

## VIOLATIONS OF “SOCIALIST LEGALITY” AT THE STATEMENT OF THE SOVIET ADMINISTRATION IN THE CARPATHIAN REGION OF OUN (1945–1954)

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### INTRODUCTION

With the exile of German invaders, the armed struggle on the open spaces of the Carpathian region of OUN did not stop. Restoration of the Soviet mode was followed by the formation of repressive retaliatory apparatus (in some cases came bodies were already created), which the local population perceived as the instrument of occupation. Therefore, the official soviet leadership constantly felt aversion of West Ukrainians. Some instances of cruel behavior were traced by certain representatives of authorities. Frank self-assurance of soviet leadership on the fast suppression of liberation movement was wrong. Strengthening of positions of the Soviet power in the region was due to the activity of repressive retaliatory apparatus.

**The analysis of last researches.** The question of the violations of socialist legality was researched by rather extended number of historical works and collections of documents. We want to distinguish complex researches on the history of the Ukrainian liberation movement of I. Bilas<sup>1</sup>, V. Ilnytskyi, A. Kentiya<sup>2</sup>, Yu. Kyrychuk<sup>3</sup>, A. Rusnachenko<sup>4</sup>,

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<sup>1</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історико-правовий аналіз.* У двох книгах. Книга перша. Київ: Либідь ; Військо України, 1994. 432 с.

<sup>2</sup> Кентій А. *Нарис боротьби ОУН–УПА в Україні (1946–1956 рр.).* Київ: Інститут історії України НАН України, 1999. 111 с.

<sup>3</sup> Киричук Ю. *Український національний рух 40–50-х років ХХ століття: ідеологія та практика.* Львів: Добра справа, 2003. 464 с.

<sup>4</sup> Русначенко А. *Розумом і серцем. Українська суспільно-політична думка 1940–1980-х років.* Київ, 1999; Русначенко А. *Народ збурений: Національно-визвольний рух в Україні й національні рухи опору в Білорусії, Литві, Латвії, Естонії у 1940 – 50-х роках.* Київ: Університетське видавництво “Пульсари”, 2002. 519 с.

V. Sergiychuk<sup>5</sup>. However, a generalized research about the existence of this phenomenon in the Carpathian region of OUN is lacking. For this reason, the research's objective is to clear the main directions and scales of violation of socialist legality, to allocate the reasons.

### **1. The notion, scales and punishments for violation of “socialist” legality**

In the course of the statement of the Soviet power and struggle against OUN and URA the Soviet repressive bodies broke so-called “socialist legality” massively. The notion “socialist legality” is rather conditional and wide. It can include, beginning from violations, continuous robberies, illegal detentions, falsifications of criminal cases, tortures, finishing with mass (illegal, extrajudicial) executions, rapes and so forth. The researcher of the Ukrainian liberation movement V. Sergiychuk considers that at separate stages of the struggle against the Ukrainian national liberation movement the Soviet mode did not pay attention to these types of crime, even encouraged them. Already on June 20, 1945 a commissar of internal affairs of the USSR V. Riasnyi by the results of the check of the activity of bodies of Administration of the Ministry of Internal Affairs in Drohobych region reported: “In a number of regional departments of Administration of the Ministry of Internal Affairs the lack of agency of operational work, the facts of gross violation of the Soviet legality, drunkenness, moral lapse of certain workers are elicited”<sup>6</sup>. In number of conditions that promoted the commission by employees of retaliatory bodies of abuses and crimes, it is necessary to carry not only lack of control from the administration and chiefs, but also inefficient implementation of public prosecutor's supervision of their activity, and in most cases – its total absence. Quite often the workers dismissed from bodies of prosecutor's office in the USSR in the eastern areas and other republics for systematic violations

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<sup>5</sup> Сергійчук В. *Тавруючи визвольний прапор. Діяльність агентури та спецбойовок НКВС-НКДБ під виглядом ОУН-УПА*. Видання друге, доповнене. Київ: ПП Сергійчук М.І., 2006. 184 с.; *Сергійчук В. Український здви́г: Прикарпаття. 1939–1955 рр.* Київ: Українська Видавнича Спілка, 2005. 840 с.

<sup>6</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історичний аналіз*. У двох книгах. Книга 1. Київ: Либідь – Військо України, 1994. С. 268.

of laws were directed to work to the western areas. It brought to full lawlessness, arbitrariness which was created in the Carpathian region of OUN<sup>7</sup>. For example, on June 26, 1944 it was appointed thrice convicted citizen, besides two last sentences at the time of appointment were not served to the position of an assistant prosecutor of Chernivtsi region<sup>8</sup>.

Owing to such skillful selection of experts in bodies of prosecutor's office of the western areas the situation of real lawlessness was created. Supervisory authority – the prosecutor's office was not noted by qualitative difference from the bodies of the Ministry of Internal Affairs and MGB. In October, 1946 for the abuse of official position and systematic misappropriation from the arrested citizens the prosecutor of Drohobych region was dismissed<sup>9</sup>. And a chairman of a military court Petrov frankly broke “socialists legality” even against former employees of the Ministry of Internal Affairs, beating out from them evidences (during court sessions they admitted that evidences were received from them through tortures)<sup>10</sup>. The fact that they felt full impunity for the crimes was the serious cause of lawlessness from representatives of the occupational authorities.

During 1945–1946 in Ivano-Frankivsk region 210 facts of “violation of socialist legality” were only officially recorded, however only 8 people were brought to court. The others of episodes were only disciplinary punishments<sup>11</sup>. According to official reports of regional prosecutors of Drohobych region, till June 6, 1945 only 27 cases of violation of “socialist legality”, including bodies of People's Commissariat for Internal Affairs (NKVS) – 18 and 8 – bodies of

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<sup>7</sup> Сергійчук В. *ОУН–УПА в роки війни. Нові документи і матеріали*. Київ: Дніпро, 1996. С. 14.

