral elements of the centralized mechanism in the perpetration of the Holodomor in Ukraine.

V. Molotov (Skriabin), member of the Politburo of the Central Committee of the All-Union Communist Party (bolshevik), Chairman of the Council of People’s Commissars of the USSR, was appointed head of the Procurement Commission for Ukraine. While membership of Molotov’s commission was not clearly defined, L. Kaganovich participated in its work. L. Kaganovich was member of the Politburo and Secretary of the Central Committee of the All-Union Communist Party (bolshevik), and Head of the Central

Committee section on Agriculture. He was from Ukraine, knew the country well and had been the Secretary General of the Central Committee of Communist Party of Ukraine in 1925–1928.

Together with L. Kaganovich, P. Postyshev performed special functions in Ukraine. In accordance with the Decree “On grain procurements in Ukraine” adopted by the Central Committee of the All-Union Communist Party (bolshevik) and the Council of People’s Commissars of the USSR on December 19, 1932, Kaganovich and Postyshev, together with the republic’s leadership, were designated to use all necessary measures to ensure the fulfillment of the excessive grain procurements quotas, which was fatal for Ukraine’s rural population. As has been established, it was precisely for that purpose that L. Kaganovich and P. Postyshev visited Ukraine on 20–29 December 1932. As of January 1933, P. Postyshev was appointed Second Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine and First Secretary of the Kharkiv Regional Committee of the Communist Party (bolshevik) of Ukraine (while remaining Secretary of the Central Committee of the All-Union Communist Party (bolshevik) until February 1934).

As a close associate of J. V. Stalin, he [Postyshev] in fact controlled S. Kossior, First Secretary of the Central Committee of the Communist Party (bolshevik) of Ukraine. By enforcing the fulfillment of unrealistic grain procurements quotas, and thereby, actually contributing to the organization of the Holodomor, Postyshev played a decisive role in crushing the “national deviation”, within the Communist Party (bolshevik) of Ukraine, neutralizing representatives of the bolshevik party opposing the excessive grain procurements quota and subjecting them to repressions.

S. Kossior, First Secretary of the Communist Party (bolshevik) of Ukraine, V. Chubar, Chairman of the Council of People’s Commissars of the UkrSSR, and M. Khatayevich, Second Secretary of the Communist Party (bolshevik) of Ukraine from October 1932 to January 1933 and First Secretary of the Dnipropetrovsk provincial committee of the Communist Party (bolshevik) of Ukraine from January 29, 1933, along with other leaders of regional and district committees of the Communist Party (Bolshevik) of the Soviet Union and Ukraine, heads of regional executive committees, authorized officials of regional committees of the Communist Party

(bolshevik) of Ukraine, and the leadership of the State Political Directorate of the UkrSSR, were key organizers of the Holodomor of 1932–1933 in Ukraine and direct perpetrators of the crime of genocide, committed against a part of the Ukrainian national group. The decision of December 28, 2009, ordered materials related to the other perpetrators to be separated from the criminal case into separate proceedings.

v. 330, p. p. 252–253

In order to strengthen control over implementation of the criminal decisions of Stalin and of the Politburo and the Council of People's Commissars of the USSR subordinated to him, which were directed towards organizing and perpetrating the Holodomor in Ukraine, the top officials of the Ukrainian republican leadership were simultaneously members of the higher Party institutions. S. Kossior was a member of the Politburo of the Central Committee of All-Union Communist Party (bolshevik) since 1930, while V. Chubar was an associate member of the same body in 1926–1935.

Guilt, with respect to **the subjective side** of the crime set out in Article 442 of the Criminal Code of Ukraine, is characterized by direct intent.

**The specific element of the crime of genocide** in the form defined in section 1 of that Article is **the following objective: the destruction, in whole or in part of any national, ethnic, racial, or religious group.**

It has been proven that the parameters of the Holodomor in Ukraine comply with the requirements of the 1948 Convention.

The pre-trial investigatory body has **fully and comprehensively established the specific intent of J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich to destroy in part specifically the Ukrainian (and not any other) national group. It has also been objectively proven that this intent applied specifically to a part of the Ukrainian national group as such.**

The reasons and motives for committing the crime of genocide (suppression of the national liberation movement of the Ukrainian peasants and prevention of the rebuilding of an independent Ukrainian State), the question of where (the territory of Ukraine),

and when (1932–1933) the crime was perpetrated are also confirmed in the materials of the case.

