

Toronto International Film Festival 2018: Part 6

The Trial and Prosecuting Evil: The Extraordinary World of Ben Ferencz—An early Stalinist frame-up on film and the Nuremberg tribunal against the Nazis

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This is the sixth and final part of a series of articles devoted to the recent Toronto International Film Festival (September 6-16). The first article was posted September 28, the second on October 1, the third on October 4, the fourth on October 8 and the fifth on October 12.

The Trial

The subject of Sergei Loznitsa's film *The Trial* is a Stalinist frame-up trial held in Moscow, between November 25 and December 7, 1930, of a group of leading Soviet technologists and engineers. In the so-called Industrial Party Trial, the defendants were accused and convicted of plotting a coup against the Soviet government.

Essentially, the unsuspecting and entirely innocent individuals became "scapegoats," as Leon Trotsky later explained, for problems with the first Five-Year Plan, the centralized national economic plan bureaucratically initiated by the Stalinist regime in 1928. The trial marked a new and sinister stepping-up of repression of the Soviet Union.

Each of those on trial, major figures in the Soviet technical intelligentsia and the country's economic life, had distinguished credentials: Leonid K. Ramzin, director of the Thermal Technical Institute in Moscow and a professor at the Moscow Higher Technical School; N.F. Charnovsky, professor of metallurgy at the Moscow Higher Technical School, and chairman of the Metallurgical Advisory Council of the Supreme Council of the National Economy (*Vesenkha*); A.A. Fedotov, head of the Textile Research Institute, and an engineering professor; V.A. Larichev, chairman of the fuel section of the State Planning Commission (*Gosplan*); V.I. Ochkin, of the scientific-research section of *Vesenkha* and scientific secretary of the Thermal Technical Institute under Ramzin; K.V. Sitnin, an engineer of the All-Union Textile Syndicate; I.A. Kalinnikov, vice-chairman of the production sector of *Gosplan* and a professor at the Military Aviation Academy; and S.V. Kupryanov, a technical director in the textile industry.

The defendants were accused of having formed the (non-existent) *Prompartiya* ("Industrial Party"), with the aim of wrecking Soviet industry and transport between 1926 and 1930.

Loznitsa presents important archival footage of the entire proceeding, which, according to the film's production notes, alleged that the men on trial had made "a secret pact with the French Prime Minister, Raymond Poincaré, and with other Western political leaders, aiming to destroy the Soviet power, restore capitalism and break up the USSR. All charges are fabricated and the accused are forced to confess to the crimes they never

committed."

The defendants were charged with having organized a "Council of the Allied Engineers' Organisation," which, according to the indictment, had "united in a single organisation all the different wrecking organisations in the various branches of industry, and acted not only in accordance with the orders of the international organisations of former Russian and foreign capitalists, but also in contact with, and upon direct instructions of the ruling circles and the general staff of France in preparing armed intervention and armed overthrow of the Soviet power."

The Industrial Party Trial along with two others in the late 1920s and early 1930s—the Shakhty Trial (named after the town in the North Caucasus where a group of engineers were accused of "sabotaging" the Soviet economy) and the Menshevik Trial—were precursors to the Moscow Trials, Stalin's genocidal purges aimed at liquidating the Bolshevik cadre who led the 1917 October Revolution. Trotsky was the main defendant in absentia in the latter trials.

The trial of Ramzin and the other engineers and academics in late 1930 was prompted by problems with the Five-Year Plan and by the Stalinist officialdom's taking fright at an eruption of strikes at the end of the 1920s, provoked by economic hardship and bureaucratic incompetence and mismanagement. Mass meetings expressing outrage occurred at many factories and workplaces.

According to Soviet Marxist historian Vadim Rogovin, in a volume of his writings soon to be published in English: "Sensing the mass discontent that had arisen in the country, Stalin tried to redirect it toward 'class enemies,' explaining the failures and misfortunes of his social and economic policies by their intrigues. In pursuit of these goals, a series of sham trials and extra-judicial proceedings were carried out to direct the 'fury of the masses' toward 'wreckers' from among non-party specialists.

"Initially, Stalin intended to exact swift and bloody retribution against the arrested. ... Within a few days his decision had changed. He began to plan the organization of public trials, noting how he needed the defendants to behave. Stalin suggested directly to [Vyacheslav] Molotov [a leading Stalinist official] (and through the latter, evidently, to the immediate organizers of the trials):

"Won't the gentlemen on trial think that they should confess their errors and honestly disgrace themselves politically, having at the same time acknowledged the stability of Soviet power and the correctness of the method of collectivization?"

Along the lines of this cynical and reactionary logic, Ramzin and the others were humiliatingly forced to confess to various heinous crimes. Five of the men were given death sentences, later commuted to long prison terms, and five others were given terms of varying lengths. Ramzin was amnestied in 1936 and released from prison. He went on to work in the Moscow Power Engineering Institute and became a laureate of the Stalin Prize First-Class in 1943.

Nikolai Krylenko, the prosecutor of the case (and brother-in-law of American journalist Max Eastman), was swept up in the Stalinist purges of the late 1930s and shot after a 20-minute trial in July 1938.

Andrey Vyshinsky, the presiding judge and overlord of the sham proceedings recorded in *The Trial*, later became known for his monstrous role as prosecutor during the Moscow Trials (1936-1938).

Director Loznitsa intercuts the trial sequences with footage of demonstrations whipped up by the Stalinist authorities into a lynch-mob atmosphere directed against the defendants.

The Trial, with whose title no doubt Loznitsa means to convey hints of Franz Kafka, presents powerful material. It should be noted, however, that the filmmaker is a ferocious anti-Communist, who, during the movie's question-and-answer session in Toronto, became apoplectic at the very mention of Trotsky's name.

Prosecuting Evil: The Extraordinary World of Ben Ferencz

“War makes murderers out of otherwise decent people. All wars, and all decent people.”—Ben Ferencz

Ninety-nine-year-old Ben Ferencz, the last surviving Nuremberg Trials prosecutor, is the subject of Montreal-born Barry Avrich's documentary, *Prosecuting Evil: The Extraordinary World of Ben Ferencz*.

At the end of World War II, Ferencz, age 27, was appointed by Telford Taylor—the prosecutor preparing the historic trials at Nuremberg (1945-1946)—as the chief prosecutor for the Einsatzgruppen Case, called the biggest murder trial in history. It centered on a group of some 22 men who carried out mass murders while following the Nazi army into the USSR. Ferencz convicted the men of the extermination squads responsible for the deaths of more than a million Jews, and many thousands of Gypsies, partisans, Communist Party officials and members, disabled persons, Slavs and others.

Born in 1919 in Transylvania, Ferencz came to New York with his parents. After attending City College of New York, he received a scholarship to Harvard Law School, where he worked for a professor working in the nascent field of war crimes.

In 1945, while in the military, Ferencz was transferred to General George S. Patton's Third Army, charged with setting up a new war-crimes division. He joined army teams sent to gather evidence of Nazi crimes from the Buchenwald, Mauthausen, Flossenbürg and Ebensee concentration camps. One major discovery was the death registries kept by the Germans:

“There were 3,000 men who, for two years, murdered people, including children and infants,” stated Ferencz, “one shot at a time, or, as one of my lead defendants, who killed 90,000, instructed his troops: ‘If the mother is holding an infant to her breast, don't shoot the mother, shoot the infant because the bullet will go through both of them, and you'll save ammunition.’ ”

At one point, he says emotionally: “It's unimaginable. Bodies lying around; you can't tell if they're dead or alive, pleading with their eyes for help. Waving their hand and you see they're alive, in rags; rats, dysentery, diarrhea, every disease in the camps. It was an experience indescribable because of its horror. It was as if I had peered into hell. That's why I'm still fighting, to prevent that from happening again.”

For many years, Ferencz was a key campaigner for the creation of the International Criminal Court (ICC) in The Hague, in the Netherlands, which was finally established in 2002 and which the US has refused to

sign onto. (President Bill Clinton signed the treaty but didn't get it ratified by the Senate. George W. Bush then decreed that America would not join or cooperate with the court.)

Concerning the ICC, he asserts: “You need laws in order to define what's permissible and what's not permissible, you need courts where people can be held accountable if they violate the laws, and you need a system of effective enforcement. Those are the three legs on which civilization stands. But we only have the two legs, and they're both a little bit wobbly; the third enforcement leg doesn't even exist.”

Notwithstanding Ferencz's undoubted hatred of fascism's barbaric crimes, his support for the ICC indicates the limitations of his liberal outlook, as well as the filmmakers'. The ICC, a creation of the United Nations, has inevitably pursued the overall interests of the imperialist powers since its establishment, especially in justifying neo-colonial invasions and “regime change” (Sudan-Darfur, Libya, etc.) on the grounds of “human rights” violations. As the WSWS noted in 2011: “As a whole, the investigations undertaken by the court have coincided with a renewed drive by the US and the European powers for control over African markets, raw materials and geo-military advantage.”

The ICC, on the other hand, has never undertaken the prosecution of US government officials for the 2003 invasion of Iraq, which has led to more than 1 million deaths and the destruction of an entire society. Nor has it acted in relation to the illegal 2011 Libyan war. As the WSWS commented, “The Nuremberg Tribunal established that the planning and launching of a war of aggression is the primary and seminal war crime, from which other crimes against humanity inexorably arise. By that standard, President Barack Obama, Prime Minister David Cameron and President Nicolas Sarkozy are guilty of crimes greater than any [Libyan leader Muammar] Gaddafi may have committed.”

Nevertheless, Ferencz speaks powerfully and sincerely about war and war crimes: “My slogan has always been ‘law not war.’ You would save billions every day and be able to take care of refugees who don't have a home, students who can't afford tuition, the poor and the elderly. Think of all the money we are wasting on preserving the outdated nuclear weapons, which nobody knows what to do with and which are obsolete.”

During the festival, Ferencz was interviewed by the *Globe and Mail*. He spoke from his winter home in Florida, where he lives with his wife of 73 years. Asked what he tells young people, he said: “The truth is that they're in great danger. We have the capacity to kill everybody on this planet. And if we don't change our fundamental institutions and approaches to differences, we will do that. It doesn't bother me—I'm 99 years old. But I am concerned for their welfare. They need to open their hearts and minds to a new system if there is to be any future for them at all. ...

“My goal was not vengeance or to seek justice in a sense of keeping everybody accountable or responsible. It was to create a new rule of law, which would protect everyone in the future. So that everyone would have a right to live in peace and with human dignity, regardless of race or creed. This is now the 70th anniversary coming up of the Universal Declaration of Human Rights document. That was the plea I made when I was 27 years old. And I haven't stopped making it ever since.”

In 2017, he told *60 Minutes*: “Stupid to an incredible degree [is] to send young people out to kill other young people they don't even know, who never did anybody any harm, never harmed them. That is the current system. I am naive? That's insane.”

What You Gonna Do When the World's on Fire?

Italian-born, Texas-based Roberto Minervini's *What You Gonna Do When the World's on Fire?* is a non-fiction movie that protests against certain serious social ills, but has no perspective as to their source, and therefore ends up prostrate in the face of poverty and backwardness. Furthermore, it glorifies black nationalism. Four storylines shift from

New Orleans to Jackson County, Mississippi.

While the scenes involving 14-year-old Ronaldo King and his half-brother Titus Turner, 9, are rather sweet, the film's dominant figure is the flamboyant 50-year-old Judy Hill, a survivor of drug addiction and sexual abuse, who is losing her bar dubbed "The Ooh Poo Pah Doo." The scenes in her establishment, a neighborhood haunt, are a mixture of disoriented musings and painful memories.

The section concerned with the Mardi-Gras Indians—African Americans in New Orleans who dress up in Native American ceremonial apparel for the Mardi Gras festivities—is undeveloped. The most pathetic strand involves the New Black Panther Party for Self Defense, a minuscule and extremely dubious black nationalist group that fruitlessly marches around promoting the view that police killings are entirely racially motivated.

Monsters and Men

Espousing the noxious, racial exclusivist philosophy of the official Black Lives Matter leadership, writer-director Reinaldo Marcus Green's fiction feature debut, *Monsters and Men*, involves three intertwined narratives in Brooklyn, New York's Bedford-Stuyvesant neighborhood, where a police shooting takes place.

The film follows three individuals: Manny Ortega (Anthony Ramos), a young Hispanic man, who captures the murder on his cell phone and subsequently fears for his life when the video goes viral; Dennis Williams (John David Washington), a black cop in the same precinct as the killer; and a high-school athlete, Zyrick (Kelvin Harrison Jr.), torn between a potential career in sports and protesting the murder.

Green's solution to the epidemic of police killings is to hire more black cops so that police forces will be closer to the community, play basketball and otherwise engage in a positive way with neighborhood residents.

Ghost Fleet

Directed by Shannon Service and Jeffrey Waldron, *Ghost Fleet* is a documentary exposé of the global fishing industry and slave labor.

According to the movie's production notes, "Thailand is one of the world's largest seafood exporters with a huge fishing fleet that needs thousands of fishermen. Decades of overfishing has decimated fish stocks in the region and today the Gulf of Thailand is one of the most barren parts of the ocean. Thai captains now scramble to find crew willing to travel thousands of miles to find fish. Human traffickers have started to fill the labor shortage by selling men from Myanmar, Laos, Cambodia, and other impoverished nations to fishing companies for as little as a few hundred dollars each. Once at sea, these captive men go months, even years, without setting foot on land, earning little to no pay—becoming slaves at sea."

Artistically filmed, the movie centers on Patima Tungpuchayakul and her team, which includes a former fish industry "slave," dedicated to rescuing victims roped into the industry. Several of Patima's more than 4,000 rescues tell their wrenching stories: "If I jumped [off the boat] and died, I'd be better off."

Unfortunately, the film's concluding sequence is reduced to advocating toothless consumer boycotts. At the festival's question-and-answer period, co-director Service told audience members to ask a market or a restaurant where its seafood comes from, as though this would make the slightest dent in the profit-driven operations of the giant fishing conglomerates!

Concluded

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