

# MEMORY OF NATIONS

## Democratic Transition Guide

[ The Russian Experience ]



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# AUTHORS

## **NIKOLAI BOBRINSKY**

Transitional Justice Researcher, Lawyer and Social Activist focusing on election monitoring and defense of voting rights in election commissions and courts in Russia. Co-creator of the “Churov list” (black list of election commissions’ members allegedly involved in election fraud in the course of State Duma elections of 2011).

## **NATALIA KOLYAGINA**

Project Coordinator and Editor of urokiistorii.ru Website at International Memorial in Moscow (since 2009). Her main research interests are modern monuments, historical politics and elaboration of the difficult past of Russian and European societies.

## **EVGENIA LEZINA**

Scientific Researcher at the Centre for Contemporary History Potsdam (Zentre für Zeithistorische Forschung – ZZf Potsdam) (since October 2018). Former Senior Research Fellow at the Analytical Levada Centre in Moscow. Visiting Fellow at the Federal Foundation for the Study of the Communist Dictatorship in the former German Democratic Republic (2012–2013), at the Imre Kertész Kolleg of the Friedrich Schiller University Jena (2016) and at the Centre for Contemporary History Potsdam (2017).

## **SVETLANA SHURANOVA**

Project Coordinator at International Memorial in Moscow coordinating projects on access to archived information (since 2013).

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# TRANSFORMATION OF THE POLITICAL SYSTEM (1988–1993)

**NIKOLAI BOBRINSKY**

## INTRODUCTION

The process of dismantling the Soviet totalitarian communist regime and establishing the new Russian state is most often associated with the word “Perestroika”, which usually stands for the political and economic changes in the USSR that preceded its collapse in 1991. The fall of the Soviet Union is a separate event, closely related to the failure of the communist regime. In turn, these historic events are closely related to the Cold War and its termination.

This chapter discusses only those aspects of the above mentioned processes that are associated with Russia. In this respect, we should note that the Soviet Union included a considerable part of the lands which had been a part of the Russian Empire before its collapse in 1917. Having seized power in Russia, the Communist Party divided its historical territory into several separate republics, and in 1922 it united them into the Union. One of these republics was the Russian Soviet Federative Socialist Republic, or the RSFSR. Being an artificial political unit in the USSR over the largest part of its history, the RSFSR gradually grew into an independent political entity from 1989 onward – and after the fall of the Soviet Union it became an independent state.

## THE SOVIET POLITICAL SYSTEM AT THE DAWN OF PERESTROIKA AND THE ROLE OF RUSSIA IN THE SYSTEM

By the mid-1980s the Soviet Union was a centralized single-party dictatorship. De facto the supreme power in the state belonged to the Political Bureau of the Central Committee of the Communist Party (CPSU) headed by its General Secretary. It was enforced via governmental bodies that were under the complete party control. Regional, republican and All-Union parliaments (called Soviets) were formed out of the candidates approved by the party units at the respective level. The election of deputies was by ballot, where one or more party-approved candidates participated. The party assigned people to all the key positions in the governmental and non-governmental organizations (the list of these positions is usually referred to as the “nomenklatura”, or the political establishment).

The Communist Party itself was also organized in a strictly centralized manner, where inferior subdivisions followed and performed the decisions of the superior ones. The number of Soviet Communists in the second half of the 1980s reached 19 million people.

The power of the CPSU was based on its total penetration into the society – party units were organized in entities and institutions, party membership was an informal precondition for any career promotion – on the systematic ideological dictatorship and suppression of dissent as well as on the well-developed

structure of the political secret police – the State Security Committee (KGB).

The ideology of the Soviet Communist regime was Marxism-Leninism, which provided for the establishment of the future classless communist society that did not recognize private property and market relations. Individual entrepreneurship was prohibited and prosecuted. Moreover, Marxism-Leninism imposed the fight against religious beliefs and practices. All the parties, except for the communist one, were prohibited. The activities of unauthorized public associations were not allowed.

After the death, in 1982, of Leonid Brezhnev who had headed the CPSU for 18 years, and the short-term rule of Yuri Andropov followed by Konstantin Chernenko, in March 1985 Mikhail Gorbachev became the Communist Party General Secretary and the actual leader of the Soviet Union.

Unlike other republics in the Union, by the beginning of Perestroika the RSFSR did not have its own communist party. According to the 1978 Constitution the highest state authority was the Supreme Soviet. It passed laws and was called for time-limited sessions. The regular body of the Supreme Soviet was its Presidium. Similarly to other soviets of different levels, the deputies of the RSFSR Supreme Soviet were in fact appointed by the Communist Party and then “elected” with no alternatives. The RSFSR executive power was headed by the Council of Ministers. The RSFSR authorities enjoyed the powers assigned to them by the Constitution of the Soviet Union.

## THE MILESTONES OF PERESTROIKA IN THE USSR BEFORE THE POLITICAL SEPARATION OF THE RSFSR

The political understanding of Perestroika in the Soviet Union may be generally described as the search for new political means to reform the state management system, which brought in new public powers that were out of the regime’s control, and the CPSU first lost its monopoly on power, followed by the power itself. One of the Soviet system institutions, which had been just a fiction for years, but had gradually attained a larger political significance, was the republics of the Soviet Union, including the Russian one. The process of gaining independence from the Union centre began only during the fifth year of Perestroika, in 1989. It had been preceded by a number of important events.

In early 1986 Mikhail Gorbachev announced the policy of Glasnost, which initially meant revealing and publishing the drawbacks hampering Perestroika and the acceleration of the technological and socioeconomic development in the Soviet press. After the Chernobyl nuclear power station catastrophe on April 26, 1986, the prohibition of showing negative news on the situation in the country was removed as well as on the public debate of the flaws and problems of the Soviet society. Over

two years, glasnost led to a drastic change in the attitudes in the Soviet society. The changes, however, seemed insufficient for Gorbachev's team, who expected to rely on the public support and encourage the party bureaucracy to adopt the policy of socioeconomic reforms. Therefore, in the middle of 1988 it was decided to move forward from the freedom of speech to the democratization of the political system. At the 19th CPSU Conference the principle of "alternative" elections (i.e. involving competition) to the soviets at all levels was proclaimed as well as granting them real powers. It was also planned to expand the rights of the Union republics.

For the purpose of these principles in December 1988 the USSR Constitution was amended: the Supreme legislative body of the Union was the Congress of People's Deputies, elected for 5 years and convened once a year. The Supreme Soviet was turned into the Congress regular body, elected by it. The first election of the People's deputies was scheduled for spring 1989.

Gorbachev's line towards democratization led to the rapid growth of independent non-communist movements and groups, which were first informal. Though at the 1989 election the CPSU did not have organized party opponents yet, in many districts its members were defeated by popular independent public figures. At the Congress they organized the first Soviet legal political opposition – the Interregional Deputies' Group. One of its co-founders and the actual leader was Boris Yeltsin. He came from the top level of the party and headed the CPSU committee of Moscow during the first years of Perestroika. In 1987 he publicly criticized conservative members of the political bureau and was dismissed from office. Nonetheless, despite Soviet traditions, Yeltsin's political career did not terminate at that point: 18 months later he gained a clear victory at the election of the People's deputies in the Moscow district and was elected to the Supreme Soviet.

At the Congress of People's deputies the opposition united demanding to terminate Article 6 of the USSR Constitution, which stipulated the "leading and guiding" role of the CPSU in the Soviet state and society. This demand grew in popularity, and early in 1990 unprecedented mass demonstrations were held in Moscow to support it. In these conditions Mikhail Gorbachev, mainly following his own tactical reasons, agreed to abolish the CPSU monopoly on power and to introduce a multi-party system along with establishing the post of the USSR president. Thus, Gorbachev, though allowing for limitations in the political positions of the Communist Party, took the highest newly created office in the state. The abolishment of Article 6 of the Constitution was a vital step in the emancipation of once strictly and centrally controlled Soviet regional and industrial elites, whereas now they were becoming increasingly independent. It also opened the way to establishing new political parties.

## **DEMOCRATIZATION AND THE POLITICAL SEPARATION OF RUSSIA**

In autumn 1989 the RSFSR performed the constitutional reforms, following the previous year's changes in the All-Union Constitution: a two-chamber parliament was introduced, elections of people's deputies by the universal, equal, and direct suffrage and secret ballot were declared. Parliamentary elections were held in March 1990. The candidates of the Democratic Russia opposition

bloc won in many large cities. Boris Yeltsin managed to become the chairman of the RSFSR Supreme Soviet.

Further political separation of Russia was influenced by the personal ambitions of the new RSFSR leader and his team as well as by the wide public support of the measures to dismantle the communist system in politics and economics, which forced Russian politicians to oppose the cautious and hesitating position of the Union centrists. The first and brightest manifestation of the Russian republic as a new political subject was the Declaration of Sovereignty adopted on June 12, 1990 by the overwhelming majority of the RSFSR Supreme Soviet. The declaration announced the supremacy of the Constitution and laws of the RSFSR across its territory. As a result there emerged the "war of laws" between the RSFSR and the Union centre. In October 1990 the RSFSR Supreme Soviet introduced liability for the enforcement on its territory of the USSR regulations, which were not ratified by the Russian parliament. After that the entities which were subordinate to the centre were transferred to the RSFSR jurisdiction. The 1991 budget law introduced a single channel tax system, depriving the Union centre of its own revenues.

Another manifestation of the growing significance of the RSFSR was the establishment of the Russian Communist Party in summer 1990. It united the representatives of the CPSU conservative wing, who did not agree with Gorbachev's weak and inconsistent policies. At the same time Boris Yeltsin declared that he was leaving the CPSU and moving on to a clearly anticommunist position. He was followed by many democratic politicians, including the mayors of Moscow and Saint-Petersburg Gavriil Popov and Anatoly Sobchak.

Mikhail Gorbachev attempted to stabilize a USSR that was gradually falling apart by encouraging the republics to sign a new union treaty. One of the remedies in his fight for the Union was the referendum in March 1991. Three quarters of the Soviet voters opted for its preservation. In Russia the referendum was completed with a question on introducing the post of the president of the republic, elected by universal suffrage (and not by the Supreme Soviet, as it was at the All-Union level). This proposition was supported, thus opening the way to electing Boris Yeltsin the president of Russia. At the election of June 12, 1991, he won in the first round with 57.3 % of the votes. Now Yeltsin's power was based on the will of the people, and not on the semi-communist Supreme Soviet. Along with the presidential election there was a referendum in Leningrad. The majority of the northern Russian capital's citizens voted for a return of the city's historic name of Saint-Petersburg instead of the name given by the Bolsheviks after the founder of their party.

By summer 1991 there was a tense political and socioeconomic situation in the country. Prices were soaring. Even in Moscow it was hard to find foods and consumer goods. Negotiations on signing the new union treaty were close to completion. According to the draft, the USSR was to turn into a loose confederation, fully dependent on funding from the republics. After signing the new union treaty, Mikhail Gorbachev expected to get rid of the conservative people in the union government who stood for the idea of preserving the "strong" USSR. In response, they proceeded to plot a coup d'état, aiming to prevent the reforms and fully restore the central power and the power of the Soviet Communist Party.

The coup attempt commenced on August 19, 1991 and lasted three days. A state of emergency was announced across the country as well as the transfer of the country leadership to the State Committee for the State of Emergency (which was immediately

informally called a “junta”). The State Committee for the State of Emergency was headed by the USSR vice-president Gennady Yanayev. He was joined by the chairman of the USSR Cabinet of Ministers, the Minister of Defense, the Head of the KGB and a number of other Soviet high officials and public persons. Armed troops were sent to Moscow.

However, the conspirers were indecisive. Boris Yeltsin was not arrested. The “White House”, the seat of the Supreme Soviet of Russia became the centre of resistance to the coup. Tens of thousands of people gathered to protect it and built barricades. Meetings protesting against the State Committee for the State of Emergency were held in many cities of the USSR.

Yeltsin entered into negotiations with the commanders and officers of military units that had been sent to Moscow. By the morning of the third day of resistance it became clear that the troops would not fire. Representatives of the State Committee for the State of Emergency flew for negotiations to Gorbachev, who had earlier been isolated by them in the Crimea, but the latter refused to meet them. Upon returning they were arrested on Yeltsin’s order.

From August 22, Yeltsin and Russian democrats began reaping the rewards of their political victory. The Russian national white-blue-red flag was lifted at the “White House”. On August 23, Yeltsin announced the suspension of the activity of the RSFSR Communist Party in Russia, forced Gorbachev to appoint loyal people to the Russian Government such as the Defense Minister, Foreign Minister and the Head of the KGB, as well as dissolve the Union government. Union ministries were resubordinated to the Russian Council of Ministers. At the same time Gorbachev resigned as the General Secretary of the Central Committee of the CPSU and offered the Central Committee to dissolve itself. The buildings of the Central Committee and the Moscow city committee of the CPSU were vacated and sealed. On August 29, an extraordinary session of the USSR Supreme Soviet suspended the activity of the CPSU across the Soviet Union. In September the Congress of the USSR People’s Deputies dismissed the supreme authorities of the USSR (except the president) and terminated its activity.

On November 6, Yeltsin ended the story of the Communist Party that had ruled Russia for nearly 74 years. Pursuant to his Decree, the activities of the CPSU and the RSFSR Communist Party were terminated, and their organizational units were dismissed. The dissolution of the 19-million Soviet Communist Party did not lead to any attempt at resistance or protest, in particular, due to the fact that the president specifically prohibited any prosecution of citizens for membership of the party. One of the brightest symbols of the democratic victory and the final failure of the communist power was the demolition of the Moscow monument to the founder of the VchK-KGB, Feliks Dzerzhinsky. However, the larger part of the public communist symbols are still there.

Despite the thumping victory, many recollect that in the first months after the coup Yeltsin and his supporters were rather passive. In particular, he did not try and hold new elections to the RSFSR Supreme Soviet. As a result the following two years the president sought to carry out radical reforms having the old Soviet parliament, elected early in 1990 under the considerable influence of the CPSU.

Nevertheless, in spite of Gorbachev’s efforts, it became impossible to preserve the Soviet Union after the August events in 1991. The final verdict on the USSR was the referendum on the independence of the Ukraine, held on December 1, 1991.

90 % of referendum voters were for independence. On December 8, the presidents of Russia, Ukraine and Belarus signed an agreement, where they called the republics represented by them independent states and established the Commonwealth of Independent States (CIS) in lieu of the USSR. On December 21, in Almaty, the CIS was joined by eight more Soviet republics. In one of the Almaty decisions it was declared that the foundation of the CIS meant the termination of the USSR as a state.

## **DISMANTLING SOVIET POLITICAL INSTITUTIONS IN AN INDEPENDENT RUSSIA**

The RSFSR independence coincided with the removal of the references to the Soviet regime and socialism from its name. The new state was named the Russian Federation – Russia.

The new name, however, did not free Russia from the vast Soviet political and legal heritage in the form of the Constitution, legislation, parliament, state borders (repeatedly changed during the Soviet times under the transfer of Soviet territories between the Union republics) and administrative division. Radical economic reforms that began in 1992 were performed almost exclusively with the support of President Yeltsin, who, for some time, even assumed the duties of the Head of the Government.

Former leaders of the RSFSR Communist Party tried to appeal in the Constitutional court (the new judicial body, established in 1991) against the validity of President Yeltsin’s decrees on terminating the activity of the CPSU and nationalization of its property. In response a group of the Supreme Soviet deputies asked the court to recognize the CPSU and the RSFSR Communist Party as non-constitutional. After a large number of hearings and having heard various witnesses the court passed a compromise decision: it dismissed the claim for recognising the party as non-constitutional, referring to the actual termination of its activities, but it substantially ruled for the validity of the decrees on its dissolution. Nonetheless, the court position enabled the restoration of the party under the name of the Communist Party of the Russian Federation (KPRF).

At the end of Perestroika the RSFSR-RF Constitution was subject to numerous and frequently controversial changes, therefore, the president’s and the Supreme Soviet powers were often contradictory. The conflict between the parliament, Soviet in its origin, tending to conserve old economic rules and even nationalistic revenge, and the president, who adhered to building the market and privatization of state property, was inevitable. This confrontation lasted from spring 1992 till autumn 1993 and brought about a range of acute political crises, including an attempt to dismiss the president from his office. As a means of strengthening his own legitimacy, in 1993 Yeltsin used a referendum again. This time it was a vote of confidence in him as the head of state and the need to hold new elections to the Supreme Soviet. The president managed to win the support of most voters, but the result was insufficient to adopt a legally binding decision on the early parliamentary elections.

The political crisis was accompanied by work on the draft Russian Constitution. However, The prospects of its adoption were uncertain. In the end Yeltsin decided to untangle the deadlock. On September 21, 1993, referring to the impossibility of further cooperation with the legislative branch of power, which allegedly hampered economic reforms, and to the transformation of the Supreme Soviet into the “headquarters of the deconstructive

opposition," he issued a decree on gradual constitutional reform, ordering the Congress of People's deputies and the Supreme Soviet to terminate their activities. The powers of the people's deputies became invalid. The decree scheduled the elections to the new legislative body – the Federal Assembly – on December 11–12, 1993.

The majority of the people's deputies did not obey the decree. The parliament was also supported by the Constitutional court, which announced the president's actions non-compliant with the Constitution. The Supreme Soviet declared Yeltsin's dismissal from office and transferred his powers to the vice-president Aleksandr Rutskoi. Nevertheless, the government, Moscow city and regional administrations stayed loyal to Yeltsin. There emerged an armed hot spot around the "White House" (still the seat of the Russian Supreme Soviet). Inside the building armed groups supporting the parliament were formed, the militia tried to block passages to it, municipal services cut off the power supply and other utilities. The attempts at demonstrations to support the parliament were roughly prevented by the militia. The acute phase of the conflict lasted two weeks and reached its climax on October 3–4, when the supporters of the Supreme Soviet started attacking: they seized the building of the Moscow mayor's office and tried to take the television centre by storm. This attempt was stopped by the army and special police units. Dozens of people died. The following morning Yeltsin ordered the commencement of the counterattack on the "White House", using tanks there. By the end of the day the resistance of the Supreme Soviet supporters was suppressed, its leaders surrendered and were taken into custody.

Nonetheless, there were no further repressions against the losers. As had been announced, on December 12 Russia held the elections to the State Duma and the referendum on the new Constitution, which resulted in its adoption.

## LESSONS LEARNT

The history of the political transition of Russia from the communist totalitarian regime was not completed in 1993. It cannot be

firmly stated that this transition has yet been completed, because the sustainable democratic order in Russia was never formed, and over the recent decade the power has been kept to a large extent by non-democratic means by the former CPSU officials, Komsomol (Young Communist league) and the KGB people. When naming the reasons for promoting this development, many usually mention the model of the state power originating from the struggle between Yeltsin and the Supreme Soviet, stipulated in the 1993 Constitution, where the president was given the leading role and the balances to his power were obviously insufficient. The very political crisis of 1992–93 could have been avoided if the Soviet constitutional form had been abandoned two years earlier, after the victory over the coup of the State Committee for the State of Emergency and the fall of the communist power. The possibilities which opened up to the country in autumn 1991 were soon irreversibly lost, the old political and economic elite, unlimited in terms of the political competition and lustration, rapidly restored its positions. The power ratio during the post-Soviet period was also influenced by the dramatic lack of non-Soviet human resources in the new Russian state authorities. Emigrants, who actively participated in the life of many other post-socialist countries, actually did not come back to Russia: due to the length of the communist rule in the USSR and the gradual assimilation by the early 1990s the Russian political emigration mainly dissipated. However, they were not specifically invited to Russia, only some people originating from the Russian Empire and the USSR were granted their citizenship back.

On the other hand, it cannot be denied that the political transformations were relatively peaceful. Unlike in the former Yugoslavia, in Russia, no full-scale civil war started at the initial stage. Unfortunately, in 1994 a war did begin – in Chechnya. This blood-drenched conflict took up significant resources and efforts as well as strengthened public disappointment in the new power.

Thus, in a nutshell, we could mention the following political transition lessons that post-Soviet Russia gave to the world: try to gain democratic legitimacy promptly, even at the cost of breaking the existing well-established rules. Invite people with experience of life and work abroad, mainly emigrants. And avoid wars.

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# DISMANTLING THE STATE SECURITY APPARATUS

## TRANSFORMATIONS OF THE SOVIET STATE SECURITY BODIES IN POST-SOVIET RUSSIA

EVGENIA LEZINA

### THE STATE SECURITY APPARATUS DURING PERESTROIKA

Russian Intelligence Services originate from the Soviet Committee for State Security (the Soviet KGB), established on March 13, 1954, and the successor of, founded in 1917, the repeatedly transformed and renamed security bodies of the All-Russian Special Commission for Combating Counter-revolution, Sabotage, and Speculation (Cheka) – the State Political Department (GPU) – the Unified State Political Department (OGPU) – the People's Commissariat of Internal Affairs (NKVD) – the People's Commissariat for State Security (NKGB) – the Ministry for State Security (MSS) – the Ministry of Internal Affairs (MVD).

“The Committee for State Security at the USSR Council of Ministers and its local bodies are political bodies, performing the guidelines of the Central Committee of the Party (CPSU) and Government on the protection of the Socialist state from attacks of foreign and domestic enemies, as well as the defense of the USSR state border. Their mission is to thoroughly monitor the secret activities of the Soviet state enemies, reveal their intentions, prevent criminal activities of imperialistic intelligence services against the Soviet state”, as defined in the Soviet KGB Regulations dated January 9, 1959.

The accurate data of the Committee for State Security workforce were never disclosed. By the early 1990s western sources estimated it at 490,000–700,000 people.<sup>1</sup> According to Vadim Bakatin, the last Head of the Committee, in August 1991 the KGB staff equaled 480,000 people, including 220,000–240,000 border security forces and 60,000 government communications troops<sup>2</sup> (there is an opinion, however, that border security forces were not included in the 480,000).<sup>3</sup> 90,000 employees, according to Bakatin, worked in the security bodies of the Soviet Republics. In addition, numerous agents collaborated with the KGB (informers, secret agents (*seksofyy*)), but their number has not been revealed.

At the end of Perestroika the KGB headquarters included about 30 units – chief directorates, divisions and departments. It should be noted that the operational structure, functions and principles of the late-Soviet State Security apparatus were established during the period when the KGB was headed by Yuri Andropov (May 18, 1967 – May 26, 1982). In fact the KGB was directly subordinate to the CPSU Central Committee and its Political Bureau, which caused the “fusion of the CPSU and state security bodies” and turned the Committee into the “armed party forces that protected the CPSU power physically and politically, allowing the party to control the society effectively and closely”.<sup>4</sup>

KGB local units included 14 committees in the Soviet Republics (except for the Russian Soviet Federative Socialist Republic (RSFSR)); state security bodies in autonomous republics, regions, krais, cities and districts. Moreover, the Soviet KGB included

security bodies of the armed forces, fleet and internal troops, transport; border security forces; government communications troops; educational and research institutions; as well as the so-called “First Departments” of the Soviet establishments, organizations and entities.

KGB key functions before the USSR collapsed were foreign intelligence (First Chief Directorate, PGU), Counterintelligence (Second Chief Directorate), military counterintelligence (Third Chief Directorate), transport and communications counterintelligence (Fourth Directorate), economic counterintelligence (Sixth Directorate), field surveillance (Seventh Directorate), cryptographic operations (Eighth Chief Directorate), wiretapping and room eavesdropping (Twelfth department), electronic intelligence (Sixteenth directorate), fighting organized crime (OC Directorate), USSR state border guard (Chief Directorate of Border security forces), security guards of the CPSU leaders (until 1990) and the Soviet Government (Ninth Directorate, from February 29, 1990 – Security Guard Service), government communications management (Government Communications Directorate), Investigation Department etc.

