

Declaration of the Ukrainian Helsinki Human Rights Union in connection with the 70th Anniversary of the Volyn Tragedy

The values of human rights are strictly speaking the result of sufferings of mankind during the years of World War II. And it is not accidental that in the Universal Declaration of Human Rights of 1948 it was stressed that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind.

One of such barbarous acts ranking alongside with the crimes of the Stalinist and Nazi repressions, Holodomor and Holocaust, the Volyn crime of 1943 is still dismayed our consciousness.

The mutually uncoupling position of the Ukrainian and Polish underground resistance towards the after war future of Volyn and Eastern Galicia resulted into mass killings of civilians in these territories. Both Nazis and Communists have consciously contributed to the escalation of ethnic conflicts, e.g. during the forceful deportations of Polish civilians from Western Ukraine by the communists (1940) and from the Lublin district by the Nazis (1942), or the massacres by the Soviet regime of the NKVD prisoners, mostly Ukrainians (1941). Besides, the Nazis actively used applied collective liability of civilians for the actions of guerrilla fighter and gave an example of bloodstained ethnic cleansing – the “final solution of the Jewish question”. Extreme ideologies and practices of both totalitarian regimes uplifted violence as a means to achieve the aim, while the value of a single human life was devaluated as never before. The war front was acceding to the occupied region in 1943; activities of the guerrilla fighters were intensified. Under these circumstances the leadership of the Polish nationalist underground and the OUN simultaneously developed plans to counteract the contestants, which might have impeded the inclusion of the disputed territories into their cherished independent post-war countries: Ukraine and Poland. Neutralising the armed contest was not an easy task; however peaceful civilians seemed to be a way more accessible victim ...

8-9 February 1943, the first squadron of the Ukrainian Insurgency Army (UPA) led by H. Perehinyak carried out an armed attack onto Paroslya village in the Sarny district of the *Reichskommissariat Ukraine* which was predominantly inhabited by the Poles. The victims of this crime were approximately 150 civilians of Paroslya, including women, children and the elderly. The Paroslya tragedy became a start of the massive anti-Polish action by the Ukrainian Insurgent Army in Volyn aimed at “purification” of the territory from the ethnic Poles [1]. Bloodstained retrIBUTions over the Polish people of the Volyn region reached their culmination in April-August 1943. In response to the terror of the UPA units, armed detachments of the Polish underground and German occupation government launched a terror against inhabitants of Ukrainian villages also. The maelstrom of mutual cruelty, killings, robberies and burnings of villages within a short period of time pulled in numerous groups of demoralised local people.

The “Volyn slaughter” of 1943, during which predominantly Poles were murdered, has soon turned into a horrific epidemic of mutual annihilation of the two fraternal nations spreading in the

next years also to Eastern Galicia and Podillya, Kholmschyna, Nadsyannya and the Carpathians. To the west from the Bug River and the San River yet predominantly dwellers of Ukrainian and Lemko villages, including women, children and the elders, were the victims of the Home Army (Armija Krajowa), “peasant battalions”, other units of nationalistic underground which emerged following the dismissal of the Home Army and internal Polish army. One tragic example only: in March 1945 in the Pavlokoma village on the San River approximately 360 Ukrainian civilians were murdered by the Polish unit under the command of the Home Army lieutenant Yu. Biss.

The total amount of victims from both sides may now be only approximated. According to the approximate estimates of the Polish historians, from 60 to 100 thousand ethnic Poles were killed in the fratricidal conflict of 1943-1947, including approximately 50 thousand population of Volyn. The toll from the Ukrainian side was approximately threefold less. The Ukrainian historians are not ready yet to come up with their totals [2].

In their absolute majority, the victims of the conflict were not the guerrilla fighters, but unarmed peasants. Approximately one million ethnic Poles were forced to flee Volyn, Eastern Galicia and Podillya for good. Approximately 630 thousand Ukrainians and Lemkos were evicted from their native territories in the post-war Poland, including 150 thousand civilians were forcefully deported from their ancestral land during the Vistula operation. The irreparable damage was inflicted onto the centuries-old historical and cultural heritage of both ethnic groups in the entire territory of their cruel confrontation from the Zbruch River to the San River, which territory used to be their common homeland, and now became a country of nameless tombs.

Those tragic events, which indeed reached the level of a full scale humanitarian catastrophe, have not yet gained their historical, moral, ethical and legal assessment in Ukraine. For tens of years their sorrowful echo restrains the development of good-neighbourly relations between the two nations.

However, it is worth noting that in the after war period certain steps have been made to ensure historical truth about the bloodstained Ukrainian-Polish conflict during the World War II, to commemorate the memory about its victims, and to fight hostile stereotypes in the public opinion. The 70th anniversary of the Volyn tragedy forces us to take new steps in the area of strengthening international dialogue, establishment of understanding and reconciliation between the Ukrainians and Poles, and development of respect towards the values of human dignity and human rights. This is because these very values are the basis of the European community of free nations, to which Ukraine aims to accede.