<sup>8</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історико-правовий аналіз*. У двох книгах. Книга перша. Київ: Либідь; Військо України, 1994. С. 268.

<sup>9</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історичний аналіз*. У двох книгах. Книга 1. Київ: Либідь – Військо України, 1994. С. 268.

<sup>10</sup> ГДА СБУ, ф. 2-Н, оп. 90, спр. 49, арк. 32.

<sup>11</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історичний аналіз*. У двох книгах. Книга 1. Київ: Либідь – Військо України, 1994. С. 268; *Український національно-визвольний рух на Прикарпаття в ХХ столітті*. Документи і матеріали / [відп. ред. проф. Микола Кугутяк]. Том. 2. Книга 2 (1945 – 1946). Івано-Франківськ: КПФ “ЛІК”, 2010. С. 8.

NKGB were recorded<sup>12</sup>. From the cases of violation of “socialist legality” from January 1 till July 1, 1945 40.9% – the cases of unauthorized executions, 18% – beating and other crimes against the personality, 22.7% – misappropriation, 9% – application of physical methods of influence during the investigation, 9% – illegal arrests and searches<sup>13</sup>. Most of all, 75%, “socialist legality” was broken by employees of People’s Commissariat for Internal Affairs (NKVS), first of all in Slavsk and Pidbuzh districts, and in the section of NKGB in Turka district<sup>14</sup>. In general, in Drohobych region during January-July, 1945 125 violations of “socialist legality” were made<sup>15</sup>. Only in 1946 72 persons were sued at law and administrative liability in 49 cases, from them 22 persons are brought to trial. In 1947 8 employees were brought to trial for violation of “socialist legality” in 5 cases. Only 2 persons were brought to military court<sup>16</sup>.

In total for the period from liberation to December, 1944 only in Drohobych region 42 employees of NKGB were brought to disciplinary liability (among them 3 abuses of authority, 23 negligent attitudes to work, 12 drunkenness and moral degradation, 2 hooliganisms, 2 other offenses)<sup>17</sup>. However, statistics and ascertaining of the facts gave nothing, violation proceeded. From June, 1944 – till March 15, 1945 72 crimes were committed (3 abuses of authority, 35 negligent attitudes to work, 22 drunkenness, 2 hooliganisms, 10 others)<sup>18</sup>.

In the first quarter of 1945 37 employees of UNKGB and peripheral bodies (14 negligent attitudes to service, 2 violations of socialist legality, 1 manifestation of cowardice, 2 hooliganisms, 10 drunkenness and moral decay, 2 losses of weapon, 6 other offenses) are taken to responsibility by a special inspection of OK UNKGB of Drohobych region. Among them 33 people were sentenced according to administrative area, 4 materials were sent to NKGB USSR for

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<sup>12</sup> ДАЛО, ф. П-5001, оп. 6, спр. 46, арк. 157 зв.

<sup>13</sup> ДАЛО, ф. П-5001, оп. 6, спр. 46, арк. 157 зв.

<sup>14</sup> ДАЛО, ф. П-5001, оп. 6, спр. 46, арк. 233.

<sup>15</sup> *Літопис УПА. Нова серія. – Т. 4. Боротьба проти УПА і націоналістичного підпілля: інформаційні документи ЦК КП(б)У, обкомів партії, НКВС – МВС, МДБ – КДБ.* Книга перша: 1943 – 1945. Київ – Торонто, 2002. С. 473–474.

<sup>16</sup> ГДА СБУ, ф. 2 ББ, оп. 90, спр. 49, арк. 53.

<sup>17</sup> ГДА СБУ, ф. 71, оп. 6, спр. 609, арк. 10.

<sup>18</sup> ГДА СБУ, ф. 71, оп. 6, спр. 608, арк. 28.

investigation<sup>19</sup>. In the 2nd quarter of 1945 43 employees of UNKGB and peripheral bodies of NKGB were taken to responsibility in a disciplinary order and 7 people – to criminal liability by a special inspection of OK UNKGB of Drohobych region<sup>20</sup>.

In general, in 1946 it was brought to criminal and administrative liability according to 49 cases 72 people, from them 22 persons were brought to trial. Including: 1 quarter criminal (5 cases concerning 6 employees), administrative (13 cases – 19 employees), 2nd quarter criminal (6/7), administrative (7/11), 3rd quarter criminal (5/9), administrative (12/19), 4th quarter (-/-), administrative (1/1). Result: criminal 16/22, administrative 33/50<sup>21</sup>.

In 1947 192 officers, sergeants and staff of boundary departments of UMGB, Regional Office of the Ministry of Internal Affairs and militia were sentenced for commission of war crimes, other crimes – 36 persons<sup>22</sup>. To military personnel, sentenced in 1947, military court applied such measures of punishment: sentenced to probation – 9; sent to disciplinary battalions – 19 people; sentenced to 3 years – 60 people; to 5 years – 45 people; to 10 years – 32 persons; to 10 years – 22; to 25 years – 5 people. Totally 192 persons<sup>23</sup>. In the 3rd quarter of 1948 224 criminal cases were in work from which 183 cases were given sentences, 9 cases were sent for reinvestigation, submitted on jurisdiction 2 cases and 30 cases remained<sup>24</sup>. For the crimes concerning the violation of so-called “socialist legality” in the 2nd quarter of 1948 it was sentenced 23 persons<sup>25</sup>. In the 3rd quarter of 1948 14 (93.3%) military personnel were sentenced to 10–25 years<sup>26</sup>.

According to the data of the prosecutors of the USSR, in January, 1948 53 cases of offenses committed by 68 employees of the Ministry of Internal Affairs (MIA), MGB and the military personnel of the troops of MIA and MGB were documented. The crimes committed in January, 1948: 9 in the western areas, 7 – in the eastern, 3 – armed forces.