The most important activity of the secret police was the fight against the “hostile activities of anti-Soviet and nationalistic elements inside the USSR”, in other words, the silencing of dissent. The notorious Fifth Directorate was responsible for that. It was founded in 1967 upon Yuri Andropov's personal initiative. As stated in his note to the CPSU Central Committee dated April 17, 1968, “the newly established fifth divisions are designed to fight ideological subversion, inspired by our foreign foes”.<sup>5</sup>

By the mid-1980s the Fifth Directorate had established 15 departments: the First department was responsible for

1 Amy Knight, *The KGB: Police and Politics in the Soviet Union*, New York: Unwin Hyman, 1990, 122; John Barron, *KGB Today: The Hidden Hand*, New York: Reader's Digest Press, 1983, 41; Yevgenia Albats, Catherine A. Fitzpatrick, *The State within a State: The KGB and Its Hold on Russia – Past, Present, and Future*, New York: Farrar Straus Giroux, 1994, 23. David Wise, Closing Down the K.G.B., in *New York Times*, 24 November, 1991. <<http://www.nytimes.com/1991/11/24/magazine/closing-down-the-kgb.html>>

2 В. В. Бакагин, *Избавление от КГБ*, Москва: Новости, 1992, 46; А. И. Колпакиди, ed., *Энциклопедия секретных служб России*, Москва: АСТ, Астрель, Транзиткнига, 2003, 267.

3 J. Michael Waller, *Secret Empire: The KGB in Russia Today*, Boulder: Westview, 1994, 111.

4 The Committee of the Presidium of the Russian Federation Supreme Soviet a committee for transferring the CPSU and KGB archives to the state storage and their use (established by the decision of the RSFSR Presidium dated October 14, 1991, No. 1746-I). Expert's opinion to the hearing of the Russian Federation Constitutional Court dated May 26, 1992. <<http://memo.ru/history/exp-kpss/>>

5 Yuri Andropov's note to the CPSU Central Committee of April 17, 1968 “On the objectives of the state security bodies in fighting against hostile ideological subversion”. Cited by: А. И. Кокурин, Н. В. Петров, *Лубянка: ВЧК-ОГПУ-НКВД-КГБ-МГБ-МВД-КГБ. 1917–1991. Справочник*, Москва: Международный фонд “Демократия”, 2003, 724.

the operations in “artistic associations, research institutes, cultural and health care establishments”; the Second planned and performed jointly with PGU operations against foreign national centres; the Third supervised operations in higher educational establishments, preventing any “hostile activities of students and teaching staff”; the Fourth was responsible for religious organizations; the Fifth assisted the local KGB bodies in preventing any mass anti-social activities; the Sixth was engaged in analytics; the Seventh was in charge of “detecting and verifying the persons, intending to use explosive materials and devices for anti-Soviet purposes”; for searching for the authors of anti-Soviet documents and counterterrorism (understood as any verbal and written threats to the state leaders); the Eighth department was responsible for “detecting and preventing ideological subversion activities of Zion centres” (and it mainly fought against Jews seeking repatriation to Israel); the Ninth was in charge of the investigation of “those, suspected of organized anti-Soviet activity (except for nationalists, clergy, sectarians); detecting and preventing hostile activities of the persons, who make and distribute anti-Soviet materials; carrying out secret operations on revealing anti-Soviet activities of foreign revisionist centres in the USSR”; the Tenth jointly with the PGU worked on counter-intelligence “against the ideological subversion centres of imperialistic states and foreign anti-Soviet organizations (except for the hostile organizations of Ukrainian and Baltic nationalists)”; the Eleventh department was initially engaged in ensuring the security of the Olympic Games, and after 1980 it switched over to the surveillance of sport, health care and scientific organizations; the Twelfth group (with the rights of a department) was responsible for the communications with the security bodies of socialist countries; the Thirteenth department fought against informal youth movements; the Fourteenth supervised the mass media and the Association of Journalists, and, finally, the Fifteenth focused on the Dynamo sports society.<sup>6</sup> Though at the end of Perestroika, in August 1989, the Fifth Directorate was renamed the “Directorate for Constitutional Order Protection” (Directorate “Z”), its main goals remained unchanged.

Furthermore, the KGB supplied the CPSU Central Committee (until March 14, 1990) and the Soviet supreme authorities with information, related to the state security and defense, the social and economic situation in the Soviet Union, the issues of foreign policy and the economy. In September 1989 the Operational Analysis and Information Service was set up in the Committee, and on October 30, 1990, it was transformed into the Analytical Directorate.

It is to be added that the KGB routine activities were supported with the deliberate establishment of the secret services positive image, the cult of chekism.<sup>7</sup>

During Perestroika the state security headquarters managed to maintain their powers and their “weight”, not being subject to any significant changes in structure or human resources.<sup>8</sup> In 1985 at the April plenum of the CPSU Central Committee the Head of the KGB Viktor Chebrikov (December 17, 1982 – October, 1 1988), who earlier supported the nomination of Mikhail Gorbachev as the General Secretary, was elected a member of the Political Bureau of the CPSU Central Committee. Being granted this high status, which had earlier been held only by the long-reigning KGB Head Andropov, “gave Chebrikov himself and his closest KGB entourage, a sense of significance and a special political role in the renovated party leadership.”<sup>9</sup>

It may be mentioned that Gorbachev saw the KGB not as a threat to his transformations, but rather as a support for them. There is a good reason why in his Perestroika programme report at the 27th CPSU Congress in 1986 Gorbachev specifically emphasized the remaining role and significance of the political secret police: “In the conditions of the growing subversive activities of the imperialistic intelligence services against the Soviet Union and other socialist states the responsibility level of the state security services is increasing dramatically. Being governed by the party, strictly complying with the Soviet laws, they put lots of efforts into revealing hostile schemes, preventing any subversive actions, and securing the sacred borders of our Motherland.”<sup>10</sup>

The rhetoric of the people from the secret police during the Perestroika period also stayed largely the same. In their reports the heads of the KGB gave assurances that their agency sought to ensure and encourage successful Perestroika development and “adapted their activities by improving their applied practices”. However, in these speeches there were increasingly strong condemnations, well-known from Andropov’s times: the chekists more and more often blamed foreign intelligence services and their agents in the USSR for the growing internal crisis.<sup>11</sup>

For instance, speaking in September 1987 at the formal meeting devoted to the 110-year anniversary of the birth of the VChK founder Feliks Dzerzhinsky, Viktor Chebrikov declared: “All the social strata of our country are under the focus of attention of the imperialistic intelligence services... Our foes are trying to push individual representatives of art intelligentsia to the marginal positions of criticism, demagogy and nihilism, demonization of some historic periods in the development of our society...”<sup>12</sup>

On October 1, 1988 Chebrikov, as the Head of the KGB, was replaced by Vladimir Kryuchkov, while Chebrikov was appointed the Secretary of the CPSU Central Committee supervising administrative and law-enforcement bodies, including the KGB. Until September 20, 1989 he was also the Head of the Commission of the CPSU Central Committee for legal policy. In this position Chebrikov initiated a number of repressive decrees, signed by Gorbachev, in particular, the one dated April 8, 1989, toughening liability for “anti-state crimes”.<sup>13</sup>

The Head of the KGB Vladimir Kryuchkov (October 1, 1988 – August 22, 1991), elected in October 1989 a member of the Political Bureau, also stayed loyal to *chekist* principles and rhetoric. For example, in August 1989 the hateful Fifth KGB Directorate was

6 Ibid, 166–167.

7 More on the CheKa Cult see in Julie Fedor, *Russia and the Cult of State Security: The Chekist Tradition, From Lenin to Putin*, London: Routledge, 2013.

8 Waller, *Secret Empire: The KGB in Russia Today*; Бакагин, *Избавление от КГБ*, 37–38.

9 Н. В. Петров, Подразделения КГБ СССР по борьбе с инакомыслием 1967–1991 годов, in Я. Берендс, и др., eds. *Повседневная жизнь при социализме. Немецкие и российские подходы*, Москва: Политическая энциклопедия, 2015, 158–184.

10 М. С. Горбачев, Политический доклад Центрального Комитета КПСС XXVII Съезду Коммунистической партии Советского Союза, in *Материалы XXVII съезда Коммунистической партии Советского Союза*, Москва: Политиздат, 1986, 62.

11 Waller, *Secret Empire: The KGB in Russia Today*, 227.

12 Ibid.

13 Decree of the Presidium of the USSR Supreme Soviet dated April 8, 1989 “On amendments to the USSR Law ‘On Criminal Liability for Crimes against the State’ and some other legal regulations of the USSR”, in *Gazette of the RSFSR Supreme Soviet*, 1989, (16), 397.

renamed the “Directorate for Constitutional Order Protection”, which was supported with a propaganda campaign, manifesting the rift from the old goals and methods. However, justifying the need of this renaming, Kryuchkov stated in the letter to CPSU Central Committee that the “intelligence services and subversive centres of the foe” were trying to “inspire the spots of social tension, anti-socialist actions and civil unrest, provoke hostile elements to the actions, aiming at the violent overthrow of the Soviet power”.<sup>14</sup>

Being headed by Kryuchkov, the KGB took part in the forced suppression of mass protests in April 1989 in Georgia and in Lithuania in January 1991, which resulted in dozens of deaths.<sup>15</sup>

Finally, on Kryuchkov’s initiative, the law on the state security bodies in the USSR was adopted in May 1991. This law had been developed jointly with the KGB key people. It ensured nearly complete independence of the Committee from the Soviet political leaders, preserving its structure and powers, as well as providing it with full control of any documents related to the state security.<sup>16</sup> The law was supported by the Defense and State Security Committee of the Supreme Soviet, which was controlled by the KGB and consisted mainly of secret police officers.

This way the secret political police successfully adapted to the changing conditions while maintaining their major goals and supporting the pace of their activities.<sup>17</sup> The Committee sought to improve its image and therefore on April 22, 1990, the KGB Public Relations Centre was set up (based on the former Press Office but considerably expanding its workforce and structure). One of the propaganda techniques was the focus on fighting against crime and “economic sabotage”. In December 1990 the KGB established a separate Directorate for Combating Organized Crime (Organized Crime Directorate, or OP) to deal with these issues.

According to the state security retired Major General Oleg Kalugin, dismissed in 1990 for criticizing the secret services, the Committee remained the most untouchable compared to the other law-enforcement bodies: “And after five years of Perestroika the KGB was a state in the state, a body, enjoying huge powers, theoretically capable of crushing any government”.<sup>18</sup>

## USSR KGB REORGANIZATION AFTER THE 1991 AUGUST COUP

The reason for reforming the existing state security services structure was an attempted putsch in August 1991 by the high officials, who set up the State Committee for the State of Emergency (GKChP). The KGB Head Kryuchkov was one of the main coup organizers, supported during the preparation by a number of Committee people.<sup>19</sup>

After the loss of the putsch, the arrest of Kryuchkov and other former GKChP members (all of them were accused of “high treason”, but then were granted amnesty in February 1994), on August 23, Vadim Bakatin was appointed the Head of the KGB. He had been the First Secretary of the CPSU Kirov regional committee (1985–1987), CPSU Kemerovo regional committee (1987–1988) as well as the Soviet Minister of Internal Affairs in 1988–1990. Bakatin was commissioned to launch a reorganization of the State Security system.

Though being aware of the threat his agency was to society, the new KGB Head refused to implement both serious structural transformations and the Committee staff lustration. “I have not considered it possible for us to reform the KGB fundamentally

– following the German or Czech examples, that is to destroy it completely and rebuild it anew. Not to dismiss but reform. That was, so to say, a humane direction I opted for”, wrote Bakatin in 1992 in his book “Liberation from KGB”.<sup>20</sup>

The main principles of Bakatin’s reforms were *disintegration, decentralization and de-ideologization*. Disintegration implied “the division of the KGB into different independent departments and a deprivation of its monopoly on all the activities related to security: to tear the Committee apart into parts, which, directly subordinate to the Head of State, would balance one another, compete with one another”.<sup>21</sup> Decentralization, according to Bakatin’s idea, was to “provide full independence to the Republican security bodies mainly combined with coordination and to some extent operative activities of inter-republican units”.<sup>22</sup> At the same time Bakatin realized that the achievement of the above target was determined not by his will, but rather by the developing Union disintegration processes. The third of Bakatin’s reorganization lines was in the KGB de-ideologization. “The traditions of *chekism* are to be eradicated, *chekism* as an ideology must terminate its existence. We must comply with the law, but not ideology”, declared the new Head of the Committee.<sup>23</sup> However, it is unclear how he thought to achieve that goal without any radical reforms of the most repressive Soviet institution. In early 1992, summarizing the results of his activities after retiring from the state security bodies, Bakatin acknowledged: “No success was achieved. I do not believe that the security services have already become safe for the citizens. There are no laws, no controls and no professional internal security services”.<sup>24</sup>

Nevertheless, just after the August putsch, the KGB workforce started shrinking and a number of departments were separated and became independent. In August 1991 the Security Guard Service was transformed into the Security Guard Directorate at the USSR Presidential Executive Office. On August 29, based on the Eighth Chief Directorate (cryptographic), Sixteenth

14 Note of the Head of the USSR KGB V. A. Kryuchkov to the CPSU Central Committee dated August 4, 1989 “On establishing the Directorate for Constitutional Order Protection in KGB”. Russian State Archive on Contemporary History (RGANI), Coll. 89, Op. 18, D. 127, 1–4. Cit. by: Кокурин, Петров, Лубянка, 730–732.

15 The events mentioned include a special operation to break up an opposition meeting near the Government building of the Georgian SSR in Tbilisi, carried out at night on April 9, 1989 by the internal troops and the Soviet army, with an ensuing death toll of 21 protesters. And also chekist military operation at night on January 12–13, 1991, in Vilnius, during which Alpha special forces unit of the Seventh KGB Directorate, an Air-Borne unit and a special police unit seized the TV tower and a radio station, which led to 13 deaths.

16 The Law of the USSR No. 2159-1 “On the State Security Bodies in the USSR”, dated May 16, 1991, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the USSR*, 1991, (22), 630. See: Waller, *Secret Empire: The KGB in Russia Today*, 168–178.

17 Andreas Hilger, Sowjetunion (1945–1991), in: Jens Gieseke, Łukasz Kamiński, Krzysztof Persak, eds., *Handbuch der kommunistischen Geheimdienste in Osteuropa 1944–1991*, Göttingen: Vandenhoeck & Ruprecht, 2009, 113.

18 О. Д. Калугин, “Дело бывшего генерала КГБ. Месяц первый”, Москва: ПИК, 1990, 41–42.

19 Findings of the investigation materials on the role and involvement of KGB officials in the events of August 19–21, 1991. <<http://constitutions.ru/?p=7018>>

20 Бакатин, *Избавление от КГБ*, 238.

21 Ibid, 77.

22 Ibid.

23 Cit. by: Л. М. Млечин, *КГБ. Председатели органов госбезопасности. Рассекреченные судьбы*. Москва: Центрполиграф, 2011.

24 Бакатин, *Избавление от КГБ*, 239.

Directorate (electronic intelligence) and the KGB Government Communications Directorate the Government Communications Committee at the USSR Presidential Office was set up.<sup>25</sup> In September dismantling reached the Directorate for the Constitutional Order Protection “Z”, the former Fifth Directorate, responsible for the counterintelligence to combat a foe’s ideological subversion.

On October 22 the USSR State Council issued a resolution suggesting the dissolution of the Union KGB and establishing in its place the USSR Central Intelligence Service (based on the First Chief Directorate), the Inter-Republican Security Service (Vadim Bakatin stayed on as its head) and the Committee for the USSR State Border Security Guard with the common command of the border forces based on the Chief Directorate of the State Border forces.<sup>26</sup> De jure these units were set up after the USSR President Mikhail Gorbachev signed the law on reorganizing the state security bodies on December 3, 1991. It was the date when the USSR KGB formally terminated its operations, whereas the security bodies shifted to the “exclusive jurisdiction of the sovereign republics (states)”.<sup>27</sup> The story of the national security services began.

## RUSSIAN KGB REORGANIZATION

The RSFSR was the only republic of the Union that had not had its own Committee for State Security before May 1991, when on the initiative of the Head of the RSFSR Supreme Soviet Boris Yeltsin, it was decided to establish the republican KGB by dividing the RSFSR State Committee for Security and Defense. At first the staff of the RSFSR KGB was around twenty people, but along with the dissolution of the Union Committee its powers and workforce increased. After the August putsch the competence of the Russian Committee included separate units of the Union KGB: on August 21 – the KGB Directorate in Moscow and Moscow region, on September 5 – the bodies of state security of most subjects of the RSFSR, earlier directly subordinate to the USSR KGB, and from November 1, 1991 – the Seventh Directorate (field surveillance), Operations and Technology Directorate, the Twelfth Department (wiretapping and room eavesdropping) as well as the pretrial detention centre.<sup>28</sup>

On November 26, 1991 the KGB of the RSFSR was transformed under Presidential Decree into the Federal Security Agency (FSA) of the RSFSR.<sup>29</sup> By that time the staff of the Russian security service headquarters had grown to 20,000 employees with another 22,000 working locally.<sup>30</sup>

After the termination of the Union KGB on December 3, the Russian Federation, which stayed with the bulk of material and human resources of the Soviet state security apparatus, was able to take advantage and use the inherited structures by itself.

## POST-SOVIET TRANSFORMATIONS OF RUSSIAN INTELLIGENCE SERVICES

Yeltsin’s strategy was to preserve the secret police organization, but minimize its ability to challenge his presidential power. As a result, five separate security services were set up based on the former KGB. However, no personnel purges were carried out. On the contrary, the continuity with the Soviet Committee for State Security was observed both in human resources and functions.

First of all, on December 18, 1991 the USSR Central Intelligence Service was reorganized as the **Foreign Intelligence Service (FIS)**.<sup>31</sup> It inherited the structural units and staff of the KGB First Chief Directorate, where, according to different estimates, during the late-Soviet period the workforce was from 12,000 to 16,000.<sup>32</sup> Yevgeny Primakov remained the Head of the FIS. On September 30, 1991, he was appointed the Head of the First Chief Directorate while previously he had been an agent of the KGB foreign intelligence for many years.<sup>33</sup>

On December 19, President Boris Yeltsin signed the Decree establishing the **Ministry of Security and Internal Affairs of the Russian Federation (MBVD)**, which was designed to become the key Russian intelligence service, uniting the Soviet Inter-Republican Security Service, the Russian Federal Security Agency, as well as the Ministry of Internal Affairs of the USSR and the Ministry of Internal Affairs of the RSFSR.<sup>34</sup> The new ministry was headed by Yeltsin’s close associate, the former Soviet Interior Minister Viktor Barannikov.

On December 24, based on the Government Communications Committee at the USSR Presidential Office and some other KGB units, responsible for radio-electronic intelligence and cryptography, the **Federal Agency for Government Communications and Information (FAPSI)** was founded.<sup>35</sup> It was headed by a former chekist, the Head of the Government Communications

25 Decree of the President of the USSR No. UP-2484 dated August 29, 1991 “On Establishing the Government Communications Committee at the USSR Presidential Office”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the USSR*, 1991, (36), art. 1059.

26 Resolution of the USSR State Council No. GS-8 dated October 22 1991 “On reorganizing state security bodies”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the USSR*, 1991, (44), art. 1239. The President of the USSR also approved of the temporary Regulation of the Central Intelligence Service (25. 11. 1991), Inter-Republican Security Service (28. 11. 1991 the), Committee for the USSR State Border Security Guard (3. 12. 1991).

27 Law of the USSR No. 124-N dated December 3, 1991 “On reorganizing State Security Bodies”, *Gazette of the USSR Supreme Soviet*, 1991, (50), art. 1411.

28 Бакатин, *Избавление от КГБ*, 125; Albats, Fitzpatrick, *The State within a State: The KGB*, 23.

29 The Decree of the President of the RSFSR No. 233 dated November 26, 1991 “On reorganizing the RSFSR Committee for State Security as the RSFSR Federal Security Agency”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the RSFSR*, 1991, (48), art. 1683.

30 Gordon Bennett, *The Federal Security Service of the Russian Federation*, Watchfield: Conflict Studies Research Centre, Defence Academy of the UK, March 2000, 8.

31 The Decree of the President of the RSFSR No. 293 dated December 18, 1991 “On Establishing the RSFSR Foreign Intelligence Service”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the RSFSR*, 1991, (52), art. 1890.

32 Andrew Christopher, Oleg Gordievsky, *KGB: The Inside Story of Its Foreign Operations from Lenin to Gorbachev*, New York: Harper Collins, 1990; Amy Knight, *Russian Security Services Under Yel’tsin*, in *Post-Soviet Affairs*, 1993 (9), 1, 44; Waller, *Secret Empire: The KGB in Russia Today*, 113.

33 Steel and Shadows. Obituary: Yevgeny Primakov, in *Economist*, 18 July 2015. <<http://www.economist.com/node/21657755>>

34 The Decree of the President of the RSFSR No. 289 dated December 19, 1991 “On Establishing the Ministry of Security and Internal Affairs of the Russian Federation”, in *Rossiyskaya Gazeta*, No. 284–285, December 25, 1991.

35 The Decree of the President of the RSFSR No. 313 dated December 24, 1991 “On establishing the Federal Agency for Government Communications at the RSFSR Presidential Office”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the RSFSR*, 1992, (1), art. 39. The status and mission of the FAPSI were specified in RF Law No. 4524-1 dated February 19, 1993 “On Federal Bodies of Government Communications and Information”, in *Gazette of the Congress of People’s Deputies and Supreme Soviet of the RSFSR*, 1993, 12, art. 423.

Committee at the USSR Presidential Office Aleksandr Starovoytov, who from May 1986 until August 1991 was the deputy head of the KGB Government Communications Directorate for Science and Technology.

In addition, at the end of 1991 the Security Guard Directorate at the USSR Presidential Executive Office was dissolved and used as the basis for establishing the **Chief Guard Directorate (GUO)**. Earlier, in July 1991 the Presidential Security Service started its operations. Both organizations originated from the Ninth Directorate of the Soviet KGB, responsible for the security of the top party officials and statesmen whose workforce reached, as some estimates say, approximately 15,000 employees.<sup>36</sup>

Before June 1992 the GUO was headed by the former Ninth directorate officer Vladimir Redkoborody, followed by Mikhail Barsukov, who from 1964 had served in the Kremlin KGB regiment.

The Head of the President's Security Service (September 3, 1991 – June 20, 1996) and also the first deputy head of the GUO was Aleksandr Korzhakov, who had also worked in the Ninth Directorate in 1970–1989, where at the end of this period he was one of the three bodyguards of Boris Yeltsin, then the First Secretary of the CPSU Moscow City Committee.

In late 1992 additional functions were delegated to the GUO – they were related to the organization of secured communications for the Russian leader. For this purpose the Federal Agency for Government Communications and Information was re-subordinated to it.

In June 1996 the GUO was renamed as the **Federal Guard Service** (its chief was general lieutenant Yuri Krapivin, whose career from 1972 was also related to the KGB, including the Ninth Directorate), whereas the President's Security Service merged with the Federal Guard Service.<sup>37</sup> According to some sources, by 1996 the staff of the GUO had grown from 8,000 to 20,000, and the executives took the functions, not directly associated with the physical security of the leaders: according to the laws adopted in the early 1990s, the GUO was entitled to perform operational-investigation activities, including covert surveillance and wiretapping.<sup>38</sup>

The President's decision to unite the secret services in the Ministry of Security and Internal Affairs was violently criticized: this idea reminded people of Stalin's terrifying People's Commissariat for Defense (NKVD) headed by Lavrenty Beria. As a result Yeltsin's Decree dated December 19, 1991, was appealed against in the Constitutional Court of Russia and on January 14, 1992, it was recognized as contradictory to the Constitution. The Constitutional Court order served as the basis to establish two separate Ministries – the Ministry of Internal Affairs of the Russian Federation led by Viktor Yerin and the Ministry of Security led by Viktor Barannikov (December 19, 1991 – July 27, 1993).

The **Ministry of Security (MB)**, founded on January 24, 1992, became the essential and largest successor of the KGB, inheriting the functions of the Second Chief Directorate (counterintelligence), the Third Chief Directorate (military counterintelligence), Directorate "Z" (internal political security), Organized Crime Directorate (combating organized crime), the Fourth Directorate (transport counterintelligence), the Sixth Directorate (economic counterintelligence), and the Seventh Directorate (field surveillance).

