
Casus Vynnychukus and Freedom of Speech

On January 23, 2012 two policemen approached writer Yuri Vynnychuk at his home in the Western Ukrainian city of L'viv and demanded from him a written explanation of the poems he had presented a few months earlier in Kyiv at the "Night of Erotic Poetry" festival. The policemen said they were authorized to do so by the prosecutor general who had received a complaint from the Communist MP, Leonid Hrach, which unabashedly qualified Vynnychuk's poems as "pornography" and a "call for the violent overthrow of Ukraine's government" (<http://world.maidan.org.ua/2012/statement-on-the-political-persecution-of-the-ukrainian-writer-yuri-vynnychuk>).

Yuri Vynnychuk is a renowned author with some international fame, so he has not been arrested, beaten, and forced to confess, as happens on a daily basis all over Ukraine to his less fortunate and not so famous compatriots. Oleksiy Cherneha, for instance, a young activist of the "Patriot of Ukraine" from the provincial town of Vasyl'kiv (Kyiv Oblast), recalls his encounter with the Security Service of Ukraine (SBU) officers as follows:

Immediately after I was detained [on August 23, 2011], I was taken to the regional SBU center where I was held without charge or sanction from the investigator or court until Aug. 27, much longer than the 72 hours allowed by law [...]

While I was at the regional SBU center, I was questioned around the clock. During the interrogation, physical methods were used against me repeatedly – I was beaten on my neck and the soft parts of the body, forced to do the splits, humiliated, threatened with physical violence and also mocked with accusations of pedophilia.

The SBU officers also tried to force me to give untruthful evidence against my acquaintances... After I had refused to give this untruthful evidence, I was shackled and they continued to beat me.

For four days I was interrogated and not allowed to sleep or eat.

During the torture and humiliation I repeatedly demanded to be told my official status in the case and also information about the examination of the things found at my place during the search. But I received no answer to any of my questions. I was also refused a meeting with my lawyer, and all interrogations happened without his presence.

While I was in custody, I informed the SBU that I had been diagnosed with epilepsy and that the doctors had recommended that I stick to a sleep pattern and eat regularly, because not to do so could affect my health and even lead to death.

However, the SBU officers ignored this and for four days I was interrogated without sleep or food. Such behavior is a flagrant violation of human rights and guarantees of respect for dignity contained in the Constitution.

During interrogation on Aug. 25, SBU officers forced a compact disk into my hand which had allegedly been found at the place on Hrushevskogo Street on Aug. 22. There, like at my residence, the SBU alleged it had found information about assembling a homemade explosive device and a video of child pornography.

Afterward I was told they had "evidence" against me and in a similar way they could create any "evidence," and for this not to happen I had to write that my acquaintances Shpara and Bevz had left the things in my room that had been found during the search.

When I refused, painful injuries were inflicted on me.

On the night of Aug. 26, I was informed that I would be released if I signed a few documents. I was forced to sign a letter to the head of the SBU saying that no physical coercion had been applied to me and that I voluntarily consented to give evidence from Aug. 23 to Aug. 27. I assert that all signatures that I made during that time were extracted in ways banned by the Code of Criminal Procedure (http://www.kyivpost.com/news/opinion/op_ed/detail/112476/). (See also: Katya Gorchinskaya, "Allegations of SBU horrors recall cruel Stasi methods," 15 September 2011: http://www.kyivpost.com/news/opinion/op_ed/detail/112911/.)

Stories like this are typical in Yanukovich's Ukraine. They vary in detail but have one thing in common: rampant lawlessness that reigns supreme in the country and unscrupulous use of law-enforcement agencies for the regime's political goals. The Kyiv Post editorial aptly described Ukraine's judicial system as "broken, corrupt and manipulated by oligarch-controlled politicians, chief among them president Viktor Yanukovich":

Police still beat, torture, falsify evidence and extract false confessions. They conduct armed raids with masks with the permission of the manipulated courts. Prosecutors operate in a web of secrecy in which they are accountable to no one but the chief prosecutor, who is appointed by Yanukovich. Judges cannot exercise independence for fear of losing their jobs – or worse. The presumption of guilt replaces the presumption of innocence through the pre-trial jailing of suspects for up to 18 months in horrible conditions, the denial of bail and adequate legal representation, the denial of speedy trial by jury and so on (<http://www.kyivpost.com/news/opinion/editorial/detail/114769/>).