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<sup>19</sup> ГДА СБУ, ф. 71, оп. 6, спр. 605, арк. 1 зв. – 2, 15.

<sup>20</sup> ГДА СБУ, ф. 71, оп. 6, спр. 605, арк. 28.

<sup>21</sup> ГДА СБУ, ф. 2-Н, оп. 90. – Сп. 49, арк. 53.

<sup>22</sup> ДАЛО, ф. 5001, оп. 9, спр. 62, арк. 26.

<sup>23</sup> ДАЛО, ф. 5001, оп. 9, спр. 62, арк. 27.

<sup>24</sup> ДАЛО, ф. 5001, оп. 9, спр. 62, арк. 143.

<sup>25</sup> ДАЛО, ф. 5001, оп. 9, спр. 62, арк. 150.

<sup>26</sup> ДАЛО, ф. 5001, оп. 9, спр. 62, арк. 151.

Totally – 19 or 35%<sup>27</sup>; the crimes committed in previous months, but were exposed in January, 1948, 13 – in the western regions, 14 – in the eastern, 7 – armed forces. Totally 34 or 64.2%. Totally in the western areas – 22 / 41.5%, in the eastern areas – 21/39.7%, armed forces – 10/18.8%. Totally 53 or 100%. Thus, data testify about a trend in the growth of crimes: in comparison with the previous month (in which there were 51 cases) the total number of crimes increased by 2, and the number of the crimes in previous months but exposed in January, 1948 increased by 2 cases (in December, 1947 there were 32, in January, 1948 – 34). In total there were exposed crimes in January, 1948: Stanislav region – 8 in MIA, 2 MGB; Drohobych – 2 in MIA, 0 MGB; Total – 16 MIA, 6 MGB. Including, committed in 1948: Stanislav – 3 MIA, 0 MGB; Drohobych – 2 MIA, 0 MGB. Total – 9 MIA, 0 MGB. That is most of all violations happened in Stanislav, Ternopil and Rivne, and on structure of MIA<sup>28</sup>. Stanislavs – 6 murders and injured; 0 illegal detentions and beatings; 0 rapes, 3 thefts, 0 illegal withdrawal of property; 1 other crimes; respectively Drohobych – 1/1/0/0/0/0. Total 8/36.4% murders and injured; 7/31.8% illegal detentions beating; 1/4.5% rape, 3/13.7% theft, 1/4.5% illegal withdrawal of property; 2/9.1% other crimes. Therefore, these data demonstrate that murders, injureds, beatings that made up 15 cases, or 68.2% remained the most widespread types of offenses. The characteristic sign of these crimes was the fact that from 22 violations (23 violators) 11 were carried out by drunk police officers. According to the official status 23 violators were distributed: a deputy chief of regional department – 1 (or 4.3%), operatives – 9 (39.1%), district police officers – 7 (30.5%), militiamen – 6 (26.1%); according to party accessory: members and candidates of Communist Party (bolsheviks) of Ukraine – 10 (or 43.5%), members of the Union Leninist Young Communist League – 3 (13%), non-parties –

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<sup>27</sup> *Повоєнна Україна: нариси соціальної історії (друга половина 1940-х – середина 1950-х рр.)*. Колективна монографія / [відп. ред. В. М. Даниленко]. У 2-х книгах, 3-х частинах. Київ: Інститут історії України НАН України, 2010. Ч. 3. С. 187.

<sup>28</sup> *Повоєнна Україна : нариси соціальної історії (друга половина 1940-х – середина 1950-х рр.)*. Колективна монографія / [відп. ред. В. М. Даниленко]. У 2-х книгах, 3-х частинах. Київ: Інститут історії України НАН України, 2010. Ч. 3. С. 188.

10 (43.5%)<sup>29</sup>. Totally in 1946–1947, 1 quarter 1948 – 214 crimes, among them in 1946 – 17, 1947–159, 1 quarter of 1948 – 38. In Drohobych region – 15/0/11/4; Transcarpathia – 4/0/4/0; Stanislav – 11/1/6/4; Chernivtsi – 4/0/3/1<sup>30</sup>.

Violation of socialist legality also further took place as well. So, during 1949 in the western regions of the USSR only according to official data 29 cases of violation of “socialist legality” and other crimes committed by the employees of repressiv- retaliatory bodies and connected with murders of local citizens, in particular, by 7 – employees of MGB, 17 – bodies of militia, 5 – the military personnel of VV MGB took place<sup>31</sup>. Besides, 21 cases of illegal use of weapons of the employees of militia of the USSR in the western areas in the result of which 21 persons were injured<sup>32</sup>.

In general, there was a tendency to reduction of violation of socialist legality in the next years in the Carpathian region. For example, in Ivano-Frankivsk region in 1950 the violation of the Soviet legality decreased by 42% in comparison with 1949. In 1950 only 116 violations took place, including: a) 16 murders; b) 50 beatings of citizens; c) 14 illegal searches and withdrawals of property; d) 5 illegal detentions of citizens; e) 31 other violations.

Analyzing offenses and violations during the 1st and 2nd quarter of 1952, security officers noted that in general Drohobych region the number of violations and immoral manifestations among staff of militia after the decision of bureau of regional committee of RC (b) did not change. So, if in the 2nd half-year of the previous year the 103<sup>rd</sup> immoral manifestations and violations of office discipline of 5.3% of staff took place, then in the first half of the year 1952 – 92 violations, that is 5% of staff. If in the 4th quarter of 1951 there were 55 immoral manifestations

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<sup>29</sup> *Повоєнна Україна : нариси соціальної історії (друга половина 1940-х – середина 1950-х рр.)*. Колективна монографія / [відп. ред. В. М. Даниленко]. У 2-х книгах, 3-х частинах. Київ: Інститут історії України НАН України, 2010. Ч. 3. СС. 189.