In total, according to Michael Waller's estimates the MB comprised of at least 17 large KGB units, including those responsible for political internal security, economic security, counterintelligence, military counterintelligence, nuclear weapons storage,

the underground, the railways, the marine fleet and the state-owned Aeroflot airlines security, combating organized crime, drug control, the security of the majority of governmental facilities, military construction, technological laboratories, mail interception, archives, wiretapping, analysis, investigation and training. In addition, the Ministry of Security "was responsible for monitoring the public, cooperative and private business in transport, the industrial and communications sectors, the monitoring of the mass media, the analysis of social and political issues and patent protection. The only important duties of the former KGB that the MB did not perform were foreign intelligence, cryptography, communications and presidential security".<sup>39</sup> The ministerial workforce reached 135,000, out of which 50,000 were engaged in counterintelligence.<sup>40</sup>

Similarly to the KGB leaders of the late-Soviet period, the Minister of Security Barannikov focused on combating crime, which became a part of the image efforts to provide security bodies with a clear meaning of their activities, and "a political tool, with which to ruin opponents in and out of government".<sup>41</sup>

At the same time it became common practice to *delegate* state security people from the *active reserve* to public and commercial entities in order to informally control them.

In 1992–1993, at Barannikov's suggestion of Yeltsin's approval, an array of laws regulating the secret services activities were adopted. Acting similarly to the KGB Head Kryuchkov in 1991, the Minister of Security demanded from the Supreme Soviet the urgent adoption of his bills. And, like in 1991, the initiative was endorsed by the State Committee for Security and Defense of the Supreme Soviet, run by the future Head of the State Security bodies Sergey Stepashin.

The array of Yeltsin-Barannikov laws included a law on operative investigation activity, on security, on federal state security bodies, on foreign intelligence, on state secrets and on the Russian Federation state border. Their distinguishing features included the width of powers, granted to the secret services, and their guaranteed tough control by the president. On the contrary, the possibilities of public and parliamentary control weakened dramatically.

The Law on Operative Investigation Activity, adopted in April 1992, entitled five governmental agencies to carry out operative investigation activities: bodies of the Internal Affairs, the Ministry of Security, Border Security, the Foreign Intelligence Service and operative units of the Chief Security Directorate (art. 11).<sup>42</sup>

36 "Знаю их всех". Говорит Александр Коржаков, in *Медиазона*, September 5, 2016. <<https://zona.media/article/2016/05/09/korzhakov>>

37 Federal Law No. 57-FZ dated May 27, 1996 "On State Security", in *Rossiyskaya Gazeta*, No. 106, June 6, 1996. The Decree of RF President No. 938 dated June 19, 1996 "On the Federal Security Service of the Russian Federation", in *Rossiyskaya Gazeta*, No. 118, June 25, 1996. The Decree of RF President No. 1136 dated August 2, 1996 "On Approving the Provision of the Federal Security Service of the Russian Federation", in *Russian Federation Code*, 1996, (32), art. 3901.

38 Amy Knight, *The Security Services and the Decline of Democracy in Russia: 1996–1999*, The Donald W. Treadgold Papers in Russian, East European, and Central Asian Studies, No. 23, October 1999, 14, The Henry M. Jackson School of International Studies, The University of Washington, Seattle. 14. <<https://digital.lib.washington.edu/researchworks/handle/1773/35343>>

39 Waller, *Secret Empire: The KGB in Russia Today*, 116.

40 Richard Sakwa, *Russian Politics and Society*, Fourth ed., London: Routledge, 2008, 96.

41 Waller, *Secret Empire: The KGB in Russia Today*, 117.

42 Law of the Russian Federation No. 2506-1 dated March 13 1992 "On operative investigation activities", in *Rossiyskaya Gazeta*, No. 99, April 29, 1992.

It is notable that the Law on Federal State Security Bodies which became effective in July 1992 appeared nearly identical to the law, adopted in 1991 on the KGB initiative: in several places the wording was absolutely the same. The sections of the law, describing the rights and responsibilities of the federal state security bodies, provided the Russian intelligence services with functions that were similar to those of the Soviet secret police. In particular, the law reserved their right to delegate their employees to any institutions, organizations and enterprises “to solve security issues” (art. 11).<sup>43</sup> It meant that the intelligence services could still freely infiltrate the mass media, civil groups and political alliances. In addition, the secret services could “provide the security” for “federal, interstate and international public-political and religious events” held in Russia, which allowed for broader interpretations (art. 12 (l)). To ensure state security under natural disasters and riots, and under the prevention of some crimes the state security bodies were empowered to “freely enter housing and other premises owned by citizens, land plots owned by them, the areas and premises of companies, institutions and organizations regardless of their forms of property”. The only condition for these entrances was the need to notify the prosecutor of them within 24 hours (art. 12 (e)). Taking into consideration the unaccountability of the secret services and the specifics of the Russian law-enforcement practices, this form of the law could also become subject to abuse.

The law on security established that the Russian president “controlled and coordinated the activities of the state security bodies”, and also “made day-to-day decisions on security provision” (art. 11).<sup>44</sup>

The law on state secrets, adopted in July 1993, introduced an extremely wide definition of the term *state secret*, which significantly reduced the rights of the citizens to get information on the activities of the governmental authorities – both in the past (using archive data), and in the present.<sup>45</sup>

During the escalation of the presidential and parliamentary antagonism in 1992–1993 and the deepening economic crisis, Boris Yeltsin was seeking support in the law-enforcement bodies, whose significance in domestic Russian politics was continuously growing. At the same time the President feared that an exaggerated strengthening of the secret services could potentially be a threat to his power.

After a two-year confrontation between Yeltsin and the Supreme Soviet, which ended up in dissolving the parliament on September 21 and the seizure of the House of Soviet (Russian White House) on October 4, 1993, the Ministry of Security was reorganized into the **Federal Counterintelligence Service (FSK)** in December that year. A Presidential Decree on the MB dissolution stated that “it appeared to be impossible to reform the system of VChK-OGPU-NKVD-NKGB-MGB-KGB-MB bodies” and that “the recently taken measures to attempt to reorganize them were mainly formal and decorative”.<sup>46</sup> These tough words, however, did not at all mean rethinking the role of the security bodies. They just showed Yeltsin’s dissatisfaction with the willful secret services, which took the side of the Supreme Soviet and did not provide the President with sufficient support in his opposition to the parliament.

Despite the loud statements, instead of qualitative reforms, Yeltsin again used intelligence services to strengthen his personal power and to prevent any attempts by parliament to challenge him in the future. Hence the FSK was fully controlled by him: under the Service Regulation, it was subordinate directly to

the president.<sup>47</sup> According to the appointed Secretary of the Presidential Security Council Oleg Lobov, Yeltsin’s right-hand man from the times of Sverdlovsk (now Yekaterinburg) regional committee, “the counterintelligence service is designed to protect the new presidential rule”, it must “support the president”.<sup>48</sup>

The personnel policy of the renamed body also confirmed the continuity with the Soviet past. Colonel General Nikolay Golushko was appointed the Head of the Service (December 21, 1993 – February 28, 1994) – a former Ukrainian SSR KGB Chairman (1987–1991), who distinguished himself by especially cruel repressions of dissidents and dissenters. In addition, from 1974 to 1978 Golushko ran the department “combating nationalism” in the KGB Fifth Directorate.

The announced then FSK re-attestation of the service leaders did not lead to changes of key people in the counterintelligence headquarters and its regional directorates. Out of 277 top officials subject to re-attestation, only 13 failed, moreover, partly due to the retirement age. Sergey Stepashin, who replaced Golushko as the FSK Director (March 3, 1994 – June 30, 1995), summarizing the results of the re-attestation in March 1994, was pleased to note that “we did not follow the Eastern European example and did not fully destroy Russian Intelligence Services”.<sup>49</sup> Being one of the main organizers of the First Chechen War that started in 1994, Stepashin consistently advocated the expansion of secret services powers, at the same time insisting on the priority of the state interests over civil rights. In an interview given in June 1994 he made a claim that would be incompatible with a democratic state of law: “We will infringe upon the human rights of a person if this person is a criminal”.<sup>50</sup>

The FSK included nearly all units of the dissolved Ministry of Security, except for the Border Security Forces, which were singled out as an independent **Federal Border Service – Chief Command of the Russian Federation Border Security Forces (FPS – glavkomat)**. Pursuant to the FSK Regulation, the tasks of the counterintelligence service bodies were: detecting, preventing and suppressing intelligence, surveillance and reconnaissance of foreign secret services and organizations against the RF; seeking intelligence information on security threats; providing the President with information on RF security threats; the war on terror, arms and drug trafficking, illegal armed groups, as well as illegally established or prohibited non-governmental

43 Law of the Russian Federation No. 3246/1-1 dated July 8, 1992 “On federal state security bodies”, in *Rossiyskaya Gazeta*, No. 180, August 12, 1992.

44 Law of the Russian Federation No. 2446-1 dated March 5, 1992 “On Security”, in *Rossiyskaya Gazeta*, No. 103, May 6, 1992.

45 Law of the Russian Federation No. 5485-1 dated July 21, 1993 “On State Secrets”, in *Rossiyskaya Gazeta*, No. 182, September 21, 1993.

46 Decree of RF President No. 2233 dated December 21, 1993 “On the Dissolution of the Russian Federation Ministry of Security and the Establishment of the Russian Federal Counterintelligence Service”, in *Collected President’s Decrees and Russian Federation Government Resolutions*, 1993, (52), art. 5062.

47 Decree of RF President No. 19 dated January 5, 1994 “On Approving Provisions of Russian Federal Counterintelligence Service”, in *Collected President’s Decrees and Russian Federation Government Resolutions*, 1994, (2), 1994, art. 76.

48 Interview with O. Lobov, in *Nezavisimaya gazeta*, February 2, 1994, 1.

49 Максим Вьюрвдин, Контрразведка переаттестована, in *Kommersant*, No. 54, March 26, 1994. <<http://www.kommersant.ru/doc/74594>>

50 TV interview with S. Stepashin dated June 23, 1994. Cit. by: Amy Knight, *Spies without Cloaks. KGB’s Successors*, Princeton: Princeton University Press, 1996, 25, 29. See also interview with S. Stepashin, in *Nezavisimaya gazeta*, May 26, 1994, 1–5.

organizations, encroaching on the RF constitutional order; ensuring state secrets protection within their competence; counterintelligence operative cover of the RF state border.<sup>51</sup>

FSK leaders initially claimed an expected staff downsizing from 135,000 to 75,000 due to the delegation of some functions to other institutions. However, it is impossible to establish the fact of staff cuts because the information has been classified. At least, in early July the officials themselves mentioned a workforce of 100,000 people.<sup>52</sup> Most likely, Yeltsin's strategy was to weaken the central national security body politically, distributing chekists in different governmental authorities. Nonetheless, according to Michael Waller, it was similar to the effect of fungi growth: spores were not restrained any more, but "distributed through the entire society".<sup>53</sup>

The Chechen War made Yeltsin increasingly rely on law-enforcement bodies. There were new transformations, further strengthening the role of the state security bodies. In early 1995 the Law on the Federal Security Service Bodies in the Russian Federation was signed and became effective on April 12.<sup>54</sup> From this day the FSK was renamed the **Federal Security Service (FSB)**, and its powers were significantly expanded.<sup>55</sup> According to the law, FSB core activities included counterintelligence and intelligence, the war on terror and high-threat crimes, border security activity, information security, and the control of corruption (art. 8).

In July 1995 Sergey Stepashin was dismissed and his post was taken over by the former Head of the Chief Guard Directorate Mikhail Barsukov (July 24, 1995 – June 20, 1996). One of his first steps in the new office was setting up an FSB counterterrorism centre (FSB ATC) to coordinate different counterterrorist services. The centre was the successor of the former Soviet KGB Counterterrorism Directorate (UBT). It included two famous special forces units – Alpha group, before 1995 it had been a part of the Chief Guard Directorate (Department "A"), and Vypfel group, a part of which had been subordinate to the Ministry of Internal Affairs since 1993, while the other made up the Special Operations Directorate (Department "V"). In October 1998 special forces were united in the newly established FSB Special Forces Centre (FSB CSN).

On December 20 1995, the anniversary of the VChK foundation, a public holiday was established – the Day of Security Bodies.<sup>56</sup> Before that, December 20 had been celebrated for decades informally by the state security staff as the Day of the Chekist. And two years later on December 20 President Yeltsin delivered a speech, which was considered by many as the final "rehabilitation" of the secret services. According to Yeltsin, "we nearly pushed too far in revealing the crimes of the state security bodies. Their history included not only black periods, but also glorious ones, which are something to be proud of". The President also noted that "today our security services people are genuine patriots. They work not for the glory and awards, but – I dare say – for an idea. For the state security. For the peace and quiet of our citizens. And we must respect the work done by the security service officers. Their hard and often heroic work".<sup>57</sup>

After the first round of the presidential election, held on June 16, 1996, Yeltsin dismissed the head of FSB Barsukov, replacing him with Nikolay Kovalev (July 9, 1996 – July 25, 1998), who had served in the KGB from 1974 – first as a field officer of the district department of the KGB Directorate in Moscow and Moscow region, and then an officer and later the head of the Fifth service of the KGB Moscow Directorate (combating ideological subversion).

From the mid-1990s observers continuously mentioned a deterioration of the human rights situation in Russia.<sup>58</sup> In the background of concerns about the potential return of the political investigation system on July 6, 1998, President Yeltsin issued a decree setting up a Constitutional Security Directorate in the FSB, being, in fact, the reincarnation of the Constitutional Order Protection Directorate, the former KGB Fifth Directorate.

The Head of the new unit Gennady Zotov in his interview to "Nezavisimaya Gazeta" in November that year described the objectives of his directorate as follows: "The state sought to establish an FSB separate unit, 'specialized in' combating security threats to the Russian Federation in the social and political area. <...> Owing to a number of objectives, related to the fundamental specifics of Russia, reasons special attention has always been paid to the protection of the state against 'internal revolt', i.e., in other words, against the security threats in the social and political areas, since the 'internal revolt' for Russia has always been more terrifying than any military invasion".<sup>59</sup>

Thus, President Yeltsin did not opt for the path of dissolving the Soviet secret services, but, divided the KGB into several individual organizations, preserving most of their functions and personnel. According to the secret services researchers Andrei Soldatov and Irina Borogan, Yeltsin's idea was "to encourage rivalry in the splintered intelligence community, providing a precarious system of checks and balances": "Under Yeltsin, the foreign intelligence agency remained in direct competition with military intelligence; the FSB struggled with the communications agency, which kept a close on political and social situation in Russia. After obtaining a report from the FSB Director, Yeltsin could compare it with the report from the communications director".<sup>60</sup> In any case, according to Soldatov and Borogan, in 1998 there appeared changes in the secret services competitive system created by Yeltsin: "First, the founding fathers of agencies lost their posts, independent people who had become accustomed to fiercely defending the interests of their structures. <...> Then there began to appear stubborn rumors about a draft decree being walked

51 Decree of RF President No. 19 dated January 5, 1994 "On Approving Regulation of Russian Federal Counterintelligence Service", in *Collected President's Decrees and Russian Federation Government Resolutions*, 1994, (2), art. 76.

52 Amy Knight, *Russia's New Security Services: An Assessment*, Washington, D.C.: Library of Congress, 1994, 24; <<https://www.hsdl.org/?view&did=457727>>

53 Waller, *Secret Empire: The KGB in Russia Today*, 121–122.

54 Federal Law No. 40-FZ dated April 3, 1995 "On Federal Security Service Bodies in Russian Federation", in *Rossiyskaya Gazeta*, No. 72, April 12, 1995.

55 Bennett, *The Federal Security Service of the Russian Federation*, 16; Bettina Renz, Russia's 'Force Structures' and the Study of Civil-Military Relations, in *Journal of Slavic Military Studies*, 2005, (18), 4, 570–572.

56 Decree of RF President No. 1280 dated December 20, 1995 "On establishing the Day of the Russian Federation Security Bodies", in RF Code, 1995, (52), art. 5135.

57 Boris Yeltsin, "The secret services will never be 'watchdogs' any more", in *Radio Adress, Kommersant*, No. 220, December 20, 1997, 2.

58 Michael J. Waller, "Russia's Security Services: A Checklist for Reforms", in *Perspective*, 10 September 1997; Knight, *The Security Services and the Decline of Democracy in Russia*, 21–25.

59 "Защита личности, общества, государства". Так определяет приоритеты своего подразделения начальник Управления конституционной безопасности ФСБ России Геннадий Зотов, in *Независимое военное обозрение*, No. 044 (118), November 20, 1998, 1.

60 Andrei Soldatov, Irina Borogan, "The New Nobility: The Restoration of Russia's Security State and the Enduring Legacy of the KGB", in *New York: PublicAffairs*, 2011, 14.

through the Kremlin corridors which would combine all the fragments of the KGB into one agency.”<sup>61</sup>

On July 25, 1998, Vladimir Putin was appointed the FSB Director (July 25, 1998 – August 9, 1999), the former KGB officer, who served from 1975 to 1991 first in the Leningrad KGB Directorate working in counterintelligence, and then, from 1985 to 1990, in the local intelligence centre in Dresden under the cover of the position of Dresden USSR–GDR Friendship Centre Director. Later Putin was appointed the head of the Government, leaving his colleague from the Leningrad KGB Directorate Nikolay Patrushev as the FSB leader (August 9, 1999 – May 5, 2008).

On December 20, 1999, at a formal meeting devoted to the Day of the Security Services, Prime-Minister Vladimir Putin addressed the security services officers in the following way: “A group of FSB people, sent by you on a mission to work under cover in the government, is performing well at the initial stage”. Soon after that he was elected by Boris Yeltsin as the successor for the presidential post.

Putin’s rise to power in 2000 meant the appointment of former state security people to the key political offices. Since the 2000s nearly all the top positions in the presidential office, government and economic area have been controlled by the people from the law-enforcement bodies. Though this process commenced when Yeltsin was still in office, and the number of high officials with a law-enforcement background (top leadership, government, regional elite, parliament) grew from 11.2 % to 17.4 %, during the first years of Putin’s reign by 2004 this figure reached 24.7 %.<sup>62</sup> According to some estimates, by 2007 the share of direct or indirect intelligence presence in authorities could have been above 75 %.<sup>63</sup>

The consolidation and reinforcement of the secret services under Putin’s rule became truly large-scale. On March 11, 2003 the president dissolved the Federal Agency for Government Communications and Information (FAPSI) and the Federal Border Service (as well as the Federal Tax Police Service) as separate organizations. Consequently, the border security service was fully integrated into the FSB, while parts of the dissolved FAPSI were divided between the FSB and the Federal Guard Service. Furthermore, informally the Ministry of Internal Affairs became fully FSB-controlled. All the key people appointed in the Ministry – from the Minister to the Head of the Internal Security Directorate – were from the secret services.<sup>64</sup>

The workforce of the Russian intelligence service during Putin’s reign has also been growing steadily. As mentioned above, formal data on the workforce of the state security bodies were not disclosed. Nevertheless, by the end of the 1990s, according to available data, the FSB employed from 80,000–90,000 to 120,000–130,000 people, including two elite special operations units.<sup>65</sup> After the merge of the FPS and a part of the FAPSI with the FSB, the staff of the latter could have grown and reached 350,000 people.<sup>66</sup> At the same time experts say that the Federal Border Service included some 180,000 people in the 1990s.<sup>67</sup> However, from the early 2000s it appears that the figure rose to 200,000–210,000.<sup>68</sup> The workforce of the Federal Guard Service was within the 13,000–20,000 range according to different estimates by the late period of Yeltsin’s rule and it might well have considerably grown after Putin’s arrival.<sup>69</sup> According to other estimates, in the mid-2000s the Federal Guard Service staff included approximately 20,000–30,000 people, inter alia, 3,000–5,000 of the presidential guard.<sup>70</sup> And, finally, according to 2008 data, the Foreign Intelligence Service employed about 13,000 people.<sup>71</sup>

Despite being in the focus of public attention during Perestroika and forced to adapt to the new situation, the KGB and

then the Russian state security, partially changing their methods and increasing their propaganda efforts, were never actually challenged and pressed by the public. It is true that the monument to the founder of VChK Feliks Dzerzhinsky was spontaneously dismantled during the strife between GKChP members and the RSFSR President Boris Yeltsin. However, neither during nor after the putsch was it demanded to take similar action to the very state security structures and to ban their members from taking positions in the new democratic authorities and institutions. In spite of a long-lasting repressive policy towards the citizens (forced regulation of their life, long isolation, civil rights restrictions, pressure against dissent etc.), the Soviet Committee for State Security, unlike its analogues in most countries in Central and Eastern Europe, was not so discredited as to disrupt its functional, personnel and symbolic continuity with the past. The Russian secret services openly admit and emphasize their role as followers of the Soviet secret state security services traditions.

A poll, conducted during the last year of the USSR existence, showed that the KGB had higher public trust (62 %), than other institutions (police, courts, the mass media etc.).<sup>72</sup> And 10 years later, when the Levada-Centre asked people if it bothered respondents that President Vladimir Putin who took office in 2000 had long been in the KGB and FSB, 78 % confessed that this fact was not of any concern to them and only 5 % stated that it was a high concern to them.<sup>73</sup> Sociologist Lev Gudkov noted in 2003 that “Putin’s relation to the state security and armed forces looks for many Russians a merit rather than a flaw for his reputation.”<sup>74</sup>

61 Andrei Soldatov, Irina Borogan, The Mutation of the Russian Secret Services, in *Agentura.ru*, August 25 2016. <[www.agentura.ru/english/dosie/mutation/](http://www.agentura.ru/english/dosie/mutation/)>

62 О. В. Крыштановская, *Анатомия российской элиты*, Москва: Захаров, 2005, 269–270.

63 Russia under Putin The making of a Neo-KGB State. Political Power in Russia Now Lies with the FSB, the KGB’s Successor, in *Economist*, 23 August 2007. <<http://www.economist.com/node/9682621>>

64 Andrei Soldatov, Irina Borogan, The Mutation of the Russian Secret Services, in *Agentura.ru*, 2007 <<http://agentura.ru/english/dosie/mutation/>>

65 Bennett, *The Federal Security Service of the Russian Federation*, 22; Eberhard Schneider, *The Russian Federal Security Service under President Putin*, in: Stephen White, *Politics and the Ruling Group in Putin’s Russia*, Basingstoke – New York: Palgrave Macmillan, 2008, 43; Knight, *Spies without Cloaks*, 14; Knight, *The Security Services and the Decline of Democracy in Russia*, 14.

66 *Spionage gegen Deutschland – Aktuelle Entwicklungen*, Bundesamt für Verfassungsschutz, November 2008, 6. <<http://www.verfassungsschutz.brandenburg.de/cms/detail.php/bb1.c.162958.de>>

67 Waller, *Secret Empire: The KGB in Russia Today*, 7; Knight, *The Security Services and the Decline of Democracy in Russia*, 14.

68 Schneider, *The Russian Federal Security Service under President Putin*, 43; Bettina Renz, “The *Siloviki* in Russian Politics: Political Strategy or a Product of the System?”, in *Russian Analytical Digest*, No. 17, 20 March 2007, 6.

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72 Olga Kryshтанovkaya, Stephen White, “Public Attitudes to the KGB: A Research Note”, in *Europe-Asia Studies*, 1993, (45), 1, 170.

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74 Л. Д. Гудков, “Массовая идентичность и институциональное насилие. Статья вторая: Армия в постсоветской России”, in *Bulletin of Public opinion: Data. Analysis. Discussions*, 2003, (68), 2, 35–51.

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# REGIME ARCHIVES

SVETLANA SHURANOVA

## INTRODUCTION

The breakthroughs in historical, source and archaeographic studies, made using the Russian archives in the 1990s are a generally recognized phenomenon. Before that Soviet archives had long been appendices to the administrative system, which accumulated classified documents. A necessary element of Perestroika after August 1991 was a leap to the information culture, including the removal of unjustified limitations on the access to archive documents. Changes in the political situation triggered the advent of resolutions, temporary provisions and laws, which bridged the existing gap in the issues related to declassifying and using archive documents. Nevertheless, the historical scientific model has not been implemented yet, it is this model that is oriented on involving *shady* documents about the past into the public sociocultural interaction.

In today's Russia it is possible to observe the return of a departmental monopoly on archive documents, the selective approach to users using unforeseeable and subjective criteria. Compared to the openness of the archives in the early 1990s, currently Russia is experiencing a real regress. Therefore, many key aspects of the Soviet past and, first of all, the history of public terror, actually stay unstudied, citizens are not always able to learn information about the fate of their own relatives out of those who suffered from political repressions. The clusters of classified data, the availability of unprocessed documents, partial accessibility of the scientific-reference sources, restrictions arbitrarily imposed by archivists under protectionist ideas, – all this is today's reality. The archive user has to experience the barriers of state order limitations, subjective decisions and technical possibilities.