The Ukrainian Helsinki Human Rights Union (the “UHHRU”), which unites 29 non-governmental human rights protection organisations and considers itself a successor of the tradition of the Ukrainian Helsinki Group, deems necessary to make public its own position on the occasion of the 70th anniversary of the Volyn crime.

The UHHRU sincerely welcomes this year’s participation of the Polish President in commemoration events in Lutsk, the common declaration of the hierarchs of the Ukrainian Greek Catholic Church and the Roman Catholic Church of Poland which was signed in July in

Warsaw, and also numerous initiatives of the Polish and Ukrainian intellectuals in the area of mutual understanding and reconciliation between the Ukrainians and the Poles. Instead, we are not surprised that the President of Ukraine has not participated in any events on the occasion of this sorrowful anniversary and has not made public any statements on the same.

Regrettably, the anniversary of the Volyn tragedy was marked by the events which evidence the viability of the stereotypes of the past in the common consciousness and the politician's actions. We still lack the precedents of commemoration of innocent victims of the fratricidal war. Instead, there are too many cases where the existing "dialogue" is limited to the revelation of aggression, multiplication of historical myths, and repetition of mutual accusations and political intrigues.

In this respect, the UHHRU expresses its regret concerning an overly one-sided Resolution of the Polish Seim on 12 July 2013, which stigmatises exclusively crimes by the UPA and glorifies the heroism of the Polish fighters. Based on our estimates, the scandalous letter by 148 members of the Parliament of Ukraine to the Chairman of the Polish Seim, in its turn, seems to be provocative on its face and ungrounded from the point of view of the absolute demonization of the OUN-UPA's historic role.

The Ukrainian national liberation movement through its fight with the occupants has inscribed the pages of history with numerous heroic events. However, there are still many grave pages causing sorrow and pain. Sometimes, in order to achieve a noble aim – free Ukraine – the nationalists used undignified means. The ethnic cleansings of the Polish population in Volyn and Eastern Galicia are one of the gravest pages of our history.

However, one must remember also that the attitude of Ukrainian nationalists to the anti-Polish action of 1943 was far from being unanimous. For example, the leaders of the "melnykivtsi" wing of the OUN have unequivocally condemned the tools used in the "anti-Polish action". Based on their own conviction, the commander of the "first UPA", T. Bulba-Borovets and his fighters did not participate in the Volyn ethnic cleansings. At least part of the prominent leaders of the OUN-B (M. Lebid', M. Stepanyak) questioned the need for fratricidal war with the Poles in Volyn and accepted it as a doubtless error. In October 1943 the OUN leadership even issued a declaration, in which it condemned the mass killings of the Polish civilian population, even though this could not stop the bloodshed. It is probable that the massive actions of "depolonisation" of Volyn commenced at the criminal command of the commander of the OUN-B country unit D. Klyachkivskyi ("Klym Savur"), the OUN military advisor V. Ivakhiv and the OUN commander in the Eastern Volyn I. Lytvynchuk.

No doubt, these commands may not be justified by any legal, moral, ethic or political considerations. This is because there are grounds to believe that there was an alternative to this bloodstained scenario to resolve a conflict relating to the disputed territories in 1943. In this respect, one should remind that in March 1943 the London-based Polish government issued its theses related to Ukrainian policy containing guarantees of civil, national and cultural rights of Ukrainians in the after war state. Finally, the Ukrainian Greek Catholic Church through its Metropolitan Andrey Sheptytskyi was consistent in the condemnation of terror as a means to achieve political goals. In his epistle "Do not kill!" at the end of 1942, Metropolitan Andrey warned: "Any person that sheds innocent blood of her enemy or political competitor is a

murderer similar to a person who does this for robbery and deserves the God's punishment and the Church's condemnation in a similar way".

Regrettably, the leaders of the Ukrainian and Polish nationalist undergrounds have not heard this warning. In their mutual opposition they lost a chance to jointly oppose the occupants and resolve the existing territorial controversies in a non-violent matter. The failure of negotiations between the representatives of the Polish government, the Home Army and the OUN, as well as the spread of the fratricidal conflict in 1944 to the Eastern Galicia have strengthened the positions of ultranationalist wings in their camps and lifted the mutual hatred between the common people to an unprecedented level.

In the after war period it took tens of years of efforts by the people of goodwill to deeply reassess our mutual history, surmount hostile stereotypes and look for the ways to reconciliation based on the principle: "we forgive and beg for forgiveness". But the reconciliation may be possible, apparently, on the ground of historic truth only: the victims of the conflict, their executioners and rescuers should be named, the tombs of those deceased should be found and honoured – no matter whether those are "ours" or "theirs". And in order to forgive sincerely one must apparently be able to suffer one's "own" guilt and assess the scale of "their" human tragedy not based on the customary logic of "an eye for an eye", but based on a position which is different in principle, a truly humanistic position.