On the basis of thorough analysis and comprehensive assessment of the factual circumstances with regard to the commission of the crime of genocide, the totality of the evidence that confirms this, and the conclusions that it was perpetrated by J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich with direct intent, namely in order to destroy in part the Ukrainian national group as represented by the Ukrainian peasantry, the Court of Appeal finds that the pre-trial investigatory **body has established and proved the subjective side of the crime, as contemplated in section 1, Article 442 of the Criminal Code of Ukraine.**

Thus there are no legal grounds for closing the criminal case due to the lack of the event of the crime or the absence, in the actions of J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich, of the elements of the crime as provided in Article 442 (paragraphs 1 and 2, section 1, Article 6 of the Code of Criminal Procedure of Ukraine).

According to Letter № 5/1/122941 of the Department for the Defence of National Statehood of the Security Service of Ukraine, dated December 9, 2009, J. V. Stalin died on March 5, 1953, V. M. Molotov died on November 8, 1986, L. M. Kaganovich died on July 25, 1991, P. P. Postyshev died (executed by shooting) on February 26, 1939, S. V. Kossior died (executed by shooting) on February 26, 1939, V. Ya. Chubar died (executed by shooting) on February 26, 1939, and M. M. Khatayevich died (executed by shooting) on October 27, 1937.

v. 329, p. p. 158–159; v. 10, p. p. 138

In accordance with paragraph 8, section 1, Article 6 of the Code of Criminal Procedure of Ukraine, a criminal case initiated with respect to the deceased is subject to closure.

Pursuant to the requirement of Article 237 of the Code of Criminal Procedure of Ukraine: *“Issues which are ascertained by the judge during the preliminary review of a case”*, the judge, especially, ascertains whether *there are grounds for closing the case.*

According to section 1, Article 248 of the Code of Criminal Procedure of Ukraine, "given the circumstances provided for by Article 6 of this Code, the judge in his or her motivated ruling closes the case".

Having examined the case at the preliminary review stage, and having come to the conclusion about the necessity to close the criminal case on the abovementioned grounds, the Court of Appeal states that this case cannot be scheduled for court consideration by a panel of judges since such examination with regard to people who are deceased is not anticipated by Ukraine's current criminal procedure legislation with the exception of cases indicated in paragraph 8, section 1, Article 6 of the Code of Criminal Procedure of Ukraine, when such proceedings are necessary for the rehabilitation of the deceased persons, or the reinstatement of the case concerning other people due to newly discovered circumstances.

Charges against J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich under section 1, Article 442 of the Criminal Code of Ukraine were not presented by the pre-trial investigatory body and cannot be presented in view of their death. For this reason an indictment in this case was not issued.

There are no grounds for rehabilitation of J. V. Stalin (Dzhugashvili), V. M. Molotov (Skriabin), L. M. Kaganovich, P. P. Postyshev, S. V. Kossior, V. Ya. Chubar, and M. M. Khatayevich, and a sentence pertaining to them in this criminal case is not pronounced. Furthermore, the pre-trial investigatory body established and proved that they committed the crime as contemplated in section 1, Article 442 of the Criminal Code of Ukraine.

The Court of Appeal also points out the lack of grounds as set out Article 246 of the Code of Criminal Procedure of Ukraine for returning this criminal case for further investigation, since given the specific features of the case, the pre-trial investigation has been carried out fully and comprehensively and, the pre-trial investigatory body adopted, as already mentioned an objective and lawful decision to forward the criminal case for examination by Kyiv court of Appeal which it is required to close.

On the grounds thus given, guided by Article 6, section 1, item 6 and, Articles 240 and 248 of the Code of Criminal Procedure of Ukraine, the Court of Appeal

## RULES

To close the criminal case due to the death of Stalin (Dzhughashvili) Joseph Vissarionovich; Molotov (Skriabin) Viacheslav Mikhaylovich; Kaganovich Lazar Moiseyevich; Postyshev Pavel Petrovich; Kossior Stanislav Vikentiyevich; Chubar Vlas Yakovlevich and Khatayevich Mendel Markovich, who, according to the conclusion of the pre-trial investigatory body – Chief Investigation Department of the Security Service of Ukraine, with the purpose of suppressing the national liberation movement in Ukraine and preventing the restoration and consolidation of an independent Ukrainian State, masterminded the genocide of a part of Ukrainian national group by creating conditions of life calculated to bring about its destruction through the Holodomor of 1932–1933, which resulted at the destruction of 3 million 941 thousand people, that is they directly perpetrated the crime as defined in Article 442, section 1 of the Criminal Code of Ukraine.

This Ruling is subject to petition of appeal and to the Prosecutor's appeal before the Supreme Court of Ukraine, within seven days from the date of its adoption.

JUDGE

Criminal Chamber

Kyiv Court of Appeal

V. M. Skavronik