

FILM REVIEW

The Trial: The State of Russia vs. Oleg Sentsov, directed by Askold Kurov. Produced by Marx Film (Estonia), Message Film (Poland) and Czech Television, with the support of the Polish Film Institute, the B2B Doc network, and the Ukrainian Association of Cinematographers. 2017, 70 minutes. Contact: Anja Dziersek, Rise & Shine (Berlin), anja.dziersek@riseandshine-berlin.de. Webpage: <https://www.asnconvention.com/the-trial>. Shown at the ASN 2017 World Convention.

In 2011, Oleg Sentsov, a Crimean filmmaker, made waves on the international festival circuit with “Gammer,” a documentary on computer gaming. During the Maidan protests, he went to Kyiv to join “Avtomaidan,” a group of activists who used their cars to picket the houses of government officials. During the Russian military occupation in Crimea, he organized humanitarian missions for Ukrainian soldiers trapped in their compounds, bringing them food and medication and assisting in the evacuation of their families. Outside of the strong Crimean Tatar national movement, Sentsov was arguably the most famous Maidan activist in Crimea.

In May 2014, Sentsov was arrested on charges of “terrorism,” along with three alleged co-conspirators – Oleksiy Chorny, Hennadiy Afanasyev, and Oleh Kolchenko. Russian TV, citing sources from the FSB (Federal Security Service), Russia’s internal security police, announced that the suspects were linked to Pravyi Sektor, a far-right Ukrainian movement involved in violent resistance on Maidan, and planned to blow up bridges and railway tracks in Crimea’s three major cities – Simferopol, Sevastopol, and Yalta. It was later claimed that Sentsov was the main organizer.

The Trial, by Russian filmmaker Askold Kurov – known for documentaries on gay oppression in Russia (*Children 404*) and the Lenin Museum in Moscow (*Leninland*) – follows the legal proceedings in Russia: first in a Lefortovo district courtroom in Moscow, for two hearings that extended his pre-trial detention; and then in Rostov, in southern Russia, for the trial itself. The courtroom scenes allow us to see how a political trial with a predetermined outcome actually functions in Russia. The cruelty of the state gives pause, but its actors come out small. The prosecutor and judges merely go through the motions, reading without conviction legalese-laden testimonies and verdicts, while pretending that the law is being observed. (The multiple claims that Sentsov and the witnesses who implicated him were tortured are never acknowledged). Sentsov tells the judge not to take it personally that “the court of an occupier cannot be just,” but he has no respect for the truly powerful – the FSB (“the Federal Service of Banditry”), and Putin (a “bloodthirsty dwarf”). He knows no fear. In his last words, he cites Mikhail Bulgakov, that the greatest sin on earth is cowardice: “Everyone in the courtroom understand perfectly well that there are no fascists in Ukraine and that Crimea was annexed illegally.” He argued that one-third of the Russian population do not believe Russian propaganda, but are afraid to act.

One Russian citizen who is not afraid is Aleksander Sokurov, one of Russia’s most celebrated film directors. In a chilling scene, at an official televised function with nearly 100 people seated around a table, Sokurov confronts Putin over Sentsov, “begging” him to

solve the problem: “A film director should be battling me at film festivals,” not sitting in jail. Putin responds that Sentsov was not convicted for work, but because he has “de facto dedicated his life to terrorist activities.” Twice, Sokurov pushes back, invoking the “Russian and Christian way to hold mercy over justice.” Putin icily replies that “we cannot act [...] without a court judgment.” Everyone knows that the court judgment will be a political order, but only Sokurov has the courage to stand up.

The film, in interviews with lawyers and court testimonies, leaves no doubt that the case is a complete fabrication, based on a modicum of actual or intended low-grade violence, unrelated to Sentsov. In early April 2014, Chorny, Afanasiev, and Kolchenko committed arson, in the middle of the night, against the empty offices of local pro-Russian organizations which supported the annexation. The damage is so light that a policeman shouts that it is not necessary to call the firemen. Afterwards, Chorny makes plans on his own to blow up a Lenin statue and sought advice from a chemistry student named Pirogov. Pirogov became an FSB informer and filmed a later encounter with Chorny discussing his plans.

Chorny was arrested before he could act and Afanasiev was also picked up. They were tortured to implicate Sentsov, whom they had never met. They both cracked (in the case of Afanasiev, the torture involved choking on his own vomit and having his testicles electrocuted). Sentsov was also tortured, threatened that if he did not admit his participation in the “conspiracy,” he would be made its ringleader and sentenced to 20 years, which is exactly what eventually happens. An initial search finds nothing but Soviet anti-fascist films, presented by a clueless FSB as evidence of his membership in Pravyi Sektor. A subsequent search comes up with a planted gun.

The question is why frame Sentsov? The Russian political scientist Kirill Rogov, who appears twice in the film, invokes the “Khodorkovky principle,” named after the Russian oligarch who was sent to jail on alleged corruption charges: being famous will not protect you from the arbitrariness of the state, and therefore anyone is fair game. Sentsov’s lawyers claim that the FSB needed someone famous to symbolize the Pravyi Sektor threat in Crimea. The film does not elaborate on what appears to be the key motive – Russia’s attempt to legitimize the annexation of Crimea.

Besides the fear that NATO might dislodge the Black Sea Fleet, the immediate claim by Russia was that the Crimean population, of which a majority is ethnic Russian, was under physical threat from a “coup d’état” by “fascists” in Kyiv. Since actual threats could not be found, they had to be invented. Hours before the Russian Duma authorized Putin to send troops into Ukraine, the Russian Ministry of Foreign Affairs announced that the local Crimean Ministry of the Interior had been attacked by “unknown men,” failing to clarify that the attackers were pro-Russian militias, working in concert with Russian troops already occupying parliament and communication hubs. Weeks later, the only incidents were isolated cases of vandalism. The Sentsov case symbolizes the lie that Russia came to the rescue of Crimean civilians against Maidan activists willing to engage in “terrorism.” At the latest count, 23 Crimeans have been arrested or convicted of terrorism, always for alleged conspiracies.

This vital film, made with the involvement of film institutions from five East European countries, is also revealing on the meaning of Ukrainian national identity. In an interview on Crimean television prior to Maidan, Sentsov, an ethnic Russian, is asked if he considers himself a Ukrainian filmmaker. He simply answers “Yes, I am a citizen of Ukraine.” At the trial, when Kolchenko has to formally identify his nationality, he replies “Russian, Ukrainian,” as if to suggest that his identification with Ukraine is self-evident. A stunning scene is when Afanasiev, brought in to incriminate Sentsov, recants his testimony “done

under duress.” Sentsov, applauding, shouts “Slava Ukraini! (*Glory to Ukraine!*),” with Afanasiev answering back “Heroiam slava! (*Glory to Heroes!*)” The slogans, popularized by the Ukrainian Insurgency Army (UPA) during World War II, were adopted as a rallying cry of resistance on Maidan. It is doubtful that Sentsov was ever invested into Stepan Bandera, the far right wartime leader with whom the UPA was symbolically associated. Yet in refusing to be afraid, he can be seen as embodying a spirit of resistance that makes him a far greater threat than the terrorist that he is not. His parting words to Russians were telling: “We also had a criminal regime but we came out against it.”

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