We must acknowledge with regret that the Ukrainian historiography during the past 70 years has not come up with the complete and objective picture of those tragic events. It is no wonder that the views on the role of the Ukrainian nationalist movement in World War II are still full of myths and are strikingly different in modern Ukraine: from the univocal heroisation to the complete condemnation. The fratricidal conflict in Volyn and Galicia, Kholmschyna and Nadsyannya remains little known in Ukraine. Learning its tragic experience has not yet become an acquirement of the national self-consciousness, whereas it is the deep knowledge of history that constitutes one of the pre-requisites of prevention of the similar tragedies in the future. One-sided radicalism in relation to the assessment of historic events of 1930-40's in the media leads us to the opinion that there are not so many people in Ukraine who are ready to get rid of historic myths and bear moral responsibility for the crimes by despots in the past: both communist and nationalistic. Finally, the insurmountability of the totalitarian thinking and heroisation of violence are hurdles to the organic adoption by the Ukrainian society of the human rights values, restrain the Ukraine's movement to the European community which was itself built on the basis of respect towards these values.

The 70th anniversary of the Volyn tragedy has marked a discussion around the issue of legal qualification of ethnic cleansings committed against the civilian population by the Ukrainian and Polish armed formations in the context of the UN Convention for the Prevention and Punishment of the Crime of Genocide of 1948 (the "**Convention**"), the Forth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 with Supplemental Protocol of 1977 (the "**Geneva Convention**"), and the Rome Statute of the International Criminal Court of 1998 (the "**ICC**").

The UHHRU does not consider this discussion as excogitated or such of purely theoretical importance. The assessment of crimes on the basis of international treaties is of high importance nowadays in order to ascertain the need to condemn the practice of violent resolution of inter-ethnic controversies for the apprehension of values of humanity and rule of law by the society.

In the mentioned Convention for the Prevention and Punishment of the Crime of Genocide, the term genocide is defined as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such”, including through the killing of members of the group.

Accusations of the crime of genocide in accordance with the Convention can be made by individuals, irrespective of whether they are governors, public officials or private individuals, organised combatants or “spontaneous avengers”. A decision on the recognition of a person as guilty of genocide may be rendered by a national or international criminal court or a specialised international tribunal having a UN mandate, e.g. that analogues to the International Criminal Tribunal for the former Yugoslavia or Ruanda. It is worth mentioning that at the moment of the Ukrainian-Polish conflict of 1943-1947 these issues were not sufficiently regulated by the norms of international humanitarian and criminal law, and the term genocide did not exist in the theory of law at that point (we leave the issue of retroactive application of the Convention without consideration here).

The Rome Statute of the ICC contains a similar-to-the-Convention definition of genocide, and in addition sets out criminal liability for the crimes against humanity and military crimes. A crime against humanity in this international treaty means “any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder; extermination; enslavement; deportation or forcible transfer of population...” The ICC has a jurisdiction over crimes committed after the date of coming into effect by the Rome Statute, i.e. after 1 July 2002. No person shall be criminally responsible under the ICC Statute for conduct prior to its entry into force.

Stemming from the rules and definitions of the Convention and the Rome Statute of the ICC, the UHHRU perceives the features of crimes against humanity in ethnic cleansings and deportations of civilians as accomplished in 1943-1947 by the leaders of Ukrainian and Polish armed formations, as well government and military leadership of the Nazi Germany, the Soviet Union and the post-war Poland.

Qualification of the said ethnic cleansings as genocide is problematic. Indeed, we have sufficient historical data to assert, in respect of the Volyn crime of 1943, that the ethnic cleansings among the Polish civilian population of the region, commenced on the basis of commands of certain leaders of the OUN-B and UPA, have an organised and massive nature and were aimed at physical extermination of the Polish ethnic minority in the disputed territories. To be qualified as genocide, one must prove that there was, without any doubt, a will to exterminate. The Volyn crime should be further analysed to determine the complete picture of this tragedy.

The UHHRU must once again note that Ukraine has not ratified the Rome Statute of the ICC. This step has long been on the agenda as one of conditions to getting closer to the European community by our country. And importantly as one of the guarantees of not having the crimes similar to the Volyn tragedy repeated in the future.

The tragic events of the fratricidal conflict between the Ukrainian and Poles in Volyn and Eastern Galicia, Kholmschyna and Nadsyannya in 1942-1947 should be further explored by the historians, profoundly reconsidered and examined from the moral and ethical side. This route should be first of all passed by the Ukrainian society, however long and painful it may be.

In this respect the UHHRU hereby declares its allegiance with the principles of rule of law, humanism and nonviolence in resolving any controversies: governmental, ethnic, religious, civil, etc. We are convinced that the crimes against humanity and genocide should gain moral condemnation, no matter how high their underlying aim was and who committed them.

Losses of tens of thousands of innocent lives in the 40s are equally tragic for us, irrespective of whether these people considered themselves Ukrainians or Poles.

[1] Prof. G. Motyka “From the Volyn Massacre to the Vistula Operation. The Polish and Ukrainian Conflict of 1943 – 1947”; Kyiv, Dukh and Litera Publishing House, 2013. – 360 pages.

[2] Prof. Ya. Hrytsak “Essays in Ukrainian History: Making of Modern Ukrainian Nation in XIX – XX centuries” Kyiv: Heneza, 1998. – 249 pages.