<sup>30</sup> *Повоєнна Україна : нариси соціальної історії (друга половина 1940-х – середина 1950-х рр.)*. Колективна монографія / [відп. ред. В. М. Даниленко]. У 2-х книгах, 3-х частинах. Київ: Інститут історії України НАН України, 2010. Ч. 3. СС. 232.

<sup>31</sup> ГДА СБУ, ф. 13, спр. 372. – Т. 59, арк. 13.

<sup>32</sup> ГДА СБУ, ф. 13, спр. 372. – Т. 59, арк. 13.

and misconduct (2.9% of staff), then in the 1st quarter – 52 (or 2.8%) and in the 2nd quarter – 40 (or 2.2%). By the types of violations: 35 cases of drunkenness (the 1<sup>st</sup> quarter – 28, the 2<sup>nd</sup> quarter – 7), 14 cases of negligent attitude to work (7/7), 10 violations of sentry duty (6/4), 7 violations of the Soviet legality (3/4), 4 suicides and attempts to it (2/2), 2 illegal uses of weapons with injured (1/1), 4 thefts, misappropriation, embezzlement (3/1), 5 cases of rough and inattentive attitude towards citizens (0/5), 10 – others (1/9). Totally 92 (52/40). As we see some, though insignificant, reduction of number of violations in the second quarter happened mainly due to misdemeanors, but other serious violations on the contrary increased<sup>33</sup>.

Security officers (on May 28, 1945) were forced to recognize that the number of the cases of violation of socialist legality by of the military (WB and GOGP) which were in areas and villages constantly increased, noting that such state of affairs the majority of district solicitors did not notice. Violations of “socialist legality” took impressive scales and somehow to eliminate the shameful phenomenon, it was offered to qualify them as war crimes<sup>34</sup>. However, relatively strict measures did not give the tangible result.

The mutual responsibility, and respectively the fact that special inspections of People’s Commissariat for Internal Affairs and NKGB specially delayed with investigation of affairs of employees who committed a crime, impunity was the serious cause of lawlessness from representatives of law enforcement agencies (or not appropriate punishment concerning the committed crime). So, by a special inspection of UNKVD of Drohobych region on April 25, 1945 the investigation on the employee of Slavsk RO People’s Commissariat for Internal Affairs Ukhalkin was not completed though the crime was committed by him on December 30, 1944 (in a state of alcohol intoxication, leaving the building of RO People’s Commissariat for Internal Affairs, opened chaotic fire and killed a wife of a combatant Borisov, who visited the husband. The chief of RO People’s Commissariat for Internal Affairs instead of taking measures in relation

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<sup>33</sup> ГДА СБУ, ф. 71, оп. 6, спр. 295, арк. 11.

<sup>34</sup> ГДА СБУ, ф. 17, оп. 24, спр. 7, арк. 59.



to Ukhalkin, arrested the fighter Borisov and all his property was withdrawn and taken illegally by the employees of DD NKVS<sup>35</sup>.

## 2. Main directions of the violation of socialist legality

In total in the problem of violation of socialist legality it is possible to allocate several directions: illegal detention, the use of the forbidden investigation methods, unauthorized executions and murders, robberies, withdrawal and misappropriation, misconduct, beatings, rape, bribery, suicides, firefights between workers of repressive retaliatory system, injury, torture, and so forth.

- *illegal detention* which, of course, was followed by robbery, beatings. Since January 1 to June 15 3591 persons were detained by the bodies of MIA in Drohobych region among them only 829 were arrested. The others, 2762 persons, were detained groundlessly<sup>36</sup>. For the purpose of elimination of the specified shortcomings it was offered to send to BB department five experienced investigators from militia. A deputy chief of UNKVD the lieutenant colonel of state security V. V. Vasilyev was expected to find someone to help an BB inspector (a chief – a senior lieutenant of state security Gornin)<sup>37</sup>.

The similar situation took place and in other areas. So, to February 9, 1946 the check in Rakhiv district of Transcarpathia region established the facts of gross violation of revolutionary legality from the party of District committee, bodies of prosecutor's office and court which appeared in illegal massive bringing peasants to criminal liability for non-performance of labor duties. So, national committee, having found no reasons of non-performance by the population of labor duties, transferred the list with 400 peasants to a district prosecutor for criminal prosecution. On the basis of these lists the prosecutor Vashchuk and the

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<sup>35</sup> Іваненко В., Якунін В. *ОУН і УПА у Другій світовій війні: проблеми історіографії та методології* [монографія]. Дніпропетровськ: "АРТ-ПРЕС", 2006. С. 279; Сергійчук В. *ОУН–УПА в роки війни. Нові документи і матеріали*. Київ: Дніпро, 1996. С. 300; ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 49.

<sup>36</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історичний аналіз*. У двох книгах. Книга 2. Документи і матеріали. Київ: Либідь – Військо України, 1994. С. 647.

<sup>37</sup> Поліковський М. Радянська міліція в боротьбі з українським підпіллям на Дрогобиччині (1944–1950 рр.) (мовою документів) // *Студії політологічного центру "Генеза"*. 1997. № 1. С. 78.

national judge Polovaga began mass trials against the peasants. Without any preliminary investigation they were summoned by groups of 15-20 people and judged. Many of them at the beginning of the trial did not even know the reasons of the summons. As a result of massive involvement of peasants to judicial responsibility, among them there were even persons who because of old age and other reasons were not subjects to labor duties<sup>38</sup>.

From among the reasons illegal detentions was that the administration of special bodies did not check primary data on the basis of the investigation, hasty tried to carry out mass arrests and through tortures to force arrested to undertake a nonexistent fault<sup>39</sup>. The facts of illegal detentions took place during the entire period of the formation and functioning of the Soviet power in the Carpathian region of OUN<sup>40</sup>.

- *the use of forbidden investigation methods*. Lack of discipline was one of elements which generated crime. For the increase of the level of discipline all sentences (on crimes by employees of People's Commissariat for Internal Affairs, NKGB, militia and the military personnel of troops of NKVS (People's Commissariat for Internal Affairs)) which were passed by military court, were given the relevant orders and appeared to all staff. The copies of sentences were turned out by military court and chiefs of border troops of the Ukrainian district for their military personnel. However, all attempts to raise discipline did not make success.

In the system of repressive – retaliatory bodies the situation of full lawlessness, total misconduct which indispensable element was continuous beatings, cruel treatment over prisoners was created. And, it was afforded by both ordinary employees, and heads of departments. So, Dmitro Kaminskyi during the investigation gave evidences about the belonging to OUN which then refused. A chief of the 2<sup>nd</sup> department of UNKGB of Ivano-Frankivsk region the lieutenant colonel of state security Marchenko and a deputy chief of the 2<sup>nd</sup> department the senior lieutenant of state security Makarov beat him<sup>41</sup>.

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<sup>38</sup> ГДА СБУ, ф. 16, оп. 7, спр. 4, т. 3, арк. 249–250.

<sup>39</sup> ГДА СБУ, ф. 2-Н, оп. 54 (1953), спр. 3. – Т. 1, арк. 134.

<sup>40</sup> ГДА СБУ, ф. 71, оп. 6, спр. 603, арк. 9; Спр. 605, арк. 9зв.; ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 51.

<sup>41</sup> ГДА СБУ, ф. 2-Н, оп. 54 (1953), спр. 3, т. 1, арк. 131.

On May 3, 1945 the issue of violation of so-called “socialist legality” by a chief of Turka RO NKGB I. Dubovyk, a senior operative A. Sergeyev who in the course of investigation applied physical means of influence to detainees was discussed at the meeting of the bureau of Drohobych regional committee of CP(b)U. Besides, Dubovyk approved the arrest of six innocent people that were beaten. Dubovyk and Sergeyev received only a reprimand for that. Soon the employees of Turka RO NKGB self-willedally shot 2 persons<sup>42</sup>.

January 7, 1949 to the village Nyzhni Vorota of Volovetsk district arrived the Red Army man of the 311th regiment of troops of MGB Ivan Salkov from the territory of Drohobych region to the soldiers of the 437th post (the same regiment) for the purpose of a friendly match. Being in the village Nyzhni Vorota, drunk I. Salkov on January 7, 1949, approximately at 22:00, came into a village club where at that time the movie for residents of the village was shown, and threw a hand-grenade. As a result of explosion of 12 citizens of the village received injuries<sup>43</sup>.

Special employees of the ministry for the purpose of check of the facts of violation of the Soviet legality (a considerable part of the facts about which the prosecutor wrote were confirmed, separate only partially) did not bring much help, who were in UMGB of the USSR of the western areas specified in the letter of the military prosecutor of troops of the Ministry of Internal Affairs of the Ukrainian district were specially sent (July 6, 1948 No2/004859)<sup>44</sup>.

At the same time, it is necessary to tell that with the spell of time special bodies began to carry on the investigation more carefully. Prosecutors of the military district treated the cases of convicts better, some cases were returned to reinvestigation, and prisons were released. The investigating authorities were demanded thorough proofs of nationalist activity. Possessing this information, nationalists recommended to witnesses not to give investigative any evidences. Noted, at the same time, that judge People’s Commissariat for Internal Affairs for violation of socialist legality. These circumstances it was

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<sup>42</sup> ДАЛО, ф. П-5001, оп. 6, спр. 46, арк. 145–146.

<sup>43</sup> ГДА СБУ, ф. 2-Н, оп. 59 (1953), спр. 11, арк. 55–56.

<sup>44</sup> ГДА СБУ, ф. 2-Н, оп. 99 (1953), спр. 8. – Т. 5, арк. 322–323.

necessary to take into account and after each case to write complaints to prosecutors about thefts, and physical abuse of employees of NKVD<sup>45</sup>.

- *unauthorized executions and murders*. Unauthorized, groundless executions of captured nationalists suspected of cooperation with liberation movement, even ordinary people were especially shameful phenomenon<sup>46</sup>.

A chief of Storozhinets regional department of NKVC (People's Commissariat for Internal Affairs) of Chernivtsi region issued the order in which he warned insurgents that in they had to leave the forest till October 1, 1944, otherwise the locals would be shot. On October 17 this order was given: on the outskirts of Storozhinets a public execution of three civilians took place in the presence of their children and the family. As a result of these actions the population of Storozhinets began to escape to Romania: from October 17 to October 20 16 families ran away<sup>47</sup>.

The similar facts of groundless execution of civilians took place in other districts of Drohobych, Ivano-Frankivsk, Transcarpathia, Chernivtsi regions. It is clear, that such "severity" of the law to workers promoted implementation of crimes.

Also periodic party meetings did not help to fight against violations. Often during the work workers carried out several violations. So, at a regional party meeting of Gorodenko district of Ivano-Frankivsk region (on August 5, 1946) the question of violation by certain members of socialist laws was discussed. The example of a senior militia operative Gerasimenko who during interrogations hit detainees into PTDC. The Party member Savytskyi in a condition of alcoholic intoxication shot an innocent citizen, after that he was arrested and began to carry on the investigation. On protection of himself and subordinates a chief RO MGB told that "violations of the Soviet laws is discrediting of the Soviet power", did not fail to note that in bodies of MGB the majority had all

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<sup>45</sup> ГДА СБУ, ф. 13, спр. 398. – Т. 18, арк. 344.

<sup>46</sup> ГДА СБУ, ф. 71, оп. 10, спр. 25, арк. 58.

<sup>47</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історико-правовий аналіз. У двох книгах. Книга перша*. Київ: Либідь; Військо України, 1994. С. 263.

cases of violations of the Soviet legality at a chief of RO MGB Zakharov<sup>48</sup>.

- **robberies**. A bigger problem were continuous robberies which captured all areas, and in certain regions became a serious problem which could not solve arrived administration. So, security officers wrote that with arrival and placement of military units of 52<sup>nd</sup> army and border troops in the territory of Drohobych region there were registered a significant amount of cases when fighters and officers of RA (Red Army), broke the Soviet legality, were engaged in marauding, destroyed houses and even carried on counterrevolutionary propaganda among inhabitants from August to October 20<sup>49</sup>. The problem took essential scales and captured all regions, about what, for example, in certain places of dislocation of various divisions the Soviet power even issued special resolutions about marauding and illegal assignment of things, values, weapon by the ordinary and non-commissioned officer's list of 237 and 240 people 19 WB of VV NKVS (Chernivtsi region)<sup>50</sup>.

The group of agents – fighters of Hust district department of MGB of Transcarpathia region Mykhailo Anton, Philipp Anton, Petro Lemko, Vasil' Tegza under the leadership of the agent – fighter Karmelyuk during 1948 on the territory of the district under the guise of OUN committed 13 armed robberies, in some cases having hard beaten the victims. At the same time used weapon, received in Hust district department of MGB<sup>51</sup>.

A group of militant agents of the Khust district department of the MGB of the Transcarpathian region, consisting of Mikhail Anton, Philip Anton, Petr Lemko, Vasily Tegz, led by the Karmelyuk militant agent in 1948, carried out 13 robberies on the territory of the OUN under the guise of the OUN. At the same time used weapons obtained in Khust district department of the MGB.

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<sup>48</sup> ДАІФО, ф. П-12, оп. 1, спр. 23, арк. 50 зв.

<sup>49</sup> ГДА СБУ, ф. 71, оп. 6, спр. 33, арк. 105 зв. – 106; спр. 97, арк. 170–172; спр. 609, арк. 75–76, 79–130; ДАЛО, ф. 5001, оп. – 6, спр. 46, арк. 48, 50, 57, 60, 62, 297–300, 323.

<sup>50</sup> ГДА СБУ, ф. 2-Н, оп. 65, спр. 4, арк. 183.

<sup>51</sup> Білас І. *Репресивно-каральна система в Україні 1917–1953. Суспільно-політичний та історико-правовий аналіз. У двох книгах. Книга перша*. Київ: Либідь; Військо України, 1994. С. 176.

The problem of robberies took a serious toll and led to the fact that it was reported to the People's Commissar of State Security of the USSR V. M. Merkulov, a People's Commissar of State Security of the 3<sup>rd</sup> rank Savchenko (from a Deputy Chief of the State Security Service of the USSR, State Security Commissioner Rodionov). On June 5, 1945, he issued a report on the unlawful seizure and use of belongings and valuables arrested by some UNDP personnel in Ivano-Frankivsk region. In order to solve the problem, it was considered necessary to send a special inspector and an officer of the ACHF of the NKDB of the USSR to carefully investigate the facts about the unlawful seizure and appropriation of the arrested persons by the staff of the UNCD<sup>52</sup>.

The investigation found that the control and accounting of the material assets seized from the detainees was poorly organized. There were isolated cases where the things of the arrested were seized by the judiciary, and individual UNSC staff, being personally interested in learning about the things they need, were seized and taken for personal use. Thus, in the arrested for anti-Soviet agitation G.I. Yazhemska a deputy Chief of the 2<sup>nd</sup> department of the UNCD, State Security Major Rybakov seized and transported to his apartment a soft sofa, 6 soft chairs, a wall clock, a rug and a chair. The fisherman brought these things to his apartment with the permission of the former deputy. the head of the UNDB, the lieutenant colonel of state security Pavlenko. The arrested Yazhemska's belongings were also transported to the apartment of a Deputy Chief of the 2<sup>nd</sup> department of UNDB, Captain of State Security Kachur (a wardrobe, a desk, a wooden sofa, 2 chairs, a mirror). These things Kachur took with the permission of an UNDB chief Colonel Mykhailov<sup>53</sup>. Part of things (a bed, a wardrobe, a table, a sewing machine, a women's suit, etc.) was taken by an operator of UNDP, of the 3<sup>rd</sup> department, 2<sup>nd</sup> unit, senior State Security Lieutenant Vereshchak, the Yazhemska's case was on charge. Some of the items seized from detainees were used to equip secret apartments and wardrobes. The lack of proper control and accounting allowed individual employees to engage in the appropriation of tangible assets. UNDP misappropriated 12 receivers, but they were nowhere to be found, there were none in the warehouses, and to whom they were distributed, it is

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<sup>52</sup> ГДА СБУ, ф. 16, оп. 92, спр. 52, арк. 31.

<sup>53</sup> ГДА СБУ, ф. 16, оп. 92, спр. 52, арк. 32.

unknown. Illegal seizure of property had the other side of the coin. In difficult financial conditions, they created an unhealthy atmosphere in the staff<sup>54</sup>.

In 1947, a series of robberies was carried out in Kitsman district of Chernivtsi region by a group of 3 UMDB employees: a son of a member of Chernivtsi Regional Court, Konstantyn Grebnev (born 1918), worked as a delivery manager of “the 1<sup>st</sup> of May” artillery, a former UMDB warehouse keeper; Volodymyr Pycepa (born 1927, a member of the Supreme Commissar of Commissariat of Internal Affairs, a sailor was on short-term leave), his mother worked as a member of Chernivtsi Regional Court; Mykola Oblogin (born 1925, a member of the Supreme Communist Party of Belarus), a watchman of the UMDB Investigation Department; Efim Tytorovych (born 1923, candidate for the CPSU (b)), a UMDB watchman; Konstantin Filipov (born 1924), a former UMDB radio operator; Stepan Isniuk (born 1915), a UMDB driver; Leonid Sydorov (born 1919), the driver of the artel “May 1”<sup>55</sup>. The group was organized by K. Grebnev<sup>56</sup>.

In addition, it should be noted that with the second Bolshevik occupation, the number of criminal offenses increases. Analyzing the social composition of the perpetrators, the Chekists noted, among them, the persons who came from the eastern regions for food, criminal-touring element, robbery and murder at the expense of some morally unstable servicemen stationed on the territory<sup>57</sup>.

- *shameful behavior*. This was not a feature of the regions of the Carpathian region, similar crimes were committed in all western regions of the USSR<sup>58</sup>. The problems arose in the context of periodic conflicts between different military units. Thus, on the territory of Yaremche district, a military group 131 of a railway construction battalion, commanded by Lieutenant Colonel Ustinov, was stationed. During their stay in 1944, the soldiers and individual officers of the said unit violated social law, but the leadership not only prevented it, but also encouraged crimes. Among them: intoxicated fighters broke into public places,

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<sup>54</sup> ГДА СБУ, ф. 16, оп. 92, спр. 52, арк. 33–34.

<sup>55</sup> ГДА СБУ, ф. 2-Н, оп. 90 (1951), спр. 33, арк. 105.

<sup>56</sup> ГДА СБУ, ф. 2-Н, оп. 90 (1951), спр. 33, арк. 105 зв.

<sup>57</sup> ГДА СБУ, ф. 2-Н, оп. 90 (1951), спр. 33, арк. 24.

<sup>58</sup> ГДА СБУ, ф. 2-Н, оп. 65 (1953), спр. 4, арк. 123, 131–133, 240.

threatened weapons with NKVD police officers and soldiers of the 112 Border Command's cross-border commando, and carried out aimless firing while destroying homes, refusing to submit to local authorities<sup>59</sup>.

- **beating**. In Chornolytskyi district, a deputy district commander Droshdov in the village of Potochyshche illegally seized grain and flour, beat citizens, for which he was prosecuted<sup>60</sup>.

- **rape**. At the same time with other types of crimes, the Chekists were especially often involved in rape. Real numbers cannot be restored because they were carefully hidden. However, the scale of the problem did not allow to disguise it completely. Moreover, current researchers claim that they often deliberately arrested women for further rape. So, T. Strokach emphasized that among arrested NKVD and NKDB women made up 60%. OUN documents noted that after the arrest, almost all girls became ill with venereal diseases<sup>61</sup>.

- **bribery**. It should be noted about another kind of violation of social legitimacy inherent in the Soviet system – bribery, which, incidentally, destroyed the system itself from within. This phenomenon took place throughout the period of its existence and covered all spheres of life. For the first time, we learn about it from the materials of the end of November 1944, according to which the employees of Sambir District Military Commissariat and the conscription commission were engaged in unlawful dismissal from the military service, taking big bribes for it. The Chekists found out that members of the conscription commission, ruled by a head of the 2<sup>nd</sup> department of RVK Pendurin, were systematically dismissed by the military, and for this they received bribes (both with food and money). Almost all employees were involved in the case: Ivan Pendurin, a Chairman of the Appeal Committee; a head of Sambir district health department and a head of the medical commission at REC, Maria Litvinova, as well as doctors, secretaries and even technical staff. A new commission was set up to review the work of REC, which reviewed persons previously found unfit for service in

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<sup>59</sup> ГДА СБУ, ф. 2-Н, оп. 107, спр. 1, арк. 190–190 зв.

<sup>60</sup> ДАІФО, ф. 1, оп. 1, спр. 558, арк. 13.

<sup>61</sup> *Український національно-визвольний рух на Прикарпаття в ХХ столітті. Документи і матеріали* / [відп. ред. проф. Микола Кугутяк], том. 2, книга 2 (1945–1946), Івано-Франківськ: КПФ “ЛІК”, 2010, С. 9.



the army and ascertained the mass release of the military. Only in one settlement of Biskovychi 35 persons were illegally released from the service, which is 80% of all those who were subpoenaed<sup>62</sup>. There was a whole scheme in which everyone had their function and role. Some of the employees, mostly technical, were engaged in the processing of recruits, explained the possibility of dismissal and acted as mediators<sup>63</sup>. Similar phenomena for the release of prisoners of war occurred in other district military commissariats.

In the period from 1944 to January 1, 1946, in Drohobych region, 19 persons were prosecuted as bribe-takers who illegally released persons from service<sup>64</sup>.

- *suicides, shootings between employees of repressive and punitive system*. Impunity, permissiveness resulted in low levels of discipline, constant alcohol abuse, lack of control over violations, and a significant number of suicides. On June 30, 1945, in his office, the NKDB RV committed suicide (shot in the temple), the state security captain Vasyl Andrusenko. The investigation found that NKVD RV staff repeatedly illegally took oats for the horses of the regional department. Moreover, V. Andrusenko personally went to the village Gvozdets, where he misappropriated men's pants and a cloth from which he sewed a mattress. This issue has been repeatedly raised in the RC of the CP(b)U<sup>65</sup>. In the course of the investigation, it was found that V. Andrusenko was negligent in his duties, he was dissatisfied with his work in the western regions of the USSR, repeatedly showed declining moods and was systematically drunk. Arrived at the UNCCD of Drohobych region in October 1944. On June 31, 1944, by the order of the People's Commissar of the State Security of the USSR, V. Andrusenko was arrested on administrative order for 15 days without carrying out his official duties, after which was directed to the disposal of the UNCCD of Drohobych region by the NKD personnel department. In other words, personnel had not only low professional, but also moral

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<sup>62</sup> ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 7 – 10; ГДА СБУ, ф. 71, оп.6, спр. 29, арк. 14–15 зв.

<sup>63</sup> ГДА СБУ, ф. 71, оп. 6, спр. 29, арк. 17.

<sup>64</sup> ГДА СБУ, ф. 71, оп. 6, спр. 121, арк. 54 зв.