Yuri Vynnychuk predictably rejected the accusations as absurd and stated that the interference in literary matters by politicians, prosecutors and other officials was illegal and anti-constitutional. The story got broad publicity in the mass media; Ukrainian PEN-center endorsed a protest; the writer himself used a public commemoration of Leopold von Sacher-Masoch's birthday in downtown L'viv to read his subversive poems to his cheerful fans. And finally, the sweetheart Hanna Herman, Yanukovich's advisor and a writer herself, called a L'viv colleague and apologized for the excessive zeal of her boss's subordinates (<http://life.pravda.com.ua/person/2012/01/30/93822/>).

Personally, I would prefer her to call Mr. Cherneha, or Ms. Hanna Synkova, or many other victims of the regime's brutality, and to deal with the officers that tortured and humiliated them rather than the two pathetic policemen sent by their dull bosses to Yuri Vynnychuk's place. So far, it looks like a Bad Cop versus Good Cop show. However it ends, it should not obscure the much more serious, brazen, innumerable cases of human rights violations in Yanukovich's Ukraine. The very addition of "pornography" to the alleged "call for a violent overthrow of the government" tends to make the entire story farcical, to downplay and de-contextualize the political message of Vynnychuk's work. Yet, whatever the initial intentions of both the writer and his opponents, the actual implications of the conflict seem to be broader and more complex.

First of all, the poem in question is certainly not Vynnychuk's chef d'oeuvre, nor is it an exemplary case of political correctness. There are two English translations of this poetical pamphlet, one of which is entitled "Kill the Bugger" and the other "Kill the Pidasas" (http://durdom.in.ua/uk/main/news_article/news_id/27029.phtml).

The former translation is a much better reflection of the poem's idea, yet the latter renders properly the ambiguity that exists in the original. The obscenity "pidaras" borrowed from Russian criminal slang has a sexual (actually sexist) connotation related to "pederast," but in a colloquial speech it means typically a sodomite or a "total idiot" (therefore the female form "pidaraska" can also be used). Nevertheless, the underlying sexist connotation makes the text rather tasteless and implicitly homophobic, even though it clearly hints that the Ukrainian government and the incumbent president may well be considered sodomites rather than homosexuals.

The slogan "kill" (whoever) is also distasteful, though it should not be interpreted literally. The poet may mean symbolic/political "killing," or even refer to Anton Chekhov's famous dictum: "to kill a slave within ourselves," and to Shevchenko's classical "Testament": "wake up and rise up, and break the shackles, and sanctify freedom with the enemy's evil blood." Still, in the society with a weak tradition of tolerance and political liberalism, and deeply rooted tradition of homophobia, xenophobia, and daily coercion, all these ambiguities and provocative slogans may reverberate and fuel even more hatred and brutality rather than the desired purification.

As a vice-president of the Ukrainian PEN-centre assigned by the colleagues to draft the protest, I was really in a difficult position. I had to condemn the police interference in literary matters and, at the same time, distance myself and the center from the controversial poem, which I would have certainly advised the author neither to read, nor to publish or produce – at least in its current form. I attempted to solve the dilemma by placing the case in the broader context of the government's systemic infringement of the freedom of speech and political persecution of writers, scholars, journalists, and civic activists. At the same time, in a personal conversation, I expressed to the author (a friend) disapproval of his dubious text.