## REGULATION AND FUNCTIONING OF ARCHIVES IN RUSSIA

Archives are valuable storage facilities, which are designed to provide access to historical knowledge, as well as to keep a database. According to the law an archive is an institution, which stores, systematizes and releases the documents, being within its archive fund. The tasks of open usage of documents, in particular, to dispel historical myths are always opposed by the “protective” function of the archive service. An archive document operates in the system, oriented on different values and legal criteria for making decisions. For instance, one and the same document must be accessible for scientific use, but following the administrative logic, it must be protected from attacks against “personal data”, “personal secrets”, and “state secrets”. This is where controversy emerges – on the crossroads of the academic, educational and administrative systems. The conflict of state, corporate, personal and public interests is inevitable: opening and concealing powerful archive resources is an instrument for public conscience manipulation. The infrastructure of storing, searching for archive information and legal regulations are also essential aspects of archive operations as an institution.

There are state (national) archives, departmental archives, municipal archives and non-governmental archives. State archives include federal archives and the archives of the Russian Federation subjects – regional archives. Federal archives are subordinate to Rosarchive – the Federal Archive Agency, – while regional archives are subordinate to the regional administration and Rosarchive. Departmental archives are divisions within different departments (ministries), and are subordinate to them. They may keep documents of the RF Archive funds only temporarily, according to article 18 of the Federal Law on archives in the Russian Federation (dated October 22, 2004). For example, the FSB is a successor of the documents on mass repressions and declassified documents of VChK-OGPU-NKVD-MGB-KGB, and the archives of FSB Directorates store the overwhelming majority of these cases. It is formally clarified whether these documents belong to Rosarchive now, but the period of temporary storage of these documents is specified in article 22 of the law on archives and is 15 years. In the 1990s the transfer of archive investigation cases of the rehabilitated persons from the FSB to the public archives started, but so far it has been implemented only partially. Many departmental archives still enjoy the right of unlimited-period document storage.

Archive operations are mainly regulated by the above mentioned federal law on archives in the Russian Federation. According to part 1 article 24 of this law the user is entitled to freely seek and receive archive documents for studying. In addition, legal bases of the archivists and archive activities are regulated by a great number of other regulations. Pursuant to part 4 article 29 of the RF Constitution, every person is entitled to freely seek and receive information in any legal way. The provision of services on releasing archive documents is regulated by numerous federal laws, decrees of the RF President, resolutions of the RF Government and orders of the Russian FSB.

The issues, arising out of the information being a state secret, its classification or disclosure is regulated by the Law on State Secrets dated July 21, 1993. According to the law the maximum document classification period is 30 years. It means that in 30 years the documents must be disclosed or the classification is to be renewed. As an exception, this period may be extended on the opinion of the Interdepartmental Commission for the Protection of State Secrets. In March 2014 the commission's opinion extended the classification period for a huge volume of information of the state security bodies by another 30 years. Until 2044 the classification will be marked on any documents containing information regarding intelligence, counterintelligence, operative investigation activities, on the persons collaborating confidentially with the state security bodies, on state security staff taking part in special operations, – the list of information categories consisting of 23 points enables it to extend the classification period of any document, executed by the state security bodies between 1917 and 1991.

The term *personal data* should be specifically indicated. It was introduced by the Federal Law on Personal Data, adopted by the State Duma. This federal law does not touch upon

the procedure of accessing archive information. Moreover, according to article 1 of this law, it is not applied to

- processing personal data by individuals for personal and family needs only;
- the issues of storing, completing, recording and using archive documents containing personal data.

In turn, the connection between the “personal data” and access to archive investigation cases of the repressed persons is regulated by order of the Russian Ministry of Culture, the Ministry of Internal Affairs, the Russian Federal Security Service (hereinafter “order of three ministries”) dated July 25, 2006 on approving the procedure of access to the materials stored in the state archive and the archives of the governmental bodies of the Russian Federation, terminated criminal and civil cases against the persons subject to political repressions, as well as filtration and control cases. According to this order, personal data include the information on personal and family secrets, facts, events and circumstances of the private lives of the repressed persons. Personal data can be found in nearly all the documents related to repressed people. Personal secrets include: the secret of intimate relations, the secret of property and financial standing (including bribery), medical secrets (e.g. alcohol addiction), and children adoption secrets. The access to the documents containing personal data is provided to the relatives of the people mentioned in the document, provided the relationship is confirmed. When at least 75 years have passed from the time of executing the document, access to the materials for the researchers, not being relatives, is possible only provided the written consent of the repressed persons, and after their death – their successor. In particular, the research into the materials of the cases against millions of people who were subject to repressions during the Soviet period is given according to the procedure, established in the RF law dated October 18, 1991 on the rehabilitation of victims of political repressions. The rehabilitation process is a powerful foundation for searching for and discovering archive documents on the activities of the repressive bodies, repression campaigns and individual lives.

The provision of access to archives is generally vital for studying the twentieth century history. Today the situation with the publication of the archive documents, related to the evolution and operations of the Soviet totalitarian system, which deprived a person of their basic rights and freedoms, is of the greatest interest. Archive documents of the operative holdings of the Soviet KGB, the holdings of archive criminal investigation cases, classified document management holdings, and the holdings of dossiers of the KGB-NKVD staff members have not been revealed and made public yet. This deprives us of the possibility to reevaluate the past, and estimate the scale of ongoing and expected changes. This, in particular, damages the development of history as a science.

## **BETWEEN STATE CONTROL AND PUBLIC PROPERTY**

The legal restriction on using archive information in the twentieth century started in 1924–26 and gradually the problem of archive and archive document accessibility faded away from the legal public conscience. An interesting case, which took place in 1951, was described by a Candidate of Sciences (PhD) in History and archivist M. A. Leushin: the administration of Moscow

State University contacted the Central Committee of the All-Union Communist Party requesting classification of professors, post-graduate students and undergraduates due to the difficulties in accessing old archive holdings of the 19th–20th centuries and the total secrecy of documents. In response to the letter, archivists prepared a report, approved by the USSR Ministry of Internal Affairs, substantiating the access denial by the fact that most documents were written by “counterrevolutionary elements with the spirit of hatred and hostility to the Bolshevik party and the Soviet state.” The report also refused to classify the university faculty and students.<sup>1</sup>

Historians Arseniy Roginsky and Nikita Okhotin remark that over the whole period of its history the Soviet power actually destroyed archive documents with a limited storage time when there was no operative need for them any longer, but, as a rule, it was routine destruction according to the archive management instructions published in the state security bodies. The exception was the mass destruction of documents under L. P. Beria’s order of 1940 to clean the archives of “unrecorded” materials, and also the destruction of archive documents during WWII under the threat of being seized by the enemy. A part of the documents did not survive the evacuation. It is known that in 1954–55 archives were cleaned of the documents “discrediting honest Soviet citizens” along with the starting liberation of the Gulag prisoners. According to the total estimates, out of approximately 20 million of the Soviet KGB archive cases only some 5 million cases had survived by 1991.<sup>2</sup>

During Perestroika there appeared a number of large-scale programs on reevaluating the past. In the conditions of the dramatically democratized conscience in the early 1990s the issues of accessing the documents and discovering Soviet secrets were in the focus of public attention. In 1992 the decree of the Russian President on protecting state secrets and the resolution of the Russian Government on the issues of organizing the protection of state secrets of the Russian Federation were issued. The work on declassifying archive documents, related to the state archive policy, commenced following the decree of the Russian President of June 23, 1992, on declassifying legal and other regulations, serving the basis for mass repressions and attacks on human rights. The Rosarchive order of June 15, 1992, introduced the temporary procedure of accessing archive documents and the rules of their use, where it declared the principle of general accessibility of Russian archive documents. This document for the first time established a 30-year document access restriction period, provided they contain state secrets, and a 75-year personal document access restriction period. Its essential provisions were confirmed by the resolution of the Supreme Soviet of the Russian Federation on the temporary procedure of accessing archive documents and their use. At that time the Supreme Soviet set up a commission for preparing the guidelines on accessing terminated criminal and filtration control cases, which began being submitted from the Soviet KGB archives to the national storage. In 1992–1993 whole sets of archive cases were declassified. These were related to the CPSU ideological

1 М. А. Леушин, “Проблемы доступности архивов в начале 50-х годов”, in *Вестник архивиста*, 1996, (4), 41–45.

2 А. Рогинский, Н. Охотин, Архивы КГБ: год после путча, in *Современная Россия: взгляд изнутри. Политика. Право. Культура. Сборник статей российских исследователей к 10-летию Института Восточной Европы при Бременском университете*, 1992.

fight against dissidence in the USSR etc. In 1993 the commission on accepting KGB and CPSU documents into the national storage was dissolved, while the law on the state secrets was adopted, and the functions of declassification were delegated to the Interdepartmental Commission for the Protection of State Secrets. In 1994 Boris Yeltsin signed the resolution, according to which the ministries had to delegate the powers to declassify their documents to the heads of the state national archives, but it was never implemented. By 1997 the implementation of the presidential decree on declassifying had slowed down notably, and the archives lost their right to declassify documents themselves. In many governmental bodies at the levels of all subdivisions, declassification expert commissions were established. Groundless secrecy period extensions for most documents became normal again, while declassifying became exceptional. The unlimited authority of ministries and other governmental bodies enabled them to create the full image of the criminal policy of the USSR and led to the inaccessibility of the most valuable information sources for researchers.

Today it is possible to state that there is an expressed institutional conflict between archive users and archivists. The archive is more often considered by users either under the *secular* logic (as a service provider), or under the “messianist” logic as a social institution, designed to store (but not protect) the public knowledge of the society of itself. In turn, archive staff, vice versa, tend to “de-routinize” their professional activities, and do it based on evidence. The minutes of formal meetings document the codes of ethical rules for the archivists and enable them to say that the primary mission of the archives is to protect the integrity and safety of the documents to be stored.<sup>3</sup> The protective trends in the archive operations intensify along with a toughening up of archive law. However, the top-bottom legal regulation of the archive practices brings a number of unexpected effects.

The protective trends in the archive institution activities were determined due to the adoption in 2004 of the law on archives, inclusion of the norms of criminal and administrative liability for stealing documents in the Criminal Code, and the adoption of the federal law on information, information technologies and information protection. It is also worth mentioning the *order of three ministries* dated July 25, 2006. It is owing to this order that the access of researchers to the archive investigation cases became highly complicated.

In practice today users face limitations, which are not included in the regulations restricting access to regulations. This can be explained by an ambiguity of wording in the regulations, which leave space for interpretation. From the standpoint of practical relations between archive users and archivists the situation looks as follows: the discrepancies between mutual expectations and rigid regulation of the archive agenda on the one hand, led to “shallowing” the bureaucratic form of the archive on the one hand, on the other – to too much paperwork.

It is known that there have been cases, where the access to information was organized to avoid the formal access procedure – the user with “contacts”, a network in the archive staff, has an opportunity, for example, to get information without being involved in the bureaucratic procedures accompanying the access to information ensuing from a formal request. One of the effects of this situation is the dependence of the research field on the possibility to access relevant materials. When choosing the topic to study, the researcher, experienced in working with archives, looks into the availability of the materials and

the freedom of access to them. The researcher may avoid touching upon a topic, knowing that basically no access may be received to the materials.

The chances to access information are unequal, and the very historical knowledge can still be a manipulation tool, always depending on the will of authorities and bureaucrats.

## CURRENT STATUS

At present the practices of providing and rejecting access in Russia differ depending on the region, type of archives, type of documents and other circumstances. To justify rejections different archives may use different regulations as well as arbitrary administration decisions. This is also related to the possibility of the free interpretation of regulations in various regional archive institutions, with the departmental specifics of the archives, and with the role the requested topic plays in the public political discourse. The violation of the rights of researchers and citizens trying to gain access to the collections of archive documents is systematic, and it is deeply rooted in the following practices:

- **Refusal to provide a scientific reference base** (the full list of the holdings, lists, reference cards and other materials, enabling the researcher to get oriented in the volume of archive materials and identify what is generally stored in the archive). Most often it is the case of departmental archives, which are absolutely *non-transparent* to researchers. Article 24, paragraph 1, subparagraph 1.1 of the law on archive activities in the Russian Federation says that the access to archive documents is provided by giving the archive documents user reference search tools and information on these tools, including as an electronic document. This provision is also available in the rules of storing, collecting, recording, and using archive documents, approved by the Order of the RF Ministry of Culture and Mass Communications in 2007. In practice, archives do not always provide full lists of their available holdings and the lists of the written-off cases. National archives frequently do not mention the holdings containing the cases of the repressed persons, at all. It is to be noted that the law on the archive activities in the Russian Federation does not include the term “closed storage”, and the law on the state secrets in the RF does not include this term either. FSB archive subdivisions also do not provide any reference information materials on the documents stored by them. The lists of declassified and partially declassified FSB documents of the secret document management in 1936–1937 are unavailable, because they are documents “for restricted use” upon the decision of the FSB Central expert commission dated January 9, 2014. Regarding departmental archives, the procedure works based on the following principle: in your request indicate the name, or full name and year of birth of the person you are interested in, and we will see if we have the respective documents. In 2016 within the research carried out by the International Memorial, I interviewed a historian, who mentioned the case when he was not given an archive dossier, since it did not have the list of the documents included therein. That means that in the alphabetical index this archive of the specific person was there,

3 А. А. Пронин, М. Н. Швидко, *О международном этическом кодексе архивистов*, Документ. Архив. История. Современность, Екатеринбург: Изд-во Урал. ун-та, 2015.

but it had not been analyzed, therefore, the access to it was not provided. “Actually I know that there is the material, which is of potential interest to me, I know the person in whose archive this material is stored, but I cannot be given access as long as there is an archivist who will analyze and record the elements of the archive”, the researcher told me.

- **Refusal to provide requested materials for imaginary reasons or without any reasons.** Most frequently the reason to refuse access is the reference to the *personal secret* information contained in the case. This secret is not strictly identified legally and the decision on whether there are indeed these data in the case or not is arbitrarily made by the archivist. Other reasons include references to “decay”, “a missing case”, “fungi on the case materials” etc. In addition, the rejection may also be based on various intradepartmental or archive guidelines and instructions contained therein.
- **Restriction of access due to the order of “three ministries” dated July 25, 2006.** The point is about a 75-year limitation period for accessing the documents, under which it is possible to gain access only by providing the archive with a notarized permission of the person whose name is mentioned in the document, or, in the case of his/her death, the permission of his/her descendants.
- **Refusal to provide cases referring to the confidential character of the data therein.** In archives the process of declassification has been nearly terminated. Scheduled declassification of materials, whose classification period has expired, is not in place at all. Researchers’ access is limited even to those archive documents whose maximum classification period has already expired. The requirements of the RF law on the state secrets are not fulfilled in terms of the need to justify the present damage to the security of the Russian Federation by distributing the data, which were referred by the authorities to the state secrets. Pursuant to article 6 of the RF law on the state secrets, the reference of the data to the state secrets is made in compliance with the principles of legality, relevancy and timeliness. The data may be regarded as a state secret following the expert’s findings, which identify the reason for classifying specific data, probable economic and other effects of this action considering the balance of the vital interests of the state, society and citizens. Furthermore, article 8 states that the classification level degree of the data being a state secret must correspond to the severity of the damage which may be caused to the RF security due to the distribution of these data. Currently the legal practice allows for referring the data to the state secret provided no justification is given regarding the security damage due to the distribution of these data.

As was mentioned above, one of the main problems is the absence of a dynamic balance of priorities and interaction in the archive-related administrative and research aspects. In 2014–2016 the International Memorial interviewed archive researchers to analyze well-established routine norms and phenomena, which comprise routine practices of accessing archive documents and materials in Russia. On the level of applying certain provisions, regulating archive activities, researchers singled out common problems related to the influence of specific archive institutions staff to the possibility for citizens to get materials. Several examples are given below:

*“Since 2006 the access to archive investigation cases has been closed completely. For relatives only. The point is about the so-called*

*‘order of three ministries’. And, since we started working on the Memory Book in 2003, before this order, we managed to work a little with archive investigation cases. Despite the fact that I am the head of a working group on creating the Memory Book, that is I was appointed by the regional administration, and I have a kind of FSB representative, who is a member of the working group, as a subordinate, I am not entitled to work with archive investigation cases under this order”.* – Anonymous researcher

*“Considering regional archives, you can be well prepared legally, know all your rights, understand what you are allowed to receive and what not, but the paragraph ‘at a director’s discretion’ kills all the rules.”* – Anonymous researcher

*“When my request for cases was rejected, it was not even at the level of the archive administration, these were just some employees who worked in the former special fund. They themselves looked at the cases and at their discretion told me that they would not give them to me, since there may be some personal data. Naturally, it is still an open question what their grounds were not to provide me with those cases.”* – Anonymous researcher

Among the most significant for the user and archivist communication practices, the interviewed respondents also singled out insufficient archive funding, overloading archivists with work, inefficient work management, unsatisfactory condition of archive materials, premises, and the problem of digitalizing archive sources.

## LESSONS LEARNT

Legal claims against archives in the case of their refusal to provide access are a rare phenomenon. In a number of specific cases justice is very hard to achieve. It is also extremely hard to create the legal field and support infrastructure for the claims from those, whose rights to access information were infringed. The remedies for accessing archives are still legally sought by the researchers who cooperate with the Memorial. As regards the success of this work, in terms of the Russian court orders positive for claimants, it is impossible to expect quick success, but it is the fight against abuses of specific archives that may establish pre-conditions for gradual changes to the situation for the better. Here the legal cases on the access to archive information will be considered.

Archive users regularly face the problem of copying documents they need. Archives under different pretexts prohibit the use of photocopying and offer their often expensive services. In January 2016 Andrey Galinichev submitted a claim where he demanded to recognize paragraph 3.1.12 as partially invalid in the 2013 Procedure of using archive documents in the national and municipal archives of the Russian Federation, which prohibits copying using any technical devices. Part 4 Article 29 of the Russian Constitution says: “Each person is entitled to freely search, receive, transmit, produce and distribute information by any legal means”. Andrey Galinichev and Dmitry Poslavsky appealed to this article and also to the laws on the archive activities and on information when they decided to stand their ground and seek free document copying via the Supreme Court. In March 2016 Galinichev and Poslavsky won the case: the Court recognized limitations on copying archive documents with a user’s technical devices as invalid. The fact of the court decision has already been included into the order issued by the Ministry of

Culture. Now an archive user is entitled to use his or her own technical devices to photocopy documents. Thus, owing to a private civil initiative, users have been legally provided with the right to the free photographing of an unlimited number of documents at their own discretion.

In practice archives continue refusing researchers access to a huge volume of archive documents of the Soviet period, whose maximum classification period has already expired, without referring to the availability of the respective opinion of the Interdepartmental Commission for the Protection of State Secrets. In 2010 the FSB Central archive refused to fulfill a request from the historian Nikita Petrov on declassification and providing him for studying a few archive orders of the USSR MGB dated 1940–1950 referring to the fact that the documents include data that are a state secret. In 2014 it refused the researcher Nikita Astashin access to the documents, related to mass riots in the Union Republics in 1961–1982, stored in the departmental archive. In both cases governmental bodies made decisions on restricting access to information without any legal powers to do so.

The experience of court trials shows that in the law application practice there may be free interpretation of recognizing data as a state secret provided no proof of any damage to the state security. The same may be said about the restriction on a researcher's access to archive documents whose maximum classification period has expired. In March 2014 the Interdepartmental Commission for the Protection of State Secrets decided to extend the classification period of a vast scope of documents of the state security bodies by 30 years. The requirement of the law on the exclusive and exceptional nature of classifying has obviously been violated. The petition requesting the cancellation of the commission's opinion was signed by over sixty thousand people. In response to the petition the commission responded that the decision on extending the classification period does not apply to the materials related to mass repressions. They must be accessible according to the presidential decree of 1992 on declassifying legal and other regulations serving the grounds for mass repressions. However, in practice archives continue refusing access to archive documents of the Soviet period. Researcher Sergey Prudovsky sought the declassification of a letter of the People's Commissar for Internal Affairs of the USSR, Nikolai Yezhov, one of the main organizers of mass repressions. The FSB refused to declassify the document referring to that very opinion of the Commission for the Protection of State Secrets as the one containing "information sensitive for Russia". Moscow city court took the side of the FSB, and later the decision was also supported by the Supreme Court.

Equally topical are still the problems of restricting researchers' access to documents under the pretext of a personal or family secret. According to the existing legislation, the right to access information (including archive documents) may be restricted only under the federal law. However, currently archive legislation includes regulations establishing restrictions on accessing archive information which are not specified in the federal laws. These regulations include the order on approving the procedure of accessing documents dated July 25, 2006, mentioned above. The provisions of this regulation were appealed against by the Memorial organization in the Supreme Court. Nonetheless, the court did not see any controversies. In practice archives often refuse researchers access to any materials of the cases related to

the repressed persons without clarifying the issue of actual *personal data* availability in the requested materials. This is shown by the numerous refusals to provide access to documents received by the Memorial from different archives. The absence of clear criteria of "personal and family secrets" creates the risk of holding people criminally liable groundlessly. A vivid example is the criminal prosecution of the historian Mikhail Suprun for the preparation of Memory Books of the repressed Germans in the USSR. Suprun was accused under Article 137 of the RF Criminal Code of the illegal collection of data on citizens' private lives, which were their personal and family secrets, since the collected information contained different biographical data of repressed persons.

Another problematic provision is paragraph 5 of the "order of three ministries": "This Provision does not regulate the issues of access to the materials of criminal and administrative cases against the persons who were not granted rehabilitation, or the cases which have not been reconsidered according to the procedure established by Russian law. To the applications from citizens regarding the access to the materials of criminal and administrative cases with negative decisions on rehabilitation of the persons mentioned therein, archives issue certificates on the reconsideration findings". This is the basis for refusing to provide researchers with the materials, if the citizens involved were not rehabilitated. Archives reject even relatives' requests to provide the materials on non-rehabilitated persons. A recent example of restricting access on these grounds: Sergey Prudovsky tried to get personal records on three convicted NKVD members, who themselves once took part in organizing repressions. The FSB Directorate in Moscow and Moscow region rejected the request referring to Article 11 of the RF law on the rehabilitation of the victims of political repressions, according to which the case can be studied wither by the rehabilitated person himself/herself or by his/her relatives (at the same time the NKVD employees in question were not rehabilitated and this law does not apply to them).

In 2015 an important effort was made to support the interests of the civil society in Ukraine: the Verkhovna Rada adopted the law on the access to archives of the repressive bodies of the Communist totalitarian regime of 1917–1991. All the documents, related to repressions, violation of human rights and freedoms, are submitted to the national archive at the institute of the national memory of Ukraine. It opened the opportunity to study these materials for all those who wish, including Russian historians. However, this has not been the grounds for declassifying similar documents in Russia. Moreover, Moscow courts refuse to recognize extending the document classification period as illegal, despite the fact that such documents were made public in Kiev and published on the Internet. The Supreme Court does not recognize the documents, which obviously show repressive campaigns, as those referring to repressions.

Today few academic community historians and researchers risk speaking in the courts and in the mass media against well-established access restriction practices. To develop the archive users activity to protect their rights in 2014 Memorial launched the project and an online resource <http://dostup.memo.ru/> designed to inform the public of the status quo and existing access to the archive information. It is also a platform for providing legal advice to citizens and researchers seeking to get information in the state national archives.

## RECOMMENDATIONS

At present the trend indicates an intensification of the mechanisms, deepening the political and cultural problems of working with archive evidence and supporting formal conservative memory policy. Therefore, the focus is to be on the public domain, where the issues of access to archive documents are articulated and viewpoints of an active social group of researchers are expressed.

The fight for the researcher's entitlement to be freely granted access and distribute information from archives is among the top priority issues related to solving the tasks of ensuring subordination and transparency of the state management. To seek higher openness of the data related to the crimes of the Soviet regime it

is necessary to take actions in the legal field, the expert's domain and to appeal to the public (and, which is equally important) by actively working with specific cases of violating citizens' rights to access information.

To solve the issue of the access to archive information it is required to comply with the idea of freedom of information, as one of the vital human and civil rights. It means the opportunity to gain free access to the archives for any individual or any legal entity avoiding the use of a selective approach, compliance with the conditions of departmental storage of archive documents, disclosing the documents that are to be declassified, an opportunity to get access to the quality scientific reference base, the possibility of any forms and kinds of using archive information.

