

How people in Ukraine are declared traitors to the state: The mechanism of the repressive apparatus

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This essay was submitted to the WSWS by Maxim Goldarb, the head of the “Union of Left Forces of Ukraine—For New Socialism” party in Ukraine which opposes the NATO war against Russia and has been banned and persecuted by the Zelensky government. The WSWS unequivocally opposes the state repression of his and other left-wing parties in Ukraine and has published several articles of Goldarb over the past few months.

Recently, almost every day, we have been reading in the Ukrainian news or hearing on TV about “state traitors” who were exposed by the Security Service of Ukraine (SBU) or the State Office of Investigation (GBR) and prosecutors, because they are suspected of anti-state activities and treason. As a rule, “traitors” include well-known public figures or politicians who disagree with the government’s policy, criticize it, speak out against the war and advocate peace, and reveal the corrupt motives and intentions of the current regime. More rarely, it is ordinary citizens who are exposed as “state traitors” for absolutely minor “offenses”: posts and likes on social media, public statements of their opinion, etc.

With this, the authorities pursue several goals:

- 1) Distracting the attention of Ukrainians from the government’s miscalculations, mistakes, crimes and failures;
- 2) The formation of the image of “enemies of the people”;
- 3) The criminal prosecution of political opponents and rivals;
- 4) The creation and cultivation of an all-encompassing atmosphere of fear, mutual distrust and hatred in Ukrainian society, based on the principle, “divide and rule.”

Points 1, 2, 4 are above all aimed at achieving psychological results: it is an attempt at mass deception of society, plunging it into an abyss of fear and distrust, while distracting attention from reality. Point 3 allows the government to deal with its opponents by removing them from the political scene, by throwing them into prisons, mutilating and even killing them, persecuting them, by taking away their property and business.

For the uninitiated, the question undoubtedly arises: Why are opponents of the government and others often accused based on this particular article of the Criminal Code, this particular crime—treason? The answer is as follows: The definition of the crime of “state treason” in Article 111 of the Criminal Code of Ukraine is very vague and abstractly written. This gives the repressive apparatus the opportunity to charge anyone under it whom the president or his team decide to pick out.

It should be remembered that the current version of this law was written and adopted by the deputies of President Zelensky’s ruling

“Servant of the People” party. Thus, it is not surprising that it turned out to be just such a “multilateral” and vague law that can be interpreted in different ways, depending on the task at hand or the instructions received from above.

After all, you must agree that the concept of “an act committed to the detriment of the sovereignty, territorial integrity and inviolability, defense capability, state, economic and information security of Ukraine” can be interpreted in almost any possible way. Anyone can be described with these words. The most important and basic issue is this: Who in Ukraine today has the right to apply, interpret and evaluate this law? It is definitely not the courts, but, rather, the special services and prosecutors, and both of them are completely dependent on the president or his structures who appoint and remove them. Having come to power, Zelensky did everything to influence the appointment of all heads of the law enforcement system, and to place his people there. Now, during the war, he has managed to concentrate all the power over the judicial system in Ukraine in his hands, even though this goes entirely against the provisions of the Ukrainian Constitution.

The leadership of the investigative bodies—the state office of investigation (GBR), the Secret Service (SBU), the prosecutor’s office, the police, and the office of economic security (BEB)—and the judicial system are now fully controlled by and accountable to the office of the president. In fact, they are appointed and removed by it.

Moreover, state treason is a particularly serious crime, and Article 111 provides for imprisonment of up to 15 years, while the criminal procedure law allows for the arrest of a suspect under this article without any right to bail or release.

Undoubtedly, any sensible lawyer from a democratic country would raise the concern: But to prove a person’s guilt in such a serious crime, there must be obvious and irrefutable evidence collected in an exclusively legal way, such as materials of operational activities (e.g., wiretapping, reading correspondence, surveillance, video and audio recordings of conversations, meetings, actions, physical evidence, qualitative agent’s reports, etc.). And only on the basis of the totality of all such evidence and its comprehensive evaluation in court would it be possible to have a fair and objective judicial decision on the guilt or innocence of the accused person. And such a lawyer would be absolutely right...

But with one correction. In the lawyer’s country, in their judicial system it may be necessary to thoroughly prove the guilt of a person before the judge to bring him to justice. In Ukraine, since the beginning of the war, there is no such need. None at all. All that is

needed is to simply detain and place the opponent of the authorities, the victim, in custody and that's it. Then, in the detention center the accused is confronted with unbearable conditions: He is subject to torture and ill-treatment, blackmail and abuse, and that for an indefinite period. The case is investigated, as it were, in a slow, very slow manner, and even if it goes to court, the arrested person continues to be held in custody. This is what is happening today. The whole world knows the terrible situation confronting left-wing activists and anti-fascists, such as the brothers Alexander and Mikhail Kononovich, the publicist and blogger Dmitry Skvortsov, the lawyer and human rights activist, Elena Berezhnaya, who is well known for her anti-fascist position, and many other public figure who have expressed oppositional views.