The point seems to be obvious: we may profoundly disagree with a writer's views and forms of their expression but we should guarantee him/her the right to express those views without censorship and political pressure. It is up to the public and literary critics to evaluate the text, not the police, prosecutors, and security service. We defend the general principle, and not a specific author or text. A few years ago, I happened to disapprove of then president Viktor Yushchenko's intention to criminalize the denial that the Great Famine of 1932-33 in Ukraine was Genocide. By the same token, I staunchly disagree with similar decisions of some other governments to make the denial of Armenian and other genocides a criminal offense. People should have a right to express the most ugly and stupid ideas as long as they do not call directly for illegal and violent actions against other people. This is particularly true about the writers and artists who may bear moral, political, professional, and, in some cases, administrative responsibility for their words but definitely should not be considered criminals. It seems self-evident, but I have noticed from pending public debates the subtle difference between the defense of a general principle and of specific texts. It is usually blurred and politicized.

Yuri Vynnychuk's case, in a way, resembles that of Yulia Tymoshenko. Here, again, we protest against her political persecution not because we support her politically, share her views or consider her own governmental policies consistent with liberal democracy and rule of law. We simply believe that political decisions should not be criminalized – exactly like poems, novels, or artistic performances.

So, the second question emerges: why does President Yanukovich commit or, rather, allow his lieutenants to perpetrate the blunders that compromise him and his regime both domestically and internationally? The simple answer is that no authoritarian regime can survive without some lawlessness and coercion. However, it is one thing to torture inmates in provincial prisons, to harass young and as yet unknown civic activists, or to take over one's opponents' businesses via sheer racket or kangaroo courts. It is quite another to attack outstanding figures whose ordeal draws immediately broad and sometimes even exaggerated public attention.

Viktor Yanukovich may be neither wise enough to adequately understand politics, or diligent enough to keep a careful eye on his political menials. But he has a huge apparatus, doubled in size and salaries since Yushchenko's times, and he should have no problems with professional analysis, political advice and ultimate decision-making. And this is the point. So far, after two years of his presidency, he has been moving from bad to worse in all his decisions, and steadily losing his popular rating from over 60 percent to single-digit figures. If his advisors are as incompetent as their leader, it is very unfortunate. If they are smart but manipulate him in a cowardly fashion –for Moscow's or their personal benefits, or both – it could be catastrophic.

The Vynnychuk affair might have been initiated by a senile communist, who felt insulted by the writer's mockery of Communist rhetoric and paraphernalia. At least, this is what Hanna Herman suggested. One may wonder however to what degree the communists in Ukraine are independent players. So far, they behave like government puppets assigned to do the dirtiest jobs that the government prefers not to engage in openly. Smearing Ukrainian NGOs as subversive agents of the West might be the most graphic example. Neither the Kuchma nor the Yanukovich governments dared to do this themselves since this might have undermined their fake "pro-

European” rhetoric. Yet, remarkably, they provided the communists with full logistic support, publicity, and the needed votes in the parliament to pass the anti-NGO laws.

In the Vynnychuk case the manipulators could play one more game and try to capitalize on the president’s fears and phobias. Viktor Yanukovych, indeed, seems to be preoccupied with his personal security. This may stem from his unfortunate 2004 presidential campaign when he was attacked by an egg and became so terrified that he lost consciousness. Taras Chornovil, Yanukovych’s ally and former close adviser, claims that the president’s phobias originate from his peculiar experience in the Donbas region – dubbed the Ukrainian Sicily. Yanukovych sincerely believes that “someone wants to kill him,” Chornovil says <http://www.kyivpost.com/news/nation/detail/116724/>.

The President’s paranoia might be an excellent tool for those in his entourage who know how to use it. And Vynnychuk’s poem “Kill the Pidasaras” fits them well. Back in September, there was a huge scandal in Kyiv when people wore teeshirts that featured the slogan: “Thanks to inhabitants of Donbas for the [election of the] president-pidasaras.” Police raided the store, confiscated the T-shirts, and forced the businessman who produced them to flee abroad. The word “pidaras,” however, has acquired one more connotation hardly unknown to either Yuri Vynnychuk or Viktor Yanukovych.

The Vynnychuk case, even though on a much smaller scale, is as ambiguous as that of Tymoshenko. Both shed a light on the lawlessness that reigns in the country. But both can be used also be used to obscure the scale of repressions and to trivialize the political essence of the events. Therefore, whatever we think about both heroes and their work, we should remember the broader context and perceive the general tendency rather than unpleasant, albeit isolated, incidents.

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