<sup>65</sup> ГДА СБУ, ф. 71, оп. 6, спр. 606, арк. 22–23; ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 170–171.

and ethical levels, no administration from the eastern regions of the USSR wanted to send the best workers to the western regions of the USSR. Arriving in the region, V. Andrusenko was first appointed a Senior Operations Officer of the 2<sup>nd</sup> department of the UNCD, and later a Chief of Strilky district department of the NKGB. During his period of work in Drohobych region, he twice raised the questions before the UNDP personnel department about his departure from the region due to illness. In connection with this, he was referred to the medical commission under the sanctions of the UNKDB of Drohobych region and twice was found fit to work in the NCSD bodies in the western regions of the USSR<sup>66</sup>.

The examination of the state of military discipline at the headquarters of the 3 Rifle Battalion 215 cp 82 dc VV MGB of the Ukrainian District (stationed in Rozhnyativ, Stanislav region) revealed a number of serious violations of military discipline among the headquarters of the staff. Disclosed facts of violations of the discipline were obtained as a result of conversations with the operational staff and some officers, especially with the operative of the counter-intelligence of the MGB of the Ukrainian District, Lieutenant Hasnutdynov, who promptly served the area<sup>67</sup>. A commander of the 3<sup>rd</sup> 215 Major Pavlo F. Lysenko (born in 1913, Barane-Pole village of Boguslav district, Kyiv region, member of the CPSU (b) (1941), education of 7 cl.) was appointed in August 1946, arrived from the MGB troops stationed in Germany. As a commander of the occupation forces, he systematically drank in Germany, led a lousy lifestyle, and did not engage in personnel, resulting in many immoral manifestations in the battalion. In 1946, Major P. Lysenko was sentenced to 2 years of probation by a military tribunal for his inaction and drunkenness. In connection with this decision the court was seconded to the disposal of the HR Department of the MGB of the Ukrainian District. However, despite the court's decision, he was re-appointed s battalion commander<sup>68</sup>. After resuming his position as commander of the 3<sup>rd</sup> 215 cn, Major P. Lysenko continued to drink, committed immoral

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<sup>66</sup> ГДА СБУ, ф. 71, оп. 6, спр. 606, арк. 24–25; ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 172–174.

<sup>67</sup> ГДА СБУ, ф. 2-Н, оп. 59 (1953), спр. 6. – Т. 2, арк. 13.

<sup>68</sup> ГДА СБУ, ф. 2-Н, оп. 59 (1953), спр. 6. – Т. 2, арк. 14.

acts and neglected to perform his duties, in particular, drinking both in public and in the battalion's office, demanding money from his subordinates, borrowed the buffets and tea rooms of Rozhnyativ. At the same time, he maintained intimate relationships with local resident Polina Temna, and on this basis conflicts took place in his own family<sup>69</sup>.

Some even continued their criminal activity even after being dismissed. Thus, in a special report (November 1949) by a secretary of Bogorodchany RK CP(b)U to a secretary of Stanislav Regional Committee of the CP(b)U, it was noted that a former chief of RD of MGB Syromyatnikov, who, without the means of subsistence, often dealt with extortio. The need to relocate the offender was stressed as it could adversely affect the work of MGB regional department, which already hadn't a positive image<sup>70</sup>.

Objectively, formal convictions and punishments were rather a forced step to, first, at least somehow persuaded a morally degraded contingent of workers, and secondly, to stop being discredited in the eyes of the population of the entire Soviet administration, who did not yet enjoy the support of the local, moreover, it became hateful (because of aggressive behavior) for all residents of the region.

The Chekists themselves apparently delighted the senior leadership with comparative reports of violations of socialist legality of previous years and noted a decrease in negative phenomena. A Prosecutor General's Office usually reported to the higher authorities only about emergencies, leaving aside cases of allegedly minor violations while, in essence, they were serious. That is, many of the violations were simply not registered, and accordingly no investigation was conducted on them<sup>71</sup>.

## CONCLUSIONS

Thus, the violation of social legality was caused by low moral, educational, professional levels of personnel and material support, constant abuse of alcohol, absence of real punishment for the violations

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<sup>69</sup> ГДА СБУ, ф. 2-Н, оп. 59 (1953), спр. 6. – Т. 2, арк. 15–17.

<sup>70</sup> *Український національно-визвольний рух на Прикарпаття в ХХ столітті. Документи і матеріали* / [відп. ред. проф. Микола Кугутяк], том. 2, книга 3 (1947 – 1957), Івано-Франківськ: КПФ “ЛІК”, 2011, С. 411.

<sup>71</sup> ДАЛО, ф. 5001, оп. 6, спр. 46, арк. 157.

committed, etc. The magnitude of the situation in the Western Ukrainian region with crimes committed by the representatives of the Soviet administration began to threaten the existence of the system itself. That is why forced punishment was applied to them. Although often these punishments were not commensurate with the crime.

## SUMMARY

In the research on the basis of unknown and little-known documents one of the components of the statement's process of the Soviet administration in the Carpathian region of OUN – violation of socialist legality is traced. Main types of violations are allocated and the attempts to clear the scale of this phenomenon were made. It is proved that the existence of repeated crimes was caused by the lack of punishment, and sometimes the encouragement of the administration in constant violations.

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7. ГДА СБУ, ф. 2-Н, оп. 59 (1953), спр. 6, т. 2.

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10. ГДА СБУ, ф. 2-Н, оп. 107 (1954), спр. 1.

11. ГДА СБУ, ф. 13, спр. 372, т. 59.

12. ГДА СБУ, ф. 13, спр. 398, т. 18.

13. ГДА СБУ, ф. 16, оп. 7, спр. 4, т. 3.

14. ГДА СБУ, ф. 16, оп. 92, спр. 52.

15. ГДА СБУ, ф. 17, оп. 24, спр. 7.

16. ГДА СБУ, ф. 71, оп. 6, спр. 121.

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- 18.ГДА СБУ, ф. 71, оп. 6, спр. 33.
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