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# LUSTRATION: MISSED OPPORTUNITY

NIKOLAI BOBRINSKY

## INTRODUCTION

The concept of lustration embraces a wide range of measures designed as remedial action for the repressive policy of former authoritarian regimes, including the detection of their Intelligence agents, publication of their names and various restrictions to taking public offices (normally, those of civil servants). In the post-Soviet Russia none of these measures has ever been introduced. Therefore, the chapter discussing lustration in Russia will be limited to the cases of unsuccessful attempts to launch it and the description of the effects of refusing it.

## ATTEMPTS TO PUBLISH KGB AGENTS' NAMES

The start of lustration public discussions dates back to the coup d'état loss of the State Committee of the State of Emergency (GKChP) in August 1991. The winner of the political crisis, Russian President Boris Yeltsin, tried to remove the two main pillars of the Soviet Communist regime – the party and the secret services. Though it turned out rather easy to deal with the former, the latter appeared highly resistant. For this purpose, a person new to the state security bodies, Vadim Bakatin, was assigned the Head of the KGB. A number of parliamentary and ministerial committees were set up to investigate and verify the constitutionality of various Committee activities.<sup>1</sup> It was decided to withdraw the archives from the KGB.<sup>2</sup> In October 1991 a Committee for the Party and KGB archives transferring was set up. It included members of the democratic movement and representatives of the Memorial society.<sup>3</sup>

At that moment the idea of revealing the names of KGB secret informers became popular. Despite accepting the role of the state security bodies *liquidator*, V. Bakatin rejected the above proposal by stating just a week after the loss of the GKChP putsch that “it was not people to be blamed but the system that made them” and that the appeals to open the archives might divide the society even deeper.<sup>4</sup> Some members of the inspection committees working in the KGB decided to take the initiative and in early 1992 they published excerpts of the reports of KGB department 5 (ideological counterintelligence) with informers' agent names.<sup>5</sup>

Alongside these chaotic revelations, the Committee for the archives of the CPSU and the KGB prepared a proposal to transfer the personal records of the former members of the state security bodies (stored for at least 30 years), dossiers and agents' personal records to the state archives. However, these courageous projects did not enjoy the required public and political support. Those who objected to lustration took advantage of the situation and as early as in March 1992 they ensured the passing of the Law of the Russian Federation On criminal investigation activities in the Russian Federation.<sup>6</sup> It stipulated the provision of classifying the data of the organization and the tactics of criminal investigation activities (part six, article 6). Thus, the issue of disclosing the names of the KGB employees and informers was taken off the political agenda just seven months after the putsch loss.

## CPSU CASE AND LUSTRATION BILL

The next opportunity to carry out lustration was related to the consideration of the so-called CPSU case in the Russian Constitutional Court, where the issue of the constitutionality of the very CPSU was raised. The recognition of the Communist Party as unconstitutional could entail the prohibition of its restoration in Russia, and, as the chief justice Valery Zorkin confessed subsequently, to lustration – the ineligibility of its members for official positions. Nevertheless, CPSU constitutionality was not considered, which gave the chief justice of the Constitutional Court the grounds to credit himself with saving the country from civil war, which, according to him, lustration could have provoked.<sup>7</sup> The communist party was successfully revived as the Communist Party of the Russian Federation (CPRF) and it started playing a significant part in Russian political life.

Later attempts to implement lustration in Russia were related to the name of Galina Starovoytova, who was the deputy of the Soviet and then Russian parliament for many years. It was she who was the first to put forward the bill on lustration at the end of 1992.<sup>8</sup> She understood lustration as a measure to fight antidemocratic revenge and a return to totalitarianism.

In one of the further versions of the bill, Starovoytova offered to introduce temporary (5–10 years) professional restrictions for the following categories of people:

- all former dismissed secretaries of party, industrial and regional organizations of the CPSU;
- former first, second and third secretaries of district, city, regional and krai committees of the CPSU;
- employees of the central republican and all-union committees of the communist parties, acting prior to the decree of President Yeltsin on the CPSU prohibition (including the secretaries of the respective central committees, but excluding service personnel).

1 See A. Кичихин А., Привело ли расследование августовского путча к трансформациям в работе КГБ?, in *КГБ: вчера, сегодня, завтра. Сборник докладов*, Москва: Общественный фонд “Гласность”, 1993.

2 Decree of the President of the RSFSR dated August 24, 1991 No. 82 On Archives of the USSR State Security Committee.

3 Resolution of the Presidium of the Supreme Soviet of the RSFSR dated October 14, 1991, No. 1746-I On establishing a committee for transferring the archives of the Communist Party of the Soviet Union (CPSU) and the KGB to the state storage and use.

4 В. В. Бакагин, *Избавление от КГБ*, Москва: Новости, 1992.

5 Н. В. Петров, Десятилетие архивных реформ в России, in *Индекс*, 2001, (14); <http://index.org.ru/journal/14/petrov1401.html>; *Как они работали с нами*. Блог Андрея Мальгина, 20. 6. 2007; <http://avmalgin.livejournal.com/566420.html>; *Штрихи к портрету*. Блог Андрея Мальгина, 26. 11. 2006; <http://avmalgin.livejournal.com/695124.html>

6 Law of the Russian Federation On criminal investigation activities in the Russian Federation dated 13. 3. 1992 No. 2506-1.

7 *Имеем Право*. Интервью с Валерием Зорькиным, in *Российская газета*, No. 4210, 31. 10. 2006; <https://rg.ru/2006/10/31/zorkin-ks.html>

8 Galina Starovoytova's bill on lustration. Website of Nizhny Novgorod regional department of RPR-PARNAS, 15. 8. 2014; <http://parnasnn.ru/proekt-zakona-o-lyustracii-galiny-starovojtovoj/2014/08/>

The restrictions were to be applied to these people not unconditionally, but only in one of the cases below:

- if the total work experience in these positions was at least 10 years;
- if as of the date of the GKChP putsch they were in one of the above positions and did not voluntarily declare their departure from the CPSU, or
- if they were employees of the bodies of the People's Commissariat for Internal Affairs, (NKVD) – the Ministry of State Security (MGB) – the KGB, including those in the reserve, or if they had agreed to collaborate with them, or had been working in these bodies during the last ten years prior to adopting the new Russian constitution (1993).

Professional restrictions, according to Starovoytova's bill, had to apply to the civil services (starting with the heads of district and city administrations and finishing with federal ministers), education and the mass media. At the same time for the "active carriers of totalitarian regime policy" (as those subject to lustration were jointly called) it was allowed to take directly and publicly elected offices.

The project separately specified measures to ensure loyalty to the new Russian constitution from the armed forces and intelligence services – as examinations on the knowledge of constitutional provisions and an oath of fealty to it.

## FINAL FAILURE OF LUSTRATION, ITS CAUSES AND EFFECTS

Starovoytova's attempts to push the bill through parliament, the last of which was made in 1997, completely failed. A year later the very supporter of the lustration ideas was shot dead near her house in Saint-Petersburg.

The failure of her efforts was caused, inter alia, by the skeptical attitude to lustration of many respected democrats. For instance, a founder of the Memorial Society and the first human-rights ombudsman in Russia Sergey Kovalev was always against it.<sup>9</sup> The veteran of the Russian democratic movement Yuliy Rybakov, who was first a deputy of the Leningrad council, and then of the State Duma, later regretted this decision of his fellow-thinkers to lustration: "Both Sergey Kovalev and I, as well as dozens of democrats who had undergone repressions, knowing their people, were afraid of a wave of score-settling, which could get out of control and, as it seemed to us, would terminate the movement for freedom altogether. Today it is clear to me that the failure to support Starovoytova, to force the President to make this necessary step was our fatal mistake".<sup>10</sup>

Since there were no lustration measures, Russian successors of the KGB (the Ministry for State Security – the Federal Counterintelligence Service – Federal Security Service and a number of other bodies) started restoring their influence on sociopolitical life. As early as in 1993 it was reported that the security reserve officers institute would be revived in the ministries and departments and their representatives would be sent off to commercial entities. For example, in 1992 the former head of the 5th department of the KGB Filipp Bobkov became the head of the analytical department of JSC Group Most owned by oligarch Vladimir Gusinsky, who held, inter alia, the leading national TV channel NTV.

The climax of the state security staff return to the state leadership was the race for power in the second half of 1999, when Boris

Yeltsin's political appointee KGB lieutenant-colonel Vladimir Putin defeated the former head of the KGB first central board Eugeny Primakov. Vladimir Putin's 17-year reign has been under the full-scale influence of the former Soviet security services on the political and economic life of the country.

During Putin's first two presidential terms lustration and decommunization became marginal ideas on the whole. The gradual return to them occurred at the end of the first decade of the 21st century. In 2011 the council for civic society and human rights development, during the tenure of Putin's successor Medvedev, offered to prohibit for civil servants the rejection or justification of totalitarian regime crimes<sup>11</sup> and reschedule the Federal Security Service professional day, as it was celebrated on the date of the establishing of the CheKa (All-Russian Special Commission for Combating Counter-revolution, Sabotage, and Speculation), which laid the basis of Soviet punitive agencies. However, these projects were not supported politically.

## NEW RISE OF THE LUSTRATION ISSUE IN RUSSIA

Along with the advent of the political opposition to Putin's regime in Russia the issue of lustration gained new significance. Now Putin's opponents see there a means to overcome power abuse and systematic impunity, which became established in the governmental machine. There are attempts to carry out "public lustration" or at least prepare the materials for it in the future. In 2012 the Yabloko party and an informal association "The League of Voters" collected data on over 1000 persons, involved, according to the observers, in falsification at the elections.<sup>12</sup> One of the leading opposition leaders of Russia, Aleksey Navalny, who announced his intent to race for the presidential post in 2018, launched a special website "The Black Notebook", which includes judges and officers of law-enforcement bodies, participating in violations of human rights.<sup>13</sup>

## LESSONS LEARNT

The lack of any lustration in post-Soviet Russia is an independent and important symbol of the country's failure to transit to democracy. The Communist Party power was, actually, replaced by the power of its major intelligence service, which for nearly eight decades eradicated domestic foes of the party and, finally, took its place. Perhaps, it was the rejection of lustration and the dismissal of the Soviet punitive agencies that was one of the main causes of the democracy loss in Russia.

9 Вечно сомневающийся Ковалев. Интервью с правозащитником Сергеем Адамовичем Ковалевым, in *Gazeta.ru*, 1. 9. 1999; [http://gazeta.lenta.ru/interview/01-09-1999\\_kovalev.htm](http://gazeta.lenta.ru/interview/01-09-1999_kovalev.htm); Свобода в обществе Мемориал. Декоммунизация и лustrация, in *Радио Свобода*, 22. 4. 2012; <http://www.svoboda.org/a/24557575.html>

10 Рыбаков Ю. Законопроект Галины Старовойтовой о лustrации. Блог Андрея Илларионова, 18. 5. 1985; <http://echo.msk.ru/blog/aillar/1767702-echo/>

11 Предложения об учреждении общенациональной государственно-общественной программы "Об увековечении памяти жертв тоталитарного режима и о национальном примирении", in *Российская газета*, 7. 4. 2001; <https://rg.ru/2011/04/07/totalitarizm-site.html>

12 Учителя пошли по спискам, in *Радио свобода*, 3. 4. 2012; <http://www.svoboda.org/a/24535300.html>

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# INVESTIGATION AND PROSECUTION OF THE CRIMES OF THE REGIME

NIKOLAI BOBRINSKY

## INTRODUCTION

In the field of criminal justice the results of the Russian transition are negligible: no person involved in organizing and implementing repressive communist regime policy in the USSR was convicted by Russian courts. Criminal investigation materials, initiated following political repressions, are not available to the public, and in some cases – classified. The main reasons for this outcome are the lack of political will of the new Russian government, weak social demand for holding Soviet officials liable as well as different legal constraints.

## STATE VIOLENCE AND DISCRIMINATION IN THE USSR FROM THE STANDPOINT OF CRIMINAL LAW

It is not a stretch to state that the repressive policy against its own people was always inherent in the Soviet regime, except, perhaps, for the last few years of its existence. Its content, scale and victims underwent significant changes over time.

The law “On rehabilitation of victims of political repressions” adopted in October 1991 (hereinafter the Rehabilitation Law) provides the general definition of political repressions. They are understood as various coercive measures, applied by the state under political motives, and represented by the deprivation of life or freedom, placement for coercive treatment in mental health institutions, forced emigration and deprivation of citizenship, deportation of population groups from their places of permanent residence, exile, forced relocation to special settlements, forced labor under the restriction of freedom, as well as other ways of depriving or restricting the rights and freedoms of the persons who were recognized as socially dangerous to the state or political order in terms of the strata, social, national, religious and other features, implemented under resolutions of judicial and extrajudicial bodies, or administratively by local executive bodies and non-governmental organizations exercising administrative powers.

Obviously, according to the law authors this definition was to cover most cases of political violence and discrimination from the Soviet authorities. A sample of the description (incomplete) of the key Soviet repressive practices may be found in the report by Nikita Petrov “Crimes of the Soviet regime: Legal assessment and punishment of the guilty ones”.<sup>1</sup>

Following the fundamental legal principle of *nullum crimen sine lege*, criminal liability for political repressions may be based either on Soviet laws or on international law. The very fact that the political repressions were ordered by the Soviet state leaders would seem to exclude the possibility of their contradiction to the Soviet laws and, moreover, criminal liability for their committing. However, in fact, their relation to the positive law of the USSR varied during different historic periods of the Soviet regime and depending on

the content of the repressive measures. According to the criterion of compliance with the Soviet law, political repressions may be roughly divided into those legalized, implemented under administrative regulations non-compliant with the law, and those fully deprived of any legal grounds, i.e. illegal ones. The issue of factual justification of repressive measures was not considered here.

An example of the first category is a criminal sentence on anti-Soviet agitation and propaganda, the second category – repressions applied by illegal extrajudicial bodies, the third – murders committed by the officers of the KGB without any legal records.

In the latter case it is evident that the Soviet law was violated. Since these political repressions were applied by public officers, their actions should be characterized as excess of power<sup>2</sup> (in the example above – combined with willful murder<sup>3</sup>). Nevertheless, it should be noted here that the Soviet criminal law, unlike the contemporary Russian law, did not stipulate criminal liability for carrying out an illegal order.<sup>4</sup> This way, the performers of even quite arbitrary acts of political violence, in case they were held criminally liable could refer to the unavailability of legal opportunity to avoid carrying out the order with no risk of being criminally prosecuted themselves.

In the second case the law might be violated due to the contradiction of administrative regulations, which served the grounds for non-judicial bodies, to the provisions of the Soviet Constitution and legislation. However, in this case repression performers could also refer to the fact that the correspondent administrative regulations were not considered illegal at the time of their application. They were unconditionally binding, otherwise the above performers could face criminal liability for negligence or for sabotage. These reasons, nonetheless, do not relieve of responsibility the persons who adopted the respective illegal regulations, who could be recognized accomplices of excess of power regardless of the actual perpetrators’ liability.

1 Nikita V. Petrov, Crimes of the Soviet regime: Legal assessment and punishment of the guilty ones, in *Crimes of the Communist Regimes. An assessment by historians and legal experts. Proceedings of international conference.*, Prague: Institute for the Study of Totalitarian Regimes, 2011, 87–92: <https://www.ustrcr.cz/data/pdf/publikace/sborniky/crime/sbornik.pdf>

2 In particular, art. 110 (“abuse of authority or office”), art. 193.17 (“abuse of power, excess of authority, omission of power, and negligence to the office of the high officials of the Workers’ and Peasants’ Red Army, Workers’ and Peasants’ Militia and the Directorate of the NKBD State security service”) of the RSFSR Criminal Code of 1926, art. 171 (“abuse of power or office”), art. 179 (“compulsion of evidence”) of the RSFSR Criminal Code of 1926.

3 Art. 102 (“aggravated willful murder”) and 103 (“murder”) of the RSFSR Criminal Code of and similar articles (136 and 137) of the RSFSR Criminal Code of 1926.

4 According to article 193.2 of the RSFSR Criminal Code of 1926 (as revised in 20. 10. 1934) non-fulfilment of any “order in the course of service” was punished, and in articles 238 “Defiance” and 239 “Non-fulfilment of Order” of the RSFSR Criminal Code of 1960 there was no criterion of connection between the order and service. In particular, officers of the state security bodies could have been held accountable under these articles of the Criminal Code.

Political repressions stipulated in the Soviet laws cannot be deemed wrongful and therefore are not criminal. In the above example the well-founded application of the criminal law on responsibility for anti-Soviet agitation and propaganda (article 70 of the RSFSR Criminal Code of 1960) by the investigator and judge may not be considered a crime under Soviet legislation.

In addition to the abuse of power, Soviet legislation established liability for governmental officials to be prosecuted for applying the repressive regulations in case of their obvious unfoundedness – abuse of authority, criminally prosecuting a person who is known to be innocent, wrongful sentence, arbitrary arrest or detention, compulsion of evidence.

Pursuant to international law, many episodes of Soviet political repressions may be characterized as war crimes or crimes against humanity. Those actions, being crimes against humanity (various acts of violence and discrimination under large-scale or systematic attacks against civilians), are recognized as such, regardless of whether they contradicted national law or not. However, the practical possibility of criminal prosecution under international law depends on the implementation of international crimes in the national law. In the USSR little was done in this respect: only some war crimes were subject to prosecution (in particular, looting, violence against civilians, ill-treatment of the prisoners of war).<sup>5</sup>

## **CRIMINAL PROSECUTION OF POLITICAL REPRESSION PARTICIPANTS IN THE USSR BEFORE PERESTROIKA**

Some of the organizers of political repressions were prosecuted as early as during Stalin's years. In March 1938 the former director of NKVD (People's Commissariat for Internal Affairs), one of the Gulag (Central Administration of Corrective Labor Camps) organizers Genrikh Yagoda was convicted at the third "Moscow Trial" and several days later executed for his involvement in the plot of the "right-Trotskyist bloc". Two years later his successor Nikolay Yezhov, who headed the NKVD during the "Great Purge", was executed too. Some other leading officers of Stalin's secret police were purged during his rule. The race for power after Stalin's death resulted in prosecution of the ex-minister of Internal Affairs Lavrenty Beria and his subordinates in the state security bodies. In total, the policy of "denouncing Stalin's personality cult" in the years of Nikita Khrushchev's rule (1953–1964) led to 62 former *chekists* being repressed.<sup>6</sup>

It is hard to consider these criminal proceedings as just retribution for the Stalin epoch crimes. Except for Yagoda, the cases of purged *chekists* were considered in closed court hearings. They were convicted not for murders or the abuse of power, but for various counterrevolutionary crimes.

## **ATTEMPTS TO INVESTIGATE POLITICAL REPRESSIONS DURING PERESTROIKA AND THE FIRST YEARS AFTER THE USSR COLLAPSE**

The Rehabilitation Law, which was passed two months prior to the collapse of the Soviet Union, contained the provision on liability for the prosecution of those involved in political

repressions. "Officers of the VChK, GPU-OGPU, UNKVD-NKVD, MGB bodies, Prosecutor's Office, judges, members of committees, 'special meetings', 'dvoikas', 'troikas' (two- and three-person extrajudicial commissions, respectively), members of other bodies exercising judicial power, judges involved in investigating and considering cases on political repressions, are liable for prosecution under the existing criminal law" (part two, article 18). It was expected that the lists of the persons, duly recognized as guilty in framing-up cases, applying illegal investigation methods and in obstructing justice, would be published regularly.

This provision of the Rehabilitation Law, however, was not to be implemented. Even before adopting the law, starting from 1989<sup>7</sup> investigation bodies commenced criminal proceedings related to the political repressions of Stalin's times, mainly in response to finding the graves of their victims. By the time of initiating criminal proceedings at least 45 years had passed after the time of the mass executions. Most of the main organizers of Stalin's repressions had already died (those who lived longest among the Stalin period members of the Political Bureau of the Central Committee of the Communist Party, Vyacheslav Molotov and Georgy Malenkov died in 1986 and 1988, respectively, and Lazar Kaganovich died in 1991). Nonetheless, some of the rank and file members of Stalin's security bodies were still alive and were questioned as witnesses.<sup>8</sup> However, no information on indictments or trials related to Soviet political repressions has been published. Normally, investigative bodies used to terminate criminal proceedings due to the death of the guilty party. For instance, the investigation of the workers' demonstration shooting in Novocherkassk was terminated in 1994, while a well-known criminal case of the Katyn massacre of Polish prisoners of war was terminated in 2004. Afterwards, the practice of initiating criminal proceedings following the detection of buried victims of political repressions died out, too.<sup>9</sup>

To terminate a criminal case due to the death of the persons who had committed crimes, the investigator had to indicate those people in the resolution and describe their unlawful acts. This way, even after the death of those involved in political repressions the state could formally establish the circumstances of their offences. However, publishing resolutions on terminating criminal proceedings of political repressions was not stipulated by law. As a result, the facts found during the investigation stayed unknown to the public and are still often controversial. In some cases, such as the Katyn massacre, the resolutions on

5 Г. И. Богуш, Г. А. Есаков, В. Н. Русинова, *Международные преступления: модель имплементации в российское уголовное законодательство*, Москва: Проспект, 2017, 6–7.

6 Petrov, 91.

7 В. Филичкин, *Репрессии на Южном Урале: правда или вымысел? Полит* 74, 20. 1. 2014; <https://www.polit74.ru/comments/detail.php?ID=39787>; Мемориальное кладбище "Пивовариха". Виртуальный музей ГУЛАГа; <http://www.gulagmuseum.org/showObject.do?object=126753&language=1>; The place of execution and burials in the town of Kursk (Solyanka area). Necropolis of Terror and Gulag. The Card index of burials and memorial places (Место расстрелов и захоронений в городе Курск (урочище Солянка). Некрополь террора и ГУЛАГа. Картоотека захоронений и памятных мест); <http://www.mapofmemory.org/46-01>;

8 А. Черкасов, *Крот истории*, in *Polit.ru*, 3. 9. 2004; <http://polit.ru/article/2004/09/03/khaibakh/>

9 И. Смирнова, *Расстрел Великих князей: дело положено под сукно*, in *Свободная Пресса*, 16. 2. 2010; <http://svpressa.ru/society/article/21258/>; <http://tayga.info/120423>.

case termination were even classified due to the availability of the documents being state secrets in the materials of these cases.

The judicial assessment of Soviet political repressions in post-Soviet Russia was limited merely to the recharacterization of the actions committed by those OGPU-NKVD-MGB officers, who had been repressed in Stalin's and Khrushchev's times. As stated above, they were convicted of various counterrevolutionary crimes. The adoption of the Rehabilitation Law gave an opportunity to their relatives to apply for the quashing of the sentences in those cases. Rehabilitation was denied to such OGPU-NKVD-MGB leaders as Genrikh Yagoda, Nikolay Yezhov, Viktor Abakumov, Lavrenty Beria and a number of other senior officials of these bodies.<sup>10</sup> For these cases the law provided for judicial review of the reasons for the denial. Russian courts recognized rehabilitation denials as valid. However, pursuant to some published court rulings in cases of rehabilitation denial, the subsumption of wrongful acts was changed from counterrevolutionary crimes to the abuse of power (or excess of authority), entailing severe consequences, heavily aggravated, according to article 193-17-b of the RSFSR Criminal Code of 1926. In particular, Abakumov was postmortem recognized by the RF Supreme Court as guilty that he and MGB officials subordinate to him "for a prolonged period of time systematically abused power, which was expressed in framing up criminal cases and applying illegal ways of physical coercion during the investigation", and entailed heavily aggravated effects – "prosecution of many innocent citizens."<sup>11</sup>

The practice of changing Soviet court sentences postmortem, was, in fact, a compromise between the need for rehabilitation of purged officials of the Soviet secret police (due to groundless accusations of counterrevolutionary crimes against them) and the impossibility of denying their responsibility for abuse of power during repressions.