But, the reader will ask: Is it not impossible to grab and throw a person behind bars, accusing him of one of the most serious crimes against the country, just as the Gestapo once did in Nazi Germany, without even the slightest legal justification? It is possible. Today in Ukraine it is possible. But in order to give the appearance of at least some legitimacy to the ongoing complete lawlessness, the prosecution authorities (the SBU, the state office of investigation, and the prosecutor's office) have learned—attention!—to conduct “expert examinations” of a person's words and statements, their comments and posts on social media.

For this purpose, employees of the prosecution bodies take the words of any opponent of the current government—whether it is a post on social media, a speech on TV, or an article in a newspaper—and appoint and conduct a special forensic linguistic examination, where the expert linguist answers the following questions posed to him by the investigation:

- 1) Is there anything bad directed against Ukraine in these words?
- 2) Is there anything in them that indicates that the person indirectly or directly supports the enemy?
- 3) Is there a causal relationship between these words and any following consequences?

And so on and so forth. As you will understand, any words, position, statement, can be called “bad,” simply because the forensic expert is operating based on highly relative and subjective evaluations and subjective perception. And the main question in such a case is to find the “right” expert, who will “correctly” evaluate the words of the victim of the regime and write the “necessary” expert report.

Where does this expert come from? How is this expert report written? And here it becomes particularly interesting for those who have not yet encountered the machinations of the current system of persecution of dissent in Ukraine. Part of the expert review can be carried out in state institutes of forensic expertise, where the expert will be given an order by the director of the institute, will fulfill it, and write what is necessary. Because in Ukraine now experts do not bear responsibility for anything, they can write anything they want.

In addition, there are also “appointed” experts whom the state system of persecution has helped to obtain the necessary license from the Ministry of Justice of Ukraine, allowing them to conduct linguistic examinations. They are on the payroll of the state system of persecution and receive a very decent salary, for which they simply “clamp” the expertise needed by the system. If you want a bad expert report, they will write a bad one; if you want a good one, they will write a good one. Then the conclusions of this expert report are made the basis for bringing charges and for the initiation of the prosecution of a person: First he is charged, then he is put on a wanted list, he is detained, arrested, imprisoned, and so forth.

This is how Metropolitan Pavel, the vicar of the Kiev-Pechersk Lavra, the main Orthodox monastery in Ukraine, was treated and this is how many opposition members of parliament, public figures, politicians, leaders of political parties that have been banned by Zelensky's government, and other “state traitors” were treated. This is how those are treated whom the current government considers its enemies but against whom the government has no evidence of guilt.

Think about how frankly silly and delusional the accusation of state treason against a former MP who owns a TV channel that was closed by President Zelensky sounds: He created a TV channel where anti-state opinions were voiced? Is it possible to believe that a conscientious, intelligent, real expert has checked the entire terabyte array of information, has reviewed several years of footage from the TV channel with thousands of politicians, activists, public figures, journalists, experts, specialists, viewers, and has checked and weighed billions of words and sentences and speeches? And that, on this basis, the conscientious expert was able to come to the conclusion that this TV channel had an anti-state, treasonous policy? Of course not. It is absurd. And yet in Ukraine, they amicably prepared an absolutely unsubstantiated expert report. And on the basis of this report's accusatory conclusions, a former people's deputy was accused of state treason and put on the wanted list.

In total, over the last year and a half, more than 1,500 criminal cases have been opened in Ukraine under the article of “high treason.” In other words, on average, two or three criminal cases are opened under this article every single day.

To repeat: The conclusions of the investigative body (in our country, this is, in fact, the prosecution) which are arrived at in accordance with the law mean nothing to the court and are not proof of a person's guilt. Until the case is considered in court, no evidence plays any role at all. Only the evidence that is presented in court or investigated by the judge during the trial matters. But in order to accuse someone of a crime, the investigating or prosecuting authority must collect at least some data that would somehow testify to the correctness of the opinion of the investigating or prosecuting authority about the guilt of a person. This is where this inherently deceitful examination of a person's allegedly anti-state views comes in.

This does not mean that the accused will necessarily be convicted and found guilty. Rather, on the contrary, a normal court will find them innocent and their guilt unproven. But obviously, this will not happen anytime soon, certainly not until the current regime changes. And which of the political prisoners will live to see this, is, unfortunately, an open question ...

Is information that is distributed about peace and that advocates for peace anti-Ukrainian information? For the current government, the “party of war,” for those who want this war to continue, who make money off it, and for whom the war means a prolongation of their political life cycle, the answer is: yes.



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