**The Holodomor as Genocide in Light of the U.N. Convention**

Dr. Victoria A. Malko

*Presentation at the 90th Anniversary of the Holodomor in Our Lady of the Angels Cathedral, Los Angeles, California, November 12, 2023*

“We’ll kill as many as we have to: 1 million, 5 million, or exterminate all of you.” These are the words of a Russian proxy official in the so-called DNR, Pavel Gubarev, in a video posted in October 2022, ninety years after the Holodomor. It is the consequence of the rehabilitation of Stalinism in Russia, the revision of the past, and the Holodomor denial.

Raphael Lemkin, Polish-Jewish émigré, lawyer, and the author the U.N. Genocide Convention, described it as “a case of genocide, of destruction, not of individuals only, but a culture and a nation.” In his 1953 speech in New York, Lemkin further reiterated that it was “the classic example of Soviet genocide, its longest and broadest experiment in Russification – the destruction of the Ukrainian nation.” And as Lemkin understood by observing the Armenian genocide and losing almost all his family in the Holocaust, the assault started with attacks of the intellectual and cultural leaders, the “brain” of the nation. The second prong of the attack was aimed against the Ukrainian Orthodox Church clergy, the “soul” of the nation. The third group targeted were independent farmers, the national “spirit.” The method of killing them was the most brutal: extermination by starvation. The ethnic composition was further diluted by scattering Ukrainians throughout the Soviet Union and resettling Russian loyalists in Ukrainian villages that had been depopulated by the famine.

Lemkin coined the term *genocide* in 1944 from the Greek root *genos* (race, tribe) and Latin *-cide* (*caedere* – to kill). Lemkin wrote: “Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accompanied by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups.” It was codified in the U.N. Convention on the Prevention and Punishment of the Crime of Genocide (hereafter Genocide Convention) in 1948.

Article I of the Genocide Convention imposes duties on State parties regarding genocide which “whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.”

Article II defines genocide as follows:

*Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such*

*(a) Killing members of the group;*

*(b) Causing serious bodily or mental harm to members of the group;*

*(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*

*(d) Imposing measures intended to prevent births within the group;*

*(e) Forcibly transferring children of the group to another group.*

There are three constituent elements under Article II of the Genocide Convention: (1) the commission of any of the genocidal acts committed against (2) a protected group (3) with the intent to destroy the group in whole or in part.

Article III lists the punishable acts, including: “(a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to commit genocide, and (e) complicity in genocide.”

According to Article II of the U.N. Convention, all genocidal acts apply to the Holodomor:

1. people who resisted were killed either through execution or starvation;
2. there was huge bodily and mental harm caused to all Holodomor victims, both those who died and those who survived;
3. there were artificially created conditions of life calculated to destroy the Ukrainians (deportations, blacklisting, confiscation of grain and everything edible, passport regime, travel ban to procure food, forced labor in concentration camps, forced resettlement beyond Ukraine’s borders in the Russian Far North and Siberia);
4. all those measures prevented births within the Ukrainian national group; and
5. children were forcibly separated from their parents (dispossessed, deported, or executed) and placed in state-run orphanages where they were brought up in adherence to communist ideology and loyalty to the colonial regime.

Acts a) through c) constitute physical genocide, act d) contains a concept of biological genocide, and act e) constitutes cultural genocide.

However, narrow focus on the collectivization as the sole cause of the “all-Union famine” diminishes the severity of the crime of nation killing to a mere mismanagement of agricultural policies. Ukraine was a “model” republic, so the collectivization campaign was completed there in 1931. The so-called “grain procurement,” which was, in fact, confiscation of grain and everything edible, was launched in 1932–1933. It was Stalin’s “special operation” that camouflaged the fight against “Ukrainian nationalism,” when the Soviet authorities curtailed the policy of Ukrainization in Kuban in the Northern Caucasus and then in Ukraine.

The consequences of the Holodomor were devastating. The exact number of victims may not be known because the perpetrators deliberately destroyed evidence to cover up the crime. While estimates vary, some Soviet, Russian, and Ukrainian historians and demographers suggest a range of 3 to 5 million victims, excluding those who were starved to death outside Ukraine. However, recent research by Ukrainian scholars indicates that the figure could be as high as 10 million.

The consequences of denationalization were catastrophic. The Ukrainian school system collapsed. Over two decades of the Bolshevik rule, the number of schools, students, and teachers dipped below the prerevolution level. The Ukrainian language was replaced by Russian as the language of science and education.

In the All-Ukrainian Academy of Sciences, established in 1918, repressions swept 250 scholars, including 170 historians; thus, leading to the elimination of the Ukrainian school of history writing. The academy was dissolved in 1929. Books of Ukrainian scholars and writers who were arrested were banned and removed from libraries. Occasionally burned. A practice seems to be coming back.

The Ukrainian history was stripped of national content. Three years after the Holodomor, beginning in 1936, a new theory of a “unified proto-Russian people” was added to the history textbooks. This echoes Putin’s inapt essay penned in July 2021 “On the historical unity of Russians and Ukrainians” that denies the existence of a Ukrainian identity.

Killing members of the Ukrainian national group is evident. All members of the Ukrainian National Republic’s Directory, all commissars of People’s Education in Ukraine, non-communist and communist alike, were killed. Those who were sentenced to death during the trial of Ukrainian Socialist-Revolutionaries in 1921 were arrested in 1929 and prosecuted in 1930 in the trial of the Union for the Liberation of Ukraine. The trial was staged in the Kharkiv Opera House, thus, dubbed “Opera SVU, libretto GPU.” Over half of the 45 defendants were academicians, professors, linguistics, historians, and teachers of Ukrainian language and history.

The SVU trial of the Ukrainian intelligentsia deflected attention from the uprisings that engulfed over a million protesters in over 4,000 uprisings in 1930 in Ukraine alone, the largest number compared to other regions of the Soviet Union. Ukrainian intelligentsia were blamed for organizing these uprising that toppled Soviet authorities in major settlements. In 1929, the GPU arrested 30,000 innocent people in several waves of arrests in Kyiv, Kharkiv, Odesa, and other cities on suspicion of plotting to overthrow the Soviet regime. The Holodomor, forced starvation, put an end to these uprisings. Arrests were accompanied by blacklisting, blockades of borders, and ban on travel to procure food outside Ukraine.

In addition to killing members of the group and creating conditions incompatible with life, Bolsheviks inflicted severe mental and physical harm to the innocent victims. They used Ukrainian political opponents of the regime as slave labor on construction projects of communism. In these so-called corrective labor camps for the incorrigible, Ukrainian clergy, academicians, writers, artists, theater directors, teachers, and students felled timber under brutal arctic weather conditions and constant physical and psychological torture from their Russian prison guards.

The system of Soviet concentration camps, established in 1923, repurposed the Solovetsky Island monastery cells for prisoners of war, mostly Petliura’s officers. By 1929, the number of camps reached thirty and the prisoner ranks swelled with every “special operation” against “counterrevolutionaries,” “saboteurs,” and “socially dangerous elements.” Hundreds of thousands of the nationally conscious intelligentsia, clergy, and farmers were deported outside Ukraine to desolate places near the Arctic circle or Siberia to work on industrial construction sites, managed by the Soviet secret police, to build roads, mine gold and precious metals in the Russian Klondike. As many as 100,000 of Ukrainians perished in the construction of the White-Sea – Baltic Sea Canal named after Stalin.

At the end of 1937, two long trains with over 1,000 prisoners were convoyed out of the Solovky. Among 289 Ukrainians shot and buried at Sandarmokh in Karelia were theater director Les Kurbas, writers Valerian Pidmohylnyi, Mykola Zerov, and Antin Krushelnytskyi with his two sons. This era was poignantly described by Polish publicist, Jerzy Giedroyc in his letter to Ukrainian literature researcher Yuri Lavrinenko, who later used it as the title for a collection of that generation’s best literary works – *Executed Renaissance*. Stalin erased one generation of Ukraine’s artists, writers, and intellectuals. Now Putin is killing another.

One third of the Holodomor victims were children. In the deportations, families were deliberately separated. Fathers were exiled to Siberia, mothers to the brickworks of Turkestan, and the children were sent to orphanages across the Soviet Union to be “educated” as a Communist vanguard. The practice is being repeated again. Out of 5.3 million Ukrainians deported to Russia since February 2022, over 700,000 children have been forcibly transferred to orphanages or adopted into Russian families, according to Moscow-controlled news agency TASS, so that they will not know their native language and culture but will instead grow up as obedient subjects of the Russian regime.

No one on the world stage supported Ukraine, which was not a member of the League of Nations. This made stateless Ukraine vulnerable to genocidal violence. As early as 1933, Ukrainian émigré organizations appealed to the League of Nations to secure food assistance to starving Ukrainians. However, the General Secretariat of the League of Nations dismissed the matter considering it an internal affair because Soviet authorities did not admit that there was famine in Ukraine.

Newspapers in the United States, Canada, Britain carried out news articles about the forced starvation as early as December 1932 and during the peak of the famine in spring 1933, but leading democracies turned a blind eye to murder. The first reliable report on the forced starvation in Ukraine within the English-speaking world was presented by Gareth Jones, a Welsh journalist. Jones’s handwritten diaries formed the basis for twenty-one articles published in April 1933, in newspapers such as the *Evening Standard, Daily Express, Western Mail*, and *Financial News*. Commenting on the British “scare story” being echoed in the American press, Walter Duranty, the granddaddy of fake news, dismissed the notion of a famine in Ukraine, instead labeling it as a “serious food shortage.” He went even further, claiming that while there was no actual starvation or deaths from starvation, there was widespread mortality due to malnutrition-related diseases.

Both American journalists and politicians colluded with the Soviets in covering up the famine. Despite Duranty’s deceit, he was invited to meet with President Franklin D. Roosevelt in 1932, and his counsel was sought regarding the recognition of the USSR. This interaction aimed to remove any obstacles, including Stalin’s genocide, and shape American public opinion in alignment with their desired narrative before negotiations.

In his assessment of the American response to the forced starvation of Ukrainians from 1932 to 1933, Dr. James E. Mace, executive director of the U.S. Commission on the Ukraine Famine, noted that both the State Department and the White House possessed plentiful and timely intelligence about the tragedy. However, they consciously chose not only to ignore it but also to never acknowledge it publicly. The primary focus of American policymakers at the time was the competition between American and Soviet wheat exports on the global market, overshadowing concerns about the treatment of non-Russian nations under Soviet nationality policy. Despite this, President Franklin D. Roosevelt remained determined to establish and maintain positive relations with the USSR. Dr. Mace concluded that the “U.S. government participated, albeit indirectly, in what is perhaps the single most successful denial of genocide in history.”

To this day, the Russian government, as the legal successor of the Soviet Union, denies the stories of the victims, challenges the legal definition of the Holodomor as genocide, and criminalizes the study of the Holodomor. Deniers of the Holodomor assert that Cold War politics influenced the drafting of the 1948 U.N. Convention on Genocide, “gutting” many of Raphael Lemkin’s original ideas and rendering it “stillborn.”

Significantly, the U.N. Convention on Genocide itself reflects Stalin’s influence as Stalin and his Foreign Minister Molotov reviewed and edited the draft. In bold red pencil, Stalin crossed out the word “political” as a motivation for committing genocide, and Molotov crossed out the entire last paragraph on cultural genocide. They also eliminated the “shortcomings” in the draft theses that they found unacceptable from the Soviet standpoint, crossing out phrases like “forced labor” and “confiscation of property.” Clearly, Stalin could not incriminate himself.

Deniers further claim that the 1948 U.N. Convention should not be applied retroactively due to the term being coined after the famine. Legal scholars refute this argument. The Genocide Convention is an international treaty, which the Soviet Union (now its legal inheritor Russian Federation) ratified in 1954. Russia’s obligations under the Genocide Convention are *erga omnes*, or owed to the international community as a whole, which stems from a *jus cogens* norm of the prohibition of genocide that supersedes the general rule of non-retroactivity.

In *Black Book of Communism*, Polish scholars argued that from the Bolshevik *coup d'état* in 1917 to the dissolution of the USSR in 1991, driven by the ideology of creating *Homo Sovieticus*, secret police persecuted, tortured, and eventually executed up to 60 million innocent victims. Demographers estimate that Ukrainians account for 29.5 million of the victims in the twentieth century social catastrophes. In the twenty-first century, the stakes are even higher for Ukraine’s people as this crime is being repeated once again. The perpetrators are the descendants of secret police operatives who served in the Cheka–GPU–NKVD–KGB–FSB. To quote Robert Conquest, “Until they publicly purge themselves of this guilt, until they break with this horror in their past, they remain not only its heirs, but also its accomplices.”