## REASONS FOR REJECTING CRIMINAL PROSECUTION OF COMMUNIST REGIME CRIMES

It appears that the key reason for rejecting the prosecution of the living perpetrators of political repressions in post-Soviet Russia was the lack of political will in the new state leadership and weak social demand for restoring justice by means of criminal justice. The latter may be explained, inter alia, by the mistrust in the impartiality of the former Soviet judges who kept their positions after the fall of the Soviet power.<sup>12</sup> President Yeltsin's Government decided to be limited to the trial of the persons involved in the defeated coup attempt of the GKChP in August 1991. These people included high Soviet officials, who tried to prevent dismantling the CPSU power and the USSR disintegration. However, even this trial, which began in 1993, was not completed due to amnesty passed by the State Duma at the beginning of the next year. In addition, a kind of *ersatz* criminal justice for the Communist crimes in the USSR was the so called "CPSU process" – a trial in the Constitutional Court regarding the Constitution compliance of President Yeltsin's decrees, by which the Communist Party was actually dismissed. Under this trial the court was offered to verify the compliance with the Constitution of the very CPSU. During the long court hearings dozens of witnesses were interrogated and various secret documents were studied regarding the activities of the Communist Party highest bodies. Nevertheless, this trial did not come up to the expectations of

those who wanted it to become the *Russian Nuremberg*. In its ruling, the Constitutional Court, though on the whole recognizing the President's decrees on the dissolution of the Communist Party compliant with the Constitution, rejected settling the issue of the CPSU constitutionality, which was the essential hope for recognizing the crimes committed by the Party leaders. The description given by the Russian Constitutional Court to the power of the Communist Party in Russia fitted three sentences: "For a long period of time the country was reigned by the regime of unlimited, violence-based power of a clique of Communist functionaries, united in the Political Bureau of the CPSU Central Committee headed by the General Secretary of the CPSU Central Committee. <...> The materials of the case, including evidence provided by witnesses, confirm that the CPSU leading units were initiators, whereas local units were frequently vehicles of the repressive policy towards millions of Soviet people, in particular, towards deported peoples. It lasted for decades". Later the president of the Constitutional Court Valery Zorkin substantiated this cautious decision by the need to find a social compromise.<sup>13</sup>

## LEGAL BARRIERS FOR CRIMINAL PROSECUTION

When explaining the rejection of criminal prosecution for political repressions, Russian officials referred to the lack of legal grounds for it. For example, in response to the application submitted by the relatives of Polish prisoners of war killed in 1940 to the European Court of Human Rights regarding inefficient investigation of the circumstances of their deaths, the Russian government declared that the investigation of the Katyn criminal case had been carried out "in breach of the criminal procedure requirements, for political reasons, as a goodwill gesture to the Polish authorities", since the limitation period under 193-17-b of the RSFSR Criminal Code for the aggravated power abuse was 10 years and, in addition, the Soviet NKVD officers involved in the execution had died before the investigation began.<sup>14</sup>

Indeed, under the Russian law criminal proceedings are allowed only against a living person. If a suspect of a crime dies, the criminal case may not be initiated, and a criminal case initiated earlier is subject to termination. The exception is provided for considering the issue of rehabilitating the deceased who were criminally prosecuted.

Even if the suspect of a crime is alive, he or she may be kept safe from justice by the limitation period for criminal prosecution. Its expiry is the basis for refusal to initiate a criminal case. The maximum limitation period under the RSFSR Criminal Code of 1960 was 10 years. Thus, the government lost an opportunity to

10 There were also exceptions. For example, Pavel Sudoplatov, a senior official of the state security and the organizer of extra-judiciary killings, convicted in 1958 of high treason as an "accomplice of traitor Beria and his closest cohorts", was rehabilitated in 1992 by the RF Chief Military Prosecutor's Office.

11 Quotation according to the text of the RF Supreme Court Presidium Resolution dated December 17, 1997, placed in the GARANT legal system.

12 See: Ilya Nuzov, "The Role of Political Elite in Transitional Justice in Russia: From False 'Nurembergs' to Failed Desovietization", in *U. C. Davis Journal of International Law & Policy*, 2014, 20 (2), 304.

13 Имеем Право. Интервью с Валерием Зорькиным, in Российская газета No. 4210, 31. 10. 2006; <https://rg.ru/2006/10/31/zorkin-ks.html>

14 European Court of Human Rights. Judgment (GC) of 21. 10. 2013. *Janowiec and Others v. Russia*. Appl. nos. 55508/07 and 29520/09. §§ 109, 111; <http://hudoc.echr.coe.int/eng?i=001-127684>.

criminally prosecute most of the crimes, accompanying political repressions, as early as in the Soviet times and the early 1990s.

The only exception to the limitation period for criminal prosecution is for the crimes which may be punished by the death penalty or life imprisonment. According to part 4 article 78 of the RF Criminal Code the issue of applying a limitation period for such crimes is to be settled by the court. It means that the time that has passed since the offence is not an obstacle to initiating a criminal case and carrying out investigation. Out of political repressions related crimes only aggravated murders can be referred to this category.<sup>15</sup>

The scope of political repressions, to which the above murder-related limitation exception applies, depends on the criminal and legal assessment of the “state coercion by means of putting to death”, if the terms of the law on rehabilitation is used. According to the rules of subsumption of crimes used by the Soviet courts, the abuse of power, related to killing, must be assessed cumulatively.<sup>16</sup> For example, this kind of assessment was given to the extra-judicial killing of the residents of the settlement of Khai-bakh by Soviet troops during the Chechen deportation in 1944. At the initiation of the criminal case upon this fact<sup>17</sup> the prosecutor of the Urus-Martan district, Chechen-Ingush Autonomous SSR, having inspected the scene of the crime and having questioned its witness, found sufficient elements of the crimes, specified in part 2 article 136 and article 193-17-b of the RSFSR Criminal Code of 1926 – that is heavily aggravated murder and power abuse (or excess of authority) by a Red Army (or equivalent bodies) commander.

It is to be noted that capital punishment, provided for the aggravated abuse of power and excess of authority under article 193-17-b of the 1926 Criminal Code was later (in the 1960 Criminal Code) replaced by a period of imprisonment from 3 to 10 years (article 260-b). Therefore, this crime is indeed subject to the 10-year limitation period. In other words, even the most cruel and massive Stalin period repressions, not related to willful murder, stayed out of reach of the Russian law enforcement system.

Statutory limitations could be overridden if international law were applied as the grounds for criminal prosecution. As mentioned before, many episodes of the Soviet political repressions correspond to the elements of the crimes against humanity. Limitation periods do not apply to crimes against humanity by virtue of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, ratified by the Soviet Union in 1969.

For instance, in Estonia the officers of the Ministry of Internal Affairs and the Ministry of State Security, involved in deportation from Estonian SSR in 1949 and fighting against anti-Soviet resistance (“forest brothers”) in 1953–54, were convicted of crimes against humanity. In Latvia the Minister of State Security of the Latvian SSR Alfons Noviks was found guilty of crimes against humanity. He was accused of organizing deportation and prisoners’ torture.<sup>18</sup> Similar crimes were committed at that time in other parts of the Soviet Union as well.

The European Court of Human Rights found in two decisions<sup>19</sup> that criminal prosecution for crimes against humanity, committed by Soviet officials in Estonia in the late 40s – early 50s, does not contradict the principle of *nullum crimen, nulla poena sine lege* established in article 7 of the European Convention on Human Rights. Nevertheless, according to Antonio Cassese’s opinion, the arguments of the European Convention on Human Rights in these orders were erroneous: the court did

not take into account that in the late 1940s international law implied a compulsory link between crimes against humanity and an armed conflict (in the case of Estonia, this link was available, since deportation in 1949 was a direct consequence of the USSR aggression against Estonia in 1940). The prohibition of crimes against humanity in peace time first appeared only in the late 60s in the international law.<sup>20</sup> This reason is of high importance for the issue of assessment of Soviet political repressions as crimes against humanity since they were normally unrelated to armed conflicts. By accepting Cassese’s viewpoint, international law provides legal grounds for criminal prosecution of the repressions committed only in the 1970–80s. It seems that out of the repressive practices of the period only punitive psychiatry can meet the criteria of the crimes against humanity – it was a widely spread way of fighting against the dissidents of the time.

The above mentioned opportunities of criminal prosecution under international law, have not been of practical significance in Russia, since crimes against humanity have not been implemented in the Russian criminal law.

## LESSONS LEARNT AND RECOMMENDATIONS

Assessing the opportunities of criminal prosecution, which the Russian Government had in the early 1990s, it is to be admitted that they were in any case limited by the period that had passed from the time of completion of the most large-scale political repressions. In Latvia, Lithuania and Estonia, where from the first years of independence, attempts were made to investigate and prosecute Stalin’s repressions, investigation bodies managed to bring to court criminal cases only regarding lower rank perpetrators of the repressive policy, whereas its organizers and higher rank perpetrators (with few exceptions) were relieved from liability due to their death. Apparently, the Russian society was not ready to put the blame for the regime crimes upon common people, who “just carried out orders” and were already quite elderly. On the other hand, after Stalin’s death, political repressions were of a much lower scale and mainly referred to a very limited stratum of dissident intelligentsia. The scarce victims of the repressions of that time, even gaining certain power and influence on the rise of democratization,

15 Aggravated murder under article 102 of the RSFSR Criminal Code of 1960 (i.e., in particular, killing two and more people or the one collusively committed by a group of people) and the murder, committed by a military, heavily aggravated, under part 2 article 137 of the RSFSR Criminal Code of 1926.

16 Resolution of the Plenum of the USSR Supreme Court dated March 30, 1990 N 4 “On judicial practices in the cases of the abuse of power or office, authority or misconduct, negligence and forgery in public office”.

17 Черкасов, *Крoм уcmoпuu*.

18 Latvia Gives K.G.B. Aide A Life Term. New York Times, 14. 12. 1995. URL: <http://www.nytimes.com/1995/12/14/world/latvia-gives-kgb-aide-a-life-term.html>; On criminal prosecution for Communist regime crimes in the Baltic states see: Eva-Clarita Pettai, Vello Pettai, *Transitional and Retrospective Justice in the Baltic States*, Cambridge: Cambridge University Press, 2015

19 European court of human rights: Decision of 17. 1. 2006. Kolk and Lislyiy v. Estonia, appl. nos. 23052/04 and 24018/04; Decision of 24. 1. 2006. Penart v. Estonia. Appl. no. 14685/04.

20 Antonio Cassese, *Balancing the Prosecution of Crimes against Humanity and Non-Retroactivity of Criminal Law: The Kolk and Kislyiy v. Estonia Case before the ECHR*. *Journal of International Criminal Justice*, 2006, 4 (2), 410–418.

could not or did not wish to demand punishment for their offenders. In particular, the rejection of prosecution against those involved in repressions was the official position of the Memorial society founded in 1989.<sup>21</sup>

However, the unsatisfied need of retribution for the unprecedented Communist regime crimes against its people is still present in the Russian society. In 2016, for example, this need was suddenly manifested in the heated debate on the Memorial

published lists of NKVD members in 1935–1939 and the investigation by Denis Karogodin from Tomsk into the fate and killers of his great-grandfather, who died during the “Great Terror”.

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21 Paragraph 5 of the Resolution of the Foundation Conference of the All-Union Voluntary Historical and Educational Society “Memorial”, January 29, 1989. Vyacheslav Igrunov's website; <http://www.igrunov.ru/cat/vchk-cat-org/memor/hist/docum/vchk-cat-org-memor-docr-resol.html>

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# REHABILITATION OF VICTIMS

NIKOLAI BOBRINSKY

## INTRODUCTION

The rehabilitation of the victims of repressions is an essential part of the Russian policy to overcome the effects of the crimes of the Soviet totalitarian communist regime. Russia has managed to do a lot in this respect. However, the rehabilitation reflects, brighter than other aspects of the policy on the Soviet past, the ambiguous and compromising nature of the post-Soviet transitional justice in Russia.

## THE RUSSIAN REHABILITATION CONCEPT IN AN INTERNATIONAL CONTEXT

At the beginning of this chapter a short remark should be made on what rehabilitation means in the Russian and international contexts. In various UN documents on the transitional justice, rehabilitation is understood as a form of reparation for victims of gross violations of human rights, including the provision of “medical and psychological aid, as well as legal and social services”.<sup>1</sup> At the same time in the Soviet and Russian legislation and legal practices, rehabilitation has a completely different meaning – “firstly, the restoration of the honour and reputation of an unfairly accused or purged person, secondly, the restoration of the previously existing rights by canceling the decision on finding this person guilty and on applying specific legal sanctions against him/her”.<sup>2</sup> As to the terminology used in the above-mentioned international documents, rehabilitation in this meaning refers, first of all, to satisfaction, and, then, to restitution – two other forms of reparations.

Since in Russia the ways of indemnification to the victims of political repression are not limited to rehabilitation, below you will find the review of all these measures based on their classification suggested in the UN General Assembly Resolution 60/147 dated December 16, 2005 “Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law”.

## REHABILITATION IN THE USSR

The first stage in the rehabilitation of the victims of political repressions in the USSR dates back to the mid-1950s – early 1960s, and it is related to overcoming the consequences of Stalin’s personality cult. During that period rehabilitation enabled many prisoners of the Gulag to be released early, freed from limitations on the choice of residence and profession. However, despite the revision of repressive measures, the circumstances of their application and the places of burials were concealed from their relatives and society as a whole. From the mid-1960s the intensity of rehabilitation dropped dramatically. The process was renewed only during Perestroika. That was the first time when the term the “victims of political repressions” was used, and the very image of repressions

gradually extended beyond Stalin’s period. The most significant decisions of that time include the decree of the Presidium of the Supreme Soviet of the USSR dated January 16, 1989, which cancelled (though, with a number of exceptions) all the decisions on applying repressions, made by extra-judiciary bodies in the 1930s – early 1950s. These years also featured the revision of the verdicts of the Moscow show trials in 1936–1938, which became the public symbol of Stalin’s terror towards the contemporaries. The official statistical data of the rehabilitated in the USSR were not published; but according to different estimates, their approximate number was from 1.5 to 1.9 million people.<sup>3</sup>

## REHABILITATION AND OTHER FORMS OF INDEMNIFICATION, CAUSED BY POLITICAL REPRESSIONS, IN RUSSIA

Russian Law on the rehabilitation of the victims of political repressions was adopted in October 1991, before the collapse of the USSR. The failure of the putsch in August 1991 created favourable conditions for passing a rather radical version of the law, which was in many respects ahead of its time.<sup>4</sup> Members of the Memorial society, founded by those repressed and their relatives to remember the victims’ sufferings, participated in preparing the text of the bill.<sup>5</sup> The main aim of the law was to

1 The UN commission on Human Rights. Sub-commission on the Prevention of Discrimination and Protection of Minorities. Study concerning the right to restitution, compensation and rehabilitation of the victims of gross violations of human rights and fundamental freedoms. The final report, submitted by Mr. Theo van Boven, UN document E/CN.4/Sub.2/1993/8 dated July 02, 1993, Para. 137; UN commission on Human Rights. Sub-commission on the Prevention of Discrimination and Protection of Minorities. Question of the impunity of perpetrators of human rights violations (civil and political). The final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119. UN document E/CN.4/Sub.2/1997/20/Rev.1 dated October 02, 1997. Para. 41; UN Commission on Human Rights. Updated Set of principles for the protection and promotion of human rights through action to combat impunity. UN document E/CN.4/2005/102/Add.1 dated February 08, 2005. P. 34; Resolution of the UN General Assembly 60/147 dated December 16, 2005. “Basic principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law”. Para. 21

2 А. Л. Кононов, К истории принятия Закона “О реабилитации жертв политических репрессий”, in *Реабилитация и память. Отношение к жертвам советских политических репрессий в странах бывшего СССР*, Москва: “Мемориал” – “Звенья”, 2016.

3 The first indicator was found as a sum of the data, given in a thesis by Ye.G. Putilova, the other – in the work by V.N. Zemskov. See: Е. Г. Путилова, *История государственной реабилитационной политики и общественного движения за увековечение памяти жертв политических репрессий (1953 – начало 2000-х гг.)* – Автореф. дисс. на соиск. уч. ст. к.и.н.), Екатеринбург: 2011, 20–22; В. Н. Земсков, *Сталин и народ. Почему не было восстания*, Москва: Алгоритм, 2014, 62.

4 Кононов, 12–18.

5 Rehabilitation of Victims of Political Repressions. Memorial Society; <https://www.memo.ru/ru-ru/history-of-repressions-and-protest/rehabilitation/>

eradicate the consequences of political repressions. To achieve it, the following measures were stipulated:

- Rehabilitation itself;
- Recognition of those who suffered as victims and condemnation of political repressions;
- Restoration of citizenship;
- Paying damages;
- Paying pecuniary damages for depriving of freedom, forced treatment in mental health institutions;
- Provision of housing;
- Social support;
- Return of the property lost due to repressions, or refunding or paying pecuniary damages for the property.

These reparations were not fully implemented. The 25 years that have passed since the time of adopting the law allow us to review its application practices and provide some interim results.

### PERSONAL SCOPE OF APPLICATION OF LAW ON REHABILITATION

The law on rehabilitation applies to two categories of people:

- Victims of political repressions – those, to whom coercion was applied directly, and also children, who were left as minors without parental care (of one or both parents), of the people repressed for political reasons, and those who stayed with them (or the persons, who replaced them) in penitentiaries, exile, expulsion, or a special settlement.
- Those affected by political repressions – children, spouses, parents of people who were executed or died in penitentiaries and then were rehabilitated postmortem, that is the people who were not personally subject to coercion, but were deprived of their close relative as a result of repressions.

The victims of political repressions enjoy more rights than those who were affected by them.

Under the Russian law on rehabilitation the rights are granted only to those victims of political repressions who were subject to them on the territory of the RSFSR. Repressed RF permanent residents may, under certain conditions, also use the law in case the repressions were applied outside the RSFSR. In addition, the law applies to foreigners, repressed by Soviet Union court sentences (including the Supreme Court of the USSR, military tribunals and other national special courts), as well as by the orders of extra-judiciary bodies outside the Soviet Union, provided they were accused of actions against Soviet citizens and the interests of the USSR.

### POLITICAL REPRESSIONS AS A CONCEPT

The main criterion of recognizing repressions as political is the respective motive of their application. Some kinds of repressions are specifically indicated in the law on rehabilitation (Article 3). Moreover, five sets of *corpus delicti*, specified in the Soviet Criminal Codes, are recognized as political repressions *per se* regardless of whether there is any actual evidence for accusation (Article 5). Regarding specific situations of mass repressions – the suppression of the peasants' uprising in 1918–1922 and the Kronstadt Rebellion in 1921, deportation of peoples during the Second World War, repressions against the clergy and believers, shooting protesters at the demonstration in Novocherkassk in 1962 – specific regulations were adopted. They indicated the illegal nature of the repressions against the participants of

the above events and the need to rehabilitate the affected. Since the law on the rehabilitation does not indicate all the applicable coercive measures during collectivization (in particular, expropriation of property, cattle, tools), the practice of its application to de-farming (de-kulakization) remains unstable.<sup>6</sup>

The achievement of the 1991 law compared to the preceding official regulations on rehabilitating victims of political repressions was in recognition of the fact that repressions began at the time of establishing the Soviet power and lasted until its demise, and not during one specific limited period in its history.

The criterion of the political motive for repressing leaves significant freedom to the prosecution and internal affairs bodies in the way of how and whom to recognize as the victims of political repressions, and whom to refuse this status. In practice the first priority of rehabilitation belonged to those whose cases were subject to revision by virtue of law, with no verification of the actual circumstances (e.g., accusations of anti-Soviet campaigning).<sup>7</sup>

In addition, the law provided for the crimes, whose commitment (if proven with evidence) excludes rehabilitation (Article 4). Therewith, the body that passed the verdict is of no importance – whether it was a court or an extra-judiciary body, and what the initial accusations against the repressed person were. From the political point of view, exceptions to the right to rehabilitation mean that the contemporary Russian state recognizes such repressions as grounded, regardless of the way prosecution was carried out against the repressed person.

One of the rehabilitation law developers Anatoly Kononov explained the reason for exceptions as being for political issues: “From the viewpoint of *pure law*, any and all extra-judiciary decisions should have been cancelled immediately – those passed by non-constitutional ‘troikas,’ ‘special councils,’ ‘executive boards’ etc., and the person who underwent criminal repressions because of them, should be considered rehabilitated, since their guilt was not found in court. However, these bodies also punished former military criminals, bandits and raiders. To carry out investigation and legal proceedings anew for their cases many decades after the events was impossible for many reasons. But if they had been rehabilitated, they would have been granted the status of the victims of political repressions automatically as well as given benefits equal to those provided to the veterans of the Great Patriotic War. The social conscience could not put up with it, and the authors of the bill had to introduce exceptions. They referred to such forms of socially dangerous actions, which, though being political, were subject to punishment in any civilized country.”<sup>8</sup>

Among the exceptions specified in the law on rehabilitation there is the organization of armed gangs, committing murders, robberies and other violent actions, as well as personal involvement in committing these actions within armed gangs. Any organized armed resistance would meet this definition. If we consider the Soviet state as a *civilized country*, this attitude to armed combating against it would be quite grounded. Out of the political reasons the developers and supporters of the law

6 See: А. Г. Петров О некоторых проблемах органов прокуратуры по исполнению Закона Российской Федерации “О реабилитации жертв политических репрессий”, in *История государства и права*, 2007, (3), 10–15.

7 Victims of Political Terror in the USSR; <http://lists.memo.ru/>

8 Кононов, 21.

in 1991 did not have an opportunity to recognize any armed resistance to the Soviet power as legal. In this respect it is necessary to mention a paradoxical provision of the decree of the RF President dated June 18, 1996 No. 931 On the peasants' uprising in 1918–1922, according to which peasants participating in the rebellions in 1918–1922 could not be considered members of armed gangs in the meaning given in the law on rehabilitation. To establish legal grounds for rehabilitating peasant rebels, it was required to introduce an exception to the exception especially for them. The overall decision on rehabilitating all the participants of the resistance to the Communist regime in Russia was never adopted. The only retrospectively allowed form of resistance, recognized in the law on rehabilitation, was escape from prisons (paragraph "e" Article 5).

The definition of political repressions in the law on rehabilitation is open and includes "another form of depriving or restricting the rights and freedoms of persons, recognized as socially dangerous for the state or political order by class, social, national, religious or other criteria". However, according to the consequences of rehabilitation and legal practices prescribed by law, any politically motivated economic and administrative coercion and discrimination unrelated to imprisonment or deportation – in particular, nationalization of property rights, punitive tax system, coercive collectivization and labour in collective farms, professional and job limitations according to social, ethnic and religious criteria – were not recognized political repressions.

## REHABILITATION

Rehabilitation means recognizing that enforced coercion against a person was politically motivated and either illegal or groundless. The decision on rehabilitation is made by the bodies of the Prosecutor's Office or internal affairs. Despite certain doubts about delegating the issue of rehabilitation to the competence of legal successors of those Soviet agencies, which were actually involved in political repressions, and the non-transparency of their activities, the problem of establishing a special body responsible for revising political cases of the Soviet epoch was never raised at the national level.

To confirm the restoration of honour, the victim of political repressions was given a certificate on rehabilitation. In addition, it was expected that the lists of rehabilitated persons would be published in official periodicals indicating the main biographic data and accusations under which the people were rehabilitated. However, the state did not publish these lists, instead, non-governmental organizations and individuals have been engaged in this process.

In total, since the effective date of the law on rehabilitation, over 3.5 million people and over 250 thousand children of the repressed people were recognized as affected by political repressions.<sup>9</sup>

## RESTITUTION

The law on rehabilitation outlines different measures of restitution, aimed at restoring the status of the repressed, which existed prior to the coercion against them.

Firstly, their sociopolitical and civil rights (rights to vote, freedom of movement and residence and so on), lost due to repressions, were restored, as well as military ranks and special titles. Their state awards are returned.

Secondly, the rehabilitated were given the right to return and reside in the areas and settlements where they used to live before repressions were applied to them. However, after cancelling most of the existing restrictions on the freedom of movement and residence in the USSR this measure lost its practical significance.

Thirdly, according to the law, all the residents of the Russian Federation who were deprived of citizenship without their free determination, were granted the Russian Federation citizenship again.<sup>10</sup> In practice this provision could only be used by those people who resided in the RSFSR "immediately before emigrating from the former USSR for permanent residence".<sup>11</sup> When applying for a Russian national passport they had to provide a "document, confirming their permanent residence in Russia immediately before going away from the former USSR and a certified copy of the certificate of birth in Russia". Restoration of Russian citizenship on these conditions evidently did not take into account the persons who lost it as a result of emigration from Russia during or after the Civil war of 1917–1922, Soviet displaced persons, refusing to repatriate due to political reasons, as well as the children and other descendants of these people. In particular, the decree of the All-Russian Central Executive Committee and the RSFSR Council of People's Commissars dated December 15, 1921 on terminating the citizenship of certain categories of persons being abroad, was not cancelled. Some of their representatives were granted citizenship by the decrees of the RF President.<sup>12</sup>

Fourthly, rehabilitated persons are given back their property, seized and otherwise alienated from them due to the repressions. In the case of the death of the rehabilitated person, the return, refund or payment of pecuniary damages is to be made to their children, spouse or parents. Besides a relatively narrow pool of candidates for the above return, this measure is limited to some cases of expropriation only, which partly diminishes its value.

Pursuant to the law on rehabilitation, the following items are not subject to return:

- Property, nationalized (municipalized) or subject to nationalization (municipalization) by law, existing as of the time of its confiscation from the rehabilitated person. Therefore, real estate property in towns was not subject to return, except for some cases. The return of residential houses was allowed but carried out only on condition of meeting a number of requirements and in practice depended on the discretion of law-enforcement bodies;
- property, destroyed during the Civil and Great Patriotic Wars, and as a result of natural disasters;

9 The concept of public policy on remembering the victims of political repressions; <http://government.ru/media/files/AR59E5d7yB9LddoPH2RSIhQpSCQDERdP.pdf>

10 Some persons, deprived of the Soviet citizenship for political reasons in the 1960s–1980s, were granted the citizenship again even before adopting the law on rehabilitation, under the decree of the President of the USSR – The decree of the President of the USSR on cancelling decrees of the Presidium of the USSR Supreme Soviet on depriving certain persons, residing outside the USSR of the Soviet citizenship No. 568 dated August 15, 1990.

11 See: The provision on the procedure of considering the issues of the Russian Federation citizenship, approved by the decree of the RF President dated April 10, 1992 No. 386. P. 10–11.

12 Putin restored the Russian citizenship of Denikin's daughter. Lenta.ru, April 26, 2005; <https://lenta.ru/news/2005/04/26/denikin/>; President Vladimir Putin handed the Russian national passport to Andrey Shmeman. Official website of the President of Russia, June 06, 2004; <http://kremlin.ru/events/president/news/31103>

- land, horticultural areas, non-harvested crops;
- property, seized from the civilian circulation (e.g., museum collections).

In our opinion, the nationalization of property, bank accounts, seizure of cultural values also belong to political repressions, in the meaning given to them in the law on rehabilitation. Nevertheless, the results of these coercive measures are not in fact confirmed in the law on rehabilitation. Afterwards, the Parliament and the Constitutional Court of the Russian Federation refused to revise them.<sup>13</sup>

In fact it is possible to seek restitution of movable property, not included in museum collections or otherwise limited in circulation, and buildings in rural areas (e.g., those seized during de-kulakization or lost due to deportation<sup>14</sup>).

Provided it is impossible to return the property, its cost is refunded or (provided evaluation is impossible) compensated. The size of the paid damages and compensations are limited to 4,000 roubles for all property, except houses, and 10,000 roubles for all the property, including houses.

## COMPENSATIONS AND BENEFITS

The law on rehabilitation provides for a lump sum monetary compensation for the deprivation of liberty, as well as social support.

The size of compensation is calculated depending on the period the person was deprived of liberty. In the original version of the law it was 180 roubles per month, but not more than 25 thousand roubles. Later on the compensation was calculated based on the minimum wages – three quarters of the minimum wages per month and not more than 100 minimum wages in total. Today the law again indicates fixed rates, though they are rather miserable – 75 roubles per month of imprisonment or stay in mental health institutions, but not more than 10,000 roubles.

Initially the law on rehabilitation established a list of non-monetary benefits to be provided to the rehabilitated persons. This was, first of all, the right to high priority housing allocation in case it was lost owing to the repressions. Furthermore, benefits for the disabled and the retired who were subject to the deprivation of liberty, exile or expulsion for political reasons:

- high priority package tour grants for health resort treatment and recreation;
- top priority medical aid and a 50 % price reduction for prescribed medicines;
- free provision of a Zaporozhets automobile upon providing respective medical indications;
- free pass to all means of city public transport (except for taxis), and public motor transport (except for taxis) in rural areas within the local administrative area where the person lives;
- free travel (a return trip) once a year by railway transport, and in the areas where railway transportation is missing, – water, air or intercity motor transportation at 50 % fare reduction;
- 50 % reduced payment rates for accommodation and utilities within the limits, established by the law;
- high priority fixed telephone installation;
- high priority joining of horticultural societies and housing construction cooperatives;
- high priority admission to care homes for the elderly and the disabled, stay and full board fully funded by the state with at least 25 % of the payable pension;

- free prosthetic dentistry including work and repairs, special rates for other prosthetic and orthopedic products;
- special offers for food and non-food products.

Since 2005 the provision of the rehabilitated persons with housing and social support has been within the competence of the RF regions. They identify the scope and procedures of support themselves.

The report prepared by the Presidential Commission on rehabilitating the victims of political repressions in 2013–2014<sup>15</sup> gave an overview of social support elements provided to the rehabilitated people in different regions of Russia. For example, such a social support element as free or a 50 % price reduction on the supply of prescribed medicines was in place in 28 subjects of the Russian Federation. In addition to the benefits earlier provided in the law on rehabilitation, in some regions rehabilitated persons were given monthly allowances. Their size varied considerably: from some hundreds of roubles (Orenburg, Saratov, and Tomsk regions – 300–370 roubles, the Yamal-Nenets autonomous district – 177.5 roubles) to several thousands (4,092 roubles in the Chukotka autonomous district; over 1,000 roubles in the cities of Moscow and Saint-Petersburg, and, taking into account the benefits in paying for housing utilities, public transport, holiday resort packages and specially priced medicines – over 3,300 roubles). The size of the monthly allowance to the persons affected by political repressions is, normally, lower than that to the rehabilitated people: from hundreds of roubles (Republic of Bashkortostan, Buryatia, Vladimir, Voronezh regions etc.) to one thousand roubles (Saint-Petersburg etc.).

An objective of the law on rehabilitation, indicated in its preamble when adopted, was “to ensure currently possible payment of damages” caused by political repressions. In the conditions of the economic collapse in 1991 this clause was clear and justified. However, it stayed unchanged even during the years of rapid economic growth in the early 2000s, when the state could easily afford to pay damages in the scope, significantly higher than that stipulated by law. On the contrary, it was in 2004 under the monetization of benefits that the payment of damages were limited, and the objective of paying also non-pecuniary damages was excluded from the preamble of the law on rehabilitation. It is no coincidence that after the European Court of Human Rights order under the claim submitted by Klaus and Yuri Kiladze versus Georgia in 2010, thousands of repressed persons and members

13 In a number of its rulings, the Constitutional Court of the Russian Federation specified that the revision of the completed nationalization (municipalization) of the property in compliance with the decree of the All-Russian Central Executive Committee dated August 20, 1918 on cancelling the private property right to real estate in towns referred to the competence of the legislature (see, e.g. Ruling dated June 18, 2004 No. 261-O). The legislature recorded its refusal to perform such revision in paragraph 3 Article 25 of the RF Land Code.

14 The Decision of the Novolakskoye district court, Republic of Dagestan, dated December 20, 2010. Rospravosudie; <https://rospravosudie.com/court-novolakskij-rajonnyj-sud-respublika-dagestan-s/act-105197490/>

15 The Commission is an advisory body in the RF Presidential Executive Office, which includes representatives of governmental agencies and non-governmental organizations, engaged in remembering the victims of political repressions (<http://www.kremlin.ru/structure/commissions#institution-25>). Unfortunately, the data of its activities are very limited. In particular, its reports on the implementation of the law on rehabilitation are not published. The text of the most recent report is available on the website of the Russian Association of Illegal Political Repressions Victims – [rosagr.natm.ru/dynamic/docs/konsol.doc](http://rosagr.natm.ru/dynamic/docs/konsol.doc).

of their families filed cases, being mistaken in believing that this order would bind Russia to indemnify for non-pecuniary damages caused by political repressions.<sup>16</sup>

### **MORAL CONSIDERATION (SATISFACTION)**

As stated above, rehabilitation, according to its content is, *inter alia*, an individual measure of moral consideration (satisfaction) of the persons affected by political repressions. This objective is achieved via formal recognition of the fact that repressions were applied groundlessly and that the person who suffered from them was innocent. This recognition is documented as a certificate on rehabilitation. The state practice is actually limited to this action in this issue: formally the lists of the rehabilitated people have not been published, and their memory is honoured mainly by non-governmental organization and individuals.

The collective satisfaction to the victims of political repressions is provided as a formal recognition of political repressions in Soviet Russia and their condemnation in the preamble of the law on rehabilitation: "Over the years of Soviet power millions of people became victims of the tyranny of the totalitarian state, were subject to repressions for their political and religious beliefs, as well as due to social, national and other reasons. Condemning the long-lasting terror and mass prosecution of people as incompatible with the idea of law and justice, the Federal Assembly of the Russian Federation expresses profound sympathy to the victims of unjustified repressions and their relatives, declares its steady striving for real guarantees of the protecting legality and human rights".

Besides the overall recognition and discussion of the law on rehabilitation, the Russian authorities published official documents discussing individual cases or kinds of political repressions. A part of these documents is mentioned above. They can include the statement of the State Duma dated April 2, 2008 "to honour the victims of famine in the 1930s in the USSR", where it mentions the reasons of the tragedy, recognizes causative relations between the famine and coercive collectivization and condemns "the regime, which neglected people's lives for the sake of achieving economic and political objectives". The statement of the State Duma dated November 26, 2010 "on the Katyn tragedy and its victims" is also to be mentioned. There the execution of Polish prisoners of war is called a *crime*, committed "upon the direct instructions of Stalin and other Soviet leaders".

In some respects, the CPSU case trial at the Constitutional Court of the Russian Federation was an act of collective satisfaction to the victims of the crimes, committed by the totalitarian Communist regime of the USSR. The documents and materials of the CPSU crimes provided by the RF President during this process may be considered as their formal recognition by the Head of State. However, they are not even mentioned in the text of the RF Constitutional Court order, while the materials of this case were officially published only once in the mid-1990s.<sup>17</sup>

### **ATTEMPTS TO EXTEND THE POLICY OF OVERCOMING THE CONSEQUENCES OF POLITICAL REPRESSIONS**

Over the validity period of the law on rehabilitation its gaps and drawbacks became obvious. During Dmitry Medvedev's

presidency there were two attempts to strengthen the measures for overcoming the consequences of political repressions. First in 2009 the Presidential Commission on the rehabilitation of the victims of political repressions suggested revising many provisions of the law on rehabilitation – to recognize the deprivation of property rights during collectivization and punitive tax system as political repressions, apply social support designed for the repressed to their close relatives who survived, increase compensations. In addition, the Commission recommended preparing a state programme of remembering the victims of political repressions, under which it was expected to establish the National Political Repressions Remembrance Book and the Russian National Memorial Museum to the victims of political repressions.<sup>18</sup>

The work on the new policy of overcoming the Soviet past was continued by another body at the RF Presidential Executive Office – the Council for Civil Society and Human Rights. It offered even more decisive steps.<sup>19</sup>

- to erect monuments to the victims of political repressions in the capital and all large cities across the country and open Memorial Museums to the victims in Moscow and Saint-Petersburg;
- engage the Federal Security Service (the KGB successor) and the Ministry of Internal Affairs in the search for the burials of the repressed persons;
- open the access to all archive documents, related to political repressions;
- establish a unified database of the "victims of the totalitarian regime in the USSR";
- cancel Soviet regulations related to the repression policy;
- officially reveal the persons responsible for mass repressions and ban the use of their names for towns and streets;
- ban officials from denying or justifying the crimes of the totalitarian regime;
- change the dates of professional holidays of law-enforcement bodies to those not related to their Soviet predecessors (in Russia the day of the security services is still the day of the founding of the VChK – the first Soviet punitive body, the forerunner of the OGPU-NKVD-MGB-KGB).

These radical, by Russian standards, ideas were not to come true. Instead of the large-scale public and state programme for remembering the victims of the totalitarian regime and the national reconciliation, it was decided to stay limited to rather modest measures – to open a monument to the victims of political repressions in Moscow, to provide access to non-governmental

16 The European court rejects the claims of the relatives of politically repressed persons in Russia. The website of the legal protection center Memorial, March 22, 2013; <http://memohrc.org/news/evropeyskiy-sud-otklonyaet-zhaloby-rodstvennikov-politicheskikh-repressirovannyh-iz-rossii>

17 The materials of the case on verifying the constitutionality of the decrees of the RF President, related to the activities of the CPSU and RSFSR Communist Party, and on verifying the constitutionality of the CPSU and RSFSR CP. – M.: Publishing House Spark, 1996–1998. In 6 volumes.

18 Formally these suggestions were not published. Their text was placed on different online resources, including websites and blogs, e.g.: <http://arudnitsky.livejournal.com/50732.html>.

19 Suggestions on founding the national public programme on remembering the victims of the totalitarian regime and on the national reconciliation Rossiyskaya Gazeta, April 07, 2001; <https://rg.ru/2011/04/07/totalitarizm-site.html>

organizations engaged in searching for and arranging burials of the repressed persons and archive research into repressions to the public funding of non-profit organizations and protect newly detected burials.<sup>20</sup>

Other political initiatives include, in particular, a bill, submitted by the LDPR, on rehabilitating participants of the White movement, rejected by the State Duma in 2006.<sup>21</sup>

## REHABILITATION AND CONTEMPORARY RUSSIAN SOCIETY

The attitude to the victims in Russian society is still highly controversial. They are on the one hand recognized, while on the other hand they are rejected, remembered or deliberately left in oblivion and even demonized. The examples of positive trends in the public perception of the rehabilitated persons include an annual event called “Returning Names”, being a public reading of the names of the killed people, and the “Last Address” movement, engaged in installing memorial tablets on the houses where the repressed people lived before their arrests. Negative examples are more numerous – the recognition of the Memorial Society as a foreign agent, closing the Gulag Remembrance Museum “Perm-36”, the increasing justification and glorification of Stalin, which cannot but offend the living repressed persons and their families.

## LESSONS LEARNT

It appears that rather unsatisfactory results of the state’s efforts to overcome the consequences of repressions have, primarily, political reasons. Even during the first years after the fall of

the Communist regime in Russia the victims of repressions and their societies gradually lost their initial positions in the political process, which they had managed to find on the rise of Perestroika during the last years of the existence of the USSR. Later there was no one to protect their interests at the national level.

Institutional reasons should be mentioned too. The rehabilitation of the victims of repressions and related measures including the payment of damages are within the competence of ordinary governmental agencies – the Prosecutor’s Office, the Ministry of Internal Affairs, Social Security bodies etc. They have always had some issues of higher priority to deal with. No special body, which would be designed to focus on this task only and therefore related to the interests of the repressed persons, has ever been set up to rehabilitate and remember the victims.

Nonetheless, the work carried out over the past twenty-five years by the state and non-governmental organizations deserves deep respect. Millions of innocent affected people have been revealed and saved from oblivion. However, there is still a long way to go to their full public recognition and a condemnation of the repressive Communist regime. And the opportunities for full indemnification have been irreversibly lost in most cases.<sup>22</sup>

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20 Federal Law dated March 9, 2016 No. 67-FZ on amendments to some regulations of the Russian Federation for remembering the victims of political repressions

21 The State Duma rejected the bill on rehabilitating the victims of the White movement. Newsru.com, 14. 6. 2006; <http://www.newsru.com/russia/14jun2006/whiteguard.html>

22 According to the data of the Presidential Commission on the rehabilitation of the victims of political repressions, as of January 1, 2015, there were 671,738 living rehabilitated victims of political repressions and 8,769 persons affected by political repressions (excluding the data from the Republic of Crimea, Sevastopol and Kirov region).

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# EDUCATION AND PRESERVATION OF SITES OF CONSCIENCE

## THE MEMORY OF REPRESSIONS. THE ROLE OF EVIDENCE, MEMORABLE PLACES, INSTITUTIONS AND EDUCATIONAL POLICY

NATALIA KOLYAGINA

### SOVIET TIMES

In the Soviet times, before the era of Glasnost and Perestroika, the memory of repressions was rather private in nature.

Under Stalin's rule the transfer of the information about repressions was hindered by the environment of fear, suspiciousness and silence. Those few proceedings mentioned in the official press were represented as a necessary step to liberate the society from the internal enemies of the people. A doubt regarding the justifiability of repressions alone could be the reason for detention. Speaking of arrests and the GULAG was often an off-limits subject even inside the family. They were afraid to be informed on by family members or that children could let it slip unintentionally at school, for instance.

When Stalin died in 1953, the era of mass arrests ended. In his report at the 20th Communist Party Congress (1956) Nikita Khrushchev officially explained the past events in the country by the side effects of the cult of personality of Joseph Stalin. The era of the Thaw started. In 1961 after the 22nd congress the body of Stalin was removed from the Mausoleum (the body of Lenin still reposes in the Mausoleum by the Kremlin wall).

It shall be mentioned that the official recognition of repressions alone significantly changed the public views. The Soviet government, however, did not intend to radically change the relationship between the government and the public. Just in a few months after the confidential report, the uprising in Budapest was put down involving Soviet tanks. The rule of Khrushchev did not end the era of repressions, but created a space for talking about it – in private conversations, in self-published press, in public literature, especially poetry, readings (where this topic was often addressed allegorically). Living eyewitnesses began to return from the camps. Most of them first had no right to live in large cities, and in case of rehabilitation they signed a pledge of secrecy promising not to disclose what had happened to them. However, many people started telling what had happened to their friends and relatives, and the information about camps slowly spread. People were slowly becoming aware of the events of the mass terror time. The story by Alexander Solzhenitsyn *One Day in the Life of Ivan Denisovich* (1962) was published. Whereas, lots of literary works about repressions never made it to the official press. However, the fact that Solzhenitsyn's story was published alone gave large hope of the restoration of justice and initiated the writing of many personal memoirs. Eyewitnesses were striving to extend the issues brought up by Solzhenitsyn sharing their experience. All works created in the 1960s contained quite fresh memories including a lot of important details of what happened.

Irina Scherbakova, researcher of the memories of the GULAG, highlights that “it is namely memoirs and other personal documents (letters and diaries) that were the main source of information about the system of repressions then, while archives containing documents concerning repressions were completely secret and historians did not even have a general idea of what could be kept archived”.<sup>1</sup> Yet in the times of Khrushchev and later, camp memoirs and belles-lettres on the topic of camps were still not published, just circulated in script and later were published underground or abroad.<sup>2</sup>

These manuscripts could see the light of day only under Perestroika. The topic ceased to be taboo, the media started publishing articles about camp experiences and interviews with former prisoners, famous people who had made it through the GULAG.

The dissident movement played a particular role in the commemoration of repressions in the Soviet time. The core of the dissident activity was the fight for the rights of the individual in the USSR. Organizations and non-official print media founded by dissidents documented the arbitrary rule in Russia and in other Soviet countries. Dissidents used the underground press to give coverage to the movement of repressed people for their rights, to tell the readers about the events in modern camps, to publish uncensored works of literature, which information was “parallel” to the official data, testimonies concerning the GULAG, in particular. In this respect the publications prepared for Samizdat (underground publications) and Tamizdat (publications abroad) by the participants of the dissident movement were a dramatic proof of the repressive system that existed in the USSR in the post-Stalinist times. In 1958–1968 Alexander Solzhenitsyn wrote his novel *The Gulag Archipelago* (first published in Paris in 1973, in USSR – since 1989). For this work Solzhenitsyn collected a kind of anthology of eyewitness memories. He used his own experience, but even more leaned on the written and oral testimonies of his contemporaries who had made it through the GULAG.

Summing up, the very reading, storing and distribution of testimonies concerning Soviet repressions in the times before Perestroika can be considered a sort of memory of repressions in the USSR.

1 Irina Shcherbakova, *GULAG Memory Map: Problems and Gaps*, in *Laboratorium*, 2015, (1), 117.

2 Irina Shcherbakova gives a detailed timeline of the transformation of GULAG memories in her article *The GULAG in Memory. An Experience of Researching Memoirs and Oral Testimonies of Former Prisoners*; <http://urokiistorii.ru/memory/oral/2009/05/pamyat-gulaga>

## THE PERIOD FROM 1986 TO THE BEGINNING OF THE 2000s

A number of researchers<sup>3</sup> point out that the term “transition period” cannot be applied to Russia. This term implies “transition” from totalitarianism to democracy and this scenario has been never implemented in Russia. However, we may speak of an attempt at such a “transition” after the year 1986. Many actions initiated then had a large importance for the social and political climate, influenced the formation of the collective memory of the totalitarian past over time. A variety of significant projects and initiatives started in the 1990s still continue or retain influence in the today’s society.

The period of Perestroika and Glasnost is associated with the boom of recollections of the GULAG and post-Stalinist repressions. At that time, memoirs were published, the public interest to the testimonies grew, first monuments to the victims of repressions were installed. On the one hand, the era of Gorbachev’s “glasnost” rather meant some censor liberalization. It was allowed to speak aloud of the Stalinist times, but prohibited to doubt the “Socialist choice” of the country. But even this was enough to radically change the world perception of the people of that time.

### NON-GOVERNMENTAL ORGANIZATIONS

On the wave of the public interest in the tragedy that had been disguised for decades the **Memorial Society** ([www.memo.ru](http://www.memo.ru)) was founded in 1989.

Memorial emerged as an association of sympathetic individuals interested in searching for and filing the scattered data concerning repressions in the USSR and in the commemoration of the victims. The very name of Memorial reflects a social attempt to create the first public memorial to the victims of Soviet repressions. Initially under the conditions of classified archives members of this society were able to collect these data questioning eyewitnesses, analyzing written and oral memories. Gradually the archive of the Society started filling up with originals and copies of personal files, which relatives of the victims and former prisoners have been able to request and receive from the state archives since the end of the 1980s. Memorial represented a network of regional associations connected by the common charter. This network regional type of organization was also imposed by the history. The desire to know the truth about the repressions in the USSR joined thousands of people all over the country, some of them started to study history professionally. Now Memorial is one of the largest and oldest non-profit organizations in Russia where professional historians majoring in the GULAG and secret services of the USSR are engaged. It also includes activists who search for the burial places of the prisoners, identify the remains, arrange reburial, conduct expeditions to the former places of detention, transfer and work of camp prisoners, install memorial signs at the places of terror, collect, publish and study testimonies, collect and investigate documents and items related to the GULAG and the history of the dissident movement in the USSR. The members of Memorial Society were involved in the elaboration of the State Rehabilitation Law (adopted in 1991), developed recommendations for government agencies regarding the actions necessary to change the public consciousness toward repressions in the USSR. The team of the Society

defends human rights and engages in the rehabilitation of repressed persons, renders legal assistance to the victims who applied for recognition and compensation. Sometimes they help with confirmation of the status of participant of the war / victim of Nazi crimes (deportation to Germany for compulsory labor), as very often this was connected with the following repression experience. This work was especially active in the 1990s after the adoption of the Rehabilitation Law. Moreover, until recently Memorial had been collecting contributions to support old people who had lived through camps (now the generation of these people has almost completely passed away). Even today it is essential to consult the relatives of the repressed persons who wish to know the fate of their relatives who had “disappeared” after arrest.

Dealing with the issues of the violation of human rights in the USSR, Memorial could not escape being involved in the mass abuse of the individual rights in contemporary Russia. Therefore, activists of the organization monitored the Chechen wars in the 1990s discovering, disclosing and analyzing the information about crimes against civilians, defending the interests of the aggrieved parties in the ECHR. The members of Memorial Society were involved in peace-making of ethnic conflicts (e.g. Sergey Kovalev and Oleg Orlov, board members of Memorial, took part in the hostages release negotiation in Budyonnovsk).

Memorial stood at the origins of the first public campaigns in memory of the repressed. On October 30, 1989, the proclaimed Day of Remembrance of Victims of Political Repressions, a chain of people holding candles in their hands surrounded the building of the KGB at Lubyanskaya Square in Moscow. In 1990 a stone brought from the islands in the White Sea, where one of the first Soviet camps for political prisoners was situated, was installed on the same Lubyanskaya Square. It became the first memorial to the Soviet regime’s victims.

Already in 1988–1989 newspapers started publishing the lists of victims of Soviet repressions, often according to the information received from the regional divisions of the KGB. Later the researchers from different regions started searching archives, and thus **Memorial Books** appeared containing lists of names with biographical profiles of the victims. Today the consolidated database of the repressed persons numbers 2.6 million names: <http://lists.memo.ru/>

Since the beginning of the 1990s **Associations of Victims of Political Repressions** have been emerging all over the country. These appeared naturally: such associations gave the opportunity to the people with a similar fate to get acquainted, to support each other and to fight for their rights.

In 1990 the first steps were made to found the **Sakharov Center**. In the middle of the 1990s the Archive of the famous Academy Member Andrey Sakharov, a museum and social center were opened. Alongside the museum and archive activity dedicated to the history of freedom and captivity in the USSR, the center has become an essential discussion platform, where cultural and social problems of the past and present are discussed. These discussions are conducted in the form of public lectures, seminars, narrated film shows, theatrical performances, exhibitions (including such famous ones as *Forbidden Art* or *Caution! Religion*).

3 Arseny Roginsky, Lev Ivanov. Watch, for example, the record of the conference *The Long Echo of the Dictatorship* held in September 2014 in Memorial Society, Moscow: <https://www.youtube.com/watch?v=xfqn1lr7WI&t=25s>

## MUSEUMS

There are only a few topical **museums** in Russia **related to the issue of repressions** in the USSR. In the 1990s all these museums emerged owing to the endeavors of local historians who collected the testimonies of their countrymen, examined the burial places of the victims, evidence from the places of detention, searched for documents in local archives, etc. As a rule, these are small museums or small exhibitions in local history museums.

The only museum in the country that was created on the place of a former camp is **Perm-36 Memorial Museum**. It was founded in 1994 in the village of Kuchino, Perm Krai, on the place of the correctional labor colony Perm-36, where political criminals had been “reformed” since the beginning of the 1970s. The museum was founded by a group of local historians. The barracks were renovated (display items were placed there), a part of the camp facilities were rebuilt (flag towers, fences, precautionary facilities, etc.), deep research work was performed. However, under the latest political conditions the museum was literally seized from the group who had founded it and transferred to the state (later in detail).

The **NKVD House of Detention Museum in Tomsk** is located in the basement of the building where the secret prison of the Tomsk city department of OGPU/NKVD was situated in 1923–1944 (200 sq. m display area).

Other topical museums created in the 1990s occupy tiny spaces provided by local authorities. As independent museums they just slightly differ from the exhibitions of the GULAG in local history museums. A perfect example of such museums is the **Memory of Kolyma** Museum, in Yagodnoye settlement, Magadan Oblast, opened by the efforts of the local enthusiast Ivan Panikarov. Until 2005 the museum was located in a two-room apartment bought by Panikarov for this purpose. Panikarov had been personally gathering the museum collection since 1989. The full list of museums can be found on the website Virtual Museum of the GULAG developed by the team of the St. Petersburg division of Memorial Society.<sup>4</sup>

It is remarkable that the former Soviet prisons for political prisoners, which still exist, usually also have their own museums. These possess the spirit of succession – contemporary sentence execution services carry on the “glorious traditions” of the Soviet prisoner oversight bodies. They point out the merit and professionalism of prison employees, portraits and service records of the “veterans of the movement” are displayed at the place of honor, the word “repression” is usually not mentioned and the very phenomenon of political prisoners in the USSR is also concealed. A good example of this is the **Museum of the Butyrka Prison in Moscow**.

## NECROPOLES

As for today approx. 700 places of execution and/or burial of USSR terror victims have been revealed.<sup>5</sup> The number of such places of burial of arrested, detained, resettled persons is obviously bigger, most of them are still not found due to the remoteness of the places of detention from the modern populated settlements, due to the unavailability of the archives of the Federal Security Service and of the Ministry of the Interior to the researchers, as well as due to the lack of consistent and centralized actions in this field. Most of the mentioned burial places were found by chance, during excavation works for the construction

of commercial facilities and residential houses. The disinterment and identification of the deceased are usually performed by local historians and public activists who sometimes fail to find out the story of the burial. Some large burials have obtained the status of Memorial Burials of the Victims of Political Repressions by the efforts of non-governmental organizations (e.g. Makarikhina (Arkhangelsk Oblast), Sandarmokh (Karelia), Levashovo (Leningrad Oblast), Butovo Firing Range (Moscow) etc.). Memorial signs/monuments (personal – by family members or collective) are installed at the places of discovered burials and memorial events are arranged.

## MONUMENTS TO THE VICTIMS OF POLITICAL REPRESSIONS

It is impossible to establish the number of such dedicated monuments, memorial plates and signs installed since 1991. The difficulty is caused by the lack of a uniform register of monuments in Russia, the disunity of organizations (and individuals) initiating the installation of monuments in different regions of Russia and also by the complexity of definition of a monument. Nevertheless, as of today the Sakharov Center recorded on a designated web portal 714 monuments in the country ([http://www.sakharov-center.ru/asfcd/pam/?t=list&c=Russia&id\\_c=1](http://www.sakharov-center.ru/asfcd/pam/?t=list&c=Russia&id_c=1) – this list is constantly updated). In 2007 the St. Petersburg Memorial Society recorded 587 monuments and memorial signs.<sup>6</sup>

Most of these monuments were installed by individuals or non-governmental organizations of victims and their relatives and not by the government. For this purpose, they need to get consent from the authorities regarding the place of installation and the appearance of the monument. Local authorities will usually give their consent to the installation of such monuments on the outskirts or at the places of the discovered burial, rather than on central streets of a city or town. The authorities resist greatly the installation of memorial plates on the existing buildings and facilities related to the history of terror (e.g. places where decisions had been made) or to the deportation of prisoners (railway stations), places where prisoners had worked (secret R&D laboratories, factories) or items constructed by prisoners.

This difficulty inspired the creation of the memorial project *The Topography of Terror*, where places associated with the history of political repressions in Moscow and the Moscow region are plotted on an online map. The reference map contains descriptions of over 740 locations organized topically.<sup>7</sup> The project exists online and in the form of signposts installed in the city.

## TEXTBOOKS

In the first years of the Russian Federation schools did not receive new Russian history textbooks. Teachers who worked at the very beginning of the 1990s clearly perceived the mismatch between the Soviet textbooks and the reality that was freely discussed in

4 <http://www.gulagmuseum.org/search.do?objectTypeName=museum&page=1&language=1>

5 See the topic section of the website Virtual Museum of the GULAG: <http://www.gulagmuseum.org/search.do?objectTypeName=necropolis&page=1&language=1>

6 <http://www.gulagmuseum.org/search.do?objectTypeName=monuments&language=1&page=1&objectTypeName=monuments&language=1>

7 <http://topos.memo.ru/>

newspapers and books and often looked for the sources of information personally, brought newspaper clippings and available publications to the lessons. By the mid-1990s book houses prepared different teaching aids at the discretion of the school administration.

Before 2000 there was no uniform state educational standard in history, there were only state requirements in respect of the minimum attainment level of the school graduates. There were textbooks “recommended” and “permitted” for teaching at school (the label was given by the Ministry of Education). Thus, in the first 10 years after the collapse of the Soviet Union it was mainly teachers who took responsibility for the contents of the historical education. Textbooks “permitted” for teaching at school included quite brave and pioneering projects. For example, the Soviet history textbook for secondary schools by Igor Dolutsky, a historian from Moscow, was aimed at “education of a responsible citizen” or as the author explained in an interview at “teaching a student to resist the government”. On the other hand, teachers of history could choose textbooks with strong nationalist connotations. An extreme example of this kind was the textbook for high school students of history by A. Barsenkov and A. Vdovin, professors of the Moscow State University (2004). Alongside conspiracy theories, anti-Semitic insults and distasteful opinion regarding the Caucasus people, it found excuses for the crimes of Stalin. The latter were represented as necessary side effects on the way to a radiant future. After a public outcry in 2010 the book lost its label of “recommended textbook”.

At the same time there were attempts to accumulate the best teacher’s experience in the discipline. In 2001 the Sakharov Center launched a national contest for the teachers of history, social science and literature, Lesson Topic – History of Political Repressions and Resistance to the lack of freedom in the USSR. The best guidance papers sent to the contest were published in books and sent out to regions, contest winners were invited to the annual conference in Moscow. This contest has existed for 10 years. Since the beginning of the 2000s the St. Petersburg division of Memorial Society systematically posted study manuals by lessons on the topic of repressions on their website.

In 1999 International Memorial in Moscow launched a contest for school students – A Man in History. Russia 20th century (still exists). The contest induced school students from all Russia to collect evidence from the period of repressions. The contest receives from 1,200 to 3,000 works annually. The participants interview eyewitnesses, work with photographs and documents from family archives and address regional archives. During the years of its existence unique previously unclaimed materials associated with the regional history of repressions have been collected.

Several years were used to elaborate the method of talking about the period of totalitarianism. Many projects were launched when the hope for the possible democratic development of Russia was alive. However, starting from the end of the 2000s the free space for historical studies at school has been gradually getting narrower (later in detail).

## **2000s–2017 / CURRENT STATUS**

As already mentioned above it is impossible to define clearly the time of the “transition period” end in Russia. Basically, speaking of the public climate in the country after the year 2000

the parallel existence of two tendencies may be mentioned – the continued movement toward democratization (especially in the first term of V. Putin and the term of D. Medvedev) and conservative trends. Obviously the democratic course would be impossible in Russia, but for the changes made in the 1990s.

Currently the main civil rights and liberties are obviously restricted. Foreign and Russian foundations engaged in the expansion of liberal education are being gradually forced out of the country.

In 2012 the State Duma of the Russian Federation adopted amendments to the Non-commercial Organization Law, where NCOs engaged in “political activity on the territory of Russia” or receiving “monetary funds and other property from foreign states, international and foreign organizations” were acknowledged as being “foreign agents”. The law predetermined legal prosecution of organizations put on the list of “foreign agents” by force, complicated the procedure of tax inspections and was basically aimed at the reputational damage of a number of NCOs.<sup>8</sup> In 2015 the Sakharov Center was included in the list of foreign agents, in 2016 – International Memorial. Both organizations are currently in litigation concerning this status.

In 2015 the US embassy in Russia was compelled to close cultural exchange programs, all American foundations stopped their programs on the territory of the Russian Federation.

In 2012 Perm-36 Memorial Museum was basically dissolved and liquidated. Alongside its main role, commemoration of the terror in the USSR, the Museum was gradually becoming a free discussion platform for the problems of the contemporary society. The authorities of the Perm Krai found a formal reason to dismiss the management of the Museum and to appoint their “own people” to the vacant jobs. As a result, the Museum was not closed, but ceased to be the commemoration place of repressions. For example, the guides now are former guards, the exhibition is dedicated to the efficiency of the penal system, only general information from the history of the GULAG is represented.

The current historical period also meant the end of the free press in Russia. Today there are no free TV channels in Russia (except just a few available under paid subscription and working under the risk of being closed at any time). Popular online media experience strong pressure as these may be blocked by internet providers anytime upon the decision of the dedicated state committee (Rospotrebnadzor). In the sense of the policy of memory, all this news means an actual lack of memorial initiatives regarding terror history in the media agenda, the press, especially TV, lacks critical discussion of the Soviet period of history in general, the period of Perestroika and the 1990s is being defamed. And on the contrary we can talk about the nostalgia of the Soviet times fostered in the media. The leading TV channels manipulate the ideas of the imperial glory of the USSR, praise the technical and foreign policy achievements of the Soviet Union, first of all, the victory in the Great Patriotic War or confrontation with the USA in the Cold War. Moreover, some TV channels make an information attack on NGOs engaged in historical education.

Since the end of the 2000s, initiated by the government, the project of introduction of a single history textbook for schools has been actively discussed. In 2009 the so called “Textbook by

<sup>8</sup> Discussion of the situation in detail – see e.g.: [http://www.bbc.com/russian/russia/2016/04/160420\\_gosduma\\_ngo\\_law](http://www.bbc.com/russian/russia/2016/04/160420_gosduma_ngo_law)

Filippov<sup>9</sup> was introduced as a pilot project. This teaching aid was an attempt to literally rehabilitate the name of Stalin. Repressions and terror were justified in this book by a historical need and declared a rational and pragmatic method of managing politics and the economy, the number of persons repressed by Stalin was decreased approx. 10-fold. The textbook lacked chapters concerning the famines, the deportation of nations inside the USSR, the Katyn massacre. The publication was severely criticized by the academic community, and the Ministry of Education was forced to reject it as a single mandatory textbook for schools.

However, in 2015 the talks about creating a uniform state standard for teaching history, sociology and literature at school recommenced. The elaborated standard was trying to account for the whole diversity of social attitudes in the most controversial issues. Thus, the standard incorporated such painful topics as repressions, the Holocaust and collaborationism during the Great Patriotic War. However, the list of essential topics made the standard so cumbersome that as a matter of fact it is impossible to use it in practical education.

A peculiarity of contemporary schools is their growing political engagement. Since the middle of the 2000s “lessons of courage” and “lessons of patriotic education” have been introduced at schools, where the idea of the necessity to defend the state from external enemies is promoted and military-oriented values are asserted. Representatives of the Russian Orthodox Church, veterans of the Great Patriotic War, of the Afghan and Chechen Wars are invited to such lessons. Today’s programs and out-of-school activities pay special attention to the cult of the Great Patriotic War, and first of all, the victory of 1945, which is perceived as the main achievement in Soviet and Russian history. Celebratory assemblies, parades and meetings with veterans have become compulsory on Victory Day, May 9th. Teachers often have explanatory political conversations with school children during humanitarian lessons – history, sociology and economics.<sup>10</sup>

Since the end of the 1990s one more serious actor appeared on the Russian stage of the memorial policy – the Russian Orthodox Church. On the one hand, the ROC is often perceived by the public as an institution joined with government agencies. The government takes a lot of measures aimed at the growth of the material wealth of the church, engages in a declarative advocacy of Christian values in the mass media, education, in the speeches of leading politicians... On behalf of the believers, new legislative initiatives related to the restriction of civil rights and freedoms have been introduced (Law on the Protection of Feelings of Religious Persons, victimization of homosexuals, introduction of Orthodox subjects at school, show trial against Pussy Riot 2012). On the other hand, the Church now is a powerful ally of public institutions in the issues of the commemoration of terror victims and a critical attitude toward the Soviet legacy. In particular, through the mediation of the Church a lot of monuments were installed to the victims of repressions all over the country, cemeteries were defined and consecrated. The point is that the concept of New Martyrs is important for the modern ROC, honoring of the churchmen executed or arrested in the times of terror. The representatives of the Church install memorial signs on the churches (meanwhile only in Moscow and the vicinity of Moscow) in commemoration of those who suffered for their faith. For the first time in Russia the Orthodox church in honor of the New Martyrs was opened at the Butovo Firing Range (in the south of Moscow).<sup>11</sup>

## LESSONS LEARNT

In a very primitive way, we can speak of two antagonistic paradigms of memory present in the community. One of these focuses the historical attention on the individual, his/her inherent rights, and the other on the interests of the state, which sometimes can be more important than the rights and liberties of individuals. Critical comprehension of history, respect for civil values in the past and present are common to the people who dream to see their country on the way of social transformation. Such a trajectory finally implies transparency and responsibility of government institutions in front of the individuals, real functioning of the election system, free press and civil society institutions.

This system of values is alien to the contemporary political elite of Russia. The political agenda itself, the values communicated by the media controlled by the government, the methods of commemoration suggested by the government, all of these evidence that it is rather the idea of the individual development path of Russia, the Eurasian program, the imperial philosophy that are popular.<sup>12</sup>

In practice it means a parallel existence of different commemoration methods in respect of the totalitarian past in society.

The civil society today successfully advances important initiatives in the memorialization of the GULAG experience. There is a whole range of interesting online projects popular among the internet audience. Thus, the project Bessmertny Barak (rus. The Immortal Barrack) created by the efforts of volunteers and financed by donations of the readers gained much interest: <http://bessmertnybarak.ru/> Since May 2015 the biography of one repressed person is posted daily on this web page, including photos and abstracts from available documents. The number of the website readers registered at Facebook amounts now to almost 55,000 persons.

Posledny Adres [rus. The Last Address] ([www.poslednyadres.ru](http://www.poslednyadres.ru)) is the most important offline project of recent years. It involves the installation of small memorial plates on the houses where the arrested people were taken from. The installations are initiated by private individuals who have to pay a definite contribution covering the costs of the manufacturing of the plate. The team of the project working in Memorial Society checks the story of the repressed person, agrees on the installation of the plate with the inhabitants or the owner of the house. The first plates of Posledny Adres were installed in Moscow on December 10, 2014. “Until now over 460 plates have been installed in 30 cities, towns and villages of Russia in the framework of the Posledny Adres project,” the website of the project informs us. As of today, the Posledny Adres Foundation has already received and registered over 1,500 applications for the installation of memorial plates in different localities of Russia.<sup>13</sup>

9 A. V. Filippov, *Contemporary History of Russia. 1946–2006. Teacher’s Book*, Moscow: Prosveshcheniye, 2007; A. Filippov, A. Danilov, eds., *The History of Russia. 1900–1945*, Moscow: Prosveshcheniye, 2009.

10 See the article in the Novaya Gazeta: Your Son Took Part in a Meeting. Behavior Unsatisfactory. // <https://www.novayagazeta.ru/articles/2017/04/10/72095-dnevnik-oppozitsii-vash-syn-byl-na-mitinge-zapovedenie-neud>

11 See Church of Russian New Martyrs and Confessors in Butovo: <http://www.patriarchia.ru/db/text/243827.html>

12 On the topic of the two paradigms of the historical consciousness in Russia see the analytical report of the Free Historical Society What Past Does the Russian Future Need (January 2017): <https://komitetgi.ru/analytics/3076/>

13 <https://www.poslednyadres.ru/about/>

The issue of political repressions in the USSR is not popular in the pro-government historical discourse. The memorial policy of the government is aimed rather at the glorification of the achievements of the USSR (victory in the war of 1941–1945, space exploration) or the revelation of cultural heroes of the past. They create the history of the state, which one should be first of all proud of. The fact of repressions cannot be concealed, but it is still preferable not to recall them. The unworked issue of “how one should treat the totalitarian past” induces much stress in the community.

This acute social split in respect of the attitude toward the Soviet legacy results for instance in an ideological confrontation concerning the issue of the installation of Stalin monuments. Since 2010 approx. 100 Stalin monuments emerged in the country (far from all in public spaces of the cities, approximately one third of the total amount is concentrated in the North Caucasus). But even more frequent than the actual installation of Stalin busts, heated discussion of another application for such a monument in different populated localities of Russia is taking place.

According to the polls conducted by sociologists, the ranking of Stalin reached its historical highest point in post-Soviet Russia in February 2017. According to the latest data<sup>14</sup> 46 % of respondents treat the Secretary General of the Central Committee of the All-Union Communist Party Stalin with admiration, respect and affection. At the same time the number of those who treat Stalin absolutely negatively grew compared to the previous years. “Whereas at the beginning of 2016 he was treated with dislike, fear, disgust and hatred by 17 %, in 2017 it was already 21 %,” sociologists of the Levada-Center mention. This evidences the growing polarization of the public moods in the country.

It needs to be said that the government is probably aware of the problem of the society split and makes attempts to balance it. Thus, in 2015 Prime Minister Dmitry Medvedev approved The Concept of the State Policy on Memorializing the Victims of Political Repressions.<sup>15</sup> The concept was initiated by the Human Rights Council under the President of the Russian Federation, Memorial Society and some public persons who approached President Medvedev with the respective proposal in February 2011 announcing the so called Destalinization Program.<sup>16</sup> The discussion of the Program by its authors and the President ended in the same year 2011, however a number of important proposals from this document formed the basis of the Concept of the State Policy adopted already under Putin’s third term as a president. Regrettably this concept is obviously more of a declarative instrument. For example, almost all provisions in the section Lines of Activity to Memorialize the Victims of Repressions are still not implemented. The program of archaeological search for burial places and memorialization of the places of repressions failed to be implemented, we lack free access to archives, developed research and educational programs to teach the respective topics at schools and high schools, and so on according to the document text. Nevertheless, a few steps have been made to implement this program. In particular, the Museum of GULAG underwent significant revamping and they started to work on the creation of a monument to the victims of totalitarianism in Moscow.

**The State Museum of GULAG** was opened in 2004. Its exhibitions were formed according to the principle of emotional immersion of the visitor in the horror of repressions, the small number of authentic exhibits was compensated for by installations and interactive effects. This place did not enjoy special fame or popularity among city dwellers and tourists. In 2015

the Museum of GULAG received from the government a new modern four-story building and the possibility to increase the area of exhibitions 4-fold, including a library, a conference hall and a teaching center. Basically the new exhibition complies with the standards of a modern Western museum, it is supported by scientific facts, includes oral testimonies, historical exhibits and features a spectacular design. The museum organizes sets of lectures, traveling exhibitions, theatrical performances and readings. In other words, it is designed to catch the fancy of a young sophisticated audience. However, the opened museum faces criticism on the part of the academic community, as well as of public institutions. The criticism is aimed at the general historical concept communicated by the museum. For example, one of the authors writes, “Having walked through all the halls, at the end the visitor sees a video featuring Vladimir Putin, Sergey Sobyenin [the mayor of Moscow] and Patriarch Kirill, where they bless the policy of memory now embodied by the museum. This policy of memory strives to put a symbolic period to the history of repressions. According thereto repressions are something that had happened in the past, and although this past still distresses us, it is only residual pains and all we need is to heal these pains, as the original source of them does not exist anymore. But we know that of all people the current President, the members of the United Russia [political party] and the Patriarch have no moral right to say that political repressions have become a thing of the past, because we see exactly the opposite.”<sup>17</sup>

The idea to install the main **Monument to the Victims of Repressions** expressed by Putin personally in 2015 also faced a severe rebuff, in the first place, from the public that seemingly should advocate the installation of such a monument. The community was confused by the extremely brief terms of the best design tender, the ill choice of the place for the future monument and worried that the government would try to close the discussion of the topic of repressions by the installation of the monument. But the main question is the same as for the Museum of GULAG – can the government that continues to exercise political repressions install a monument to the victims of repressions?<sup>18</sup>

Meanwhile, the tender has been completed, the design chosen, the foundation established that is collecting the public part of the money for the monument.<sup>19</sup> “The memory of the victims of political repressions unites and reconciles the Russian society, reinforces the sense of responsibility for oneself and for the state”, is included in the motto of the new foundation. The new monument is expected in October 2017.

The Russian society has not lived through the experience of parting with the Soviet past. The state feels like the successor of

14 Poll by the Independent Public Opinion Center Levada-Center: <http://www.levada.ru/2017/02/15/lyubov-rossiyan-k-stalinu-dostigla-maksimuma/>

15 Full text of the concept is available at the RF’s Government website: <http://government.ru/media/files/AR59E5d7yB9LddoPH2RSIhQpSCQDERdP.pdf>

16 The text of the Proposals on the Creation of the National Governmental and Public Program “Memorialization of the Victims of the Totalitarian Regime and National Reconciliation” is available under: <http://urokiistorii.ru/1766>

17 A. Vlasik, M. Esipchuk, G. Nepreyenko. This Museum, Perfectly Functioning, Attractive. What is wrong with the new Museum of the GULAG History // <http://www.colta.ru/articles/art/12980>

18 See detailed analysis of the discussion around the new monument in the material by G. Revzin – Memorable History // <http://kommersant.ru/doc/2678868>

19 Memory Fund: <http://memoryfund.ru/>

the USSR, the government includes people who have previously worked in the KGB.

In Russia it is young people and a scarce number of civilians who are engaged in the elaboration of the topic of the totalitarian legacy of the Soviet Union and governmental violence. The discourse of the elaboration of the totalitarian past is related to the experience of the critical comprehension of the nature of power, discussion of the main human rights and liberties. This is exactly why the handling of the past often becomes the basis for critical discussion of the contemporary social problems related to fundamental rights.

The current government suggests two strategies: to keep a silence in respect of repressions or to reconcile with the past. Both ignore the public trauma of the modern society. Instead

of a thorough understanding of what happened to the Russian/Soviet community in the 20th century, they suggest accepting what happened, leaving the history in the past and to move on.

At the same time recent years are distinguished by a tougher political regime, enhanced attacks on civil institutions, including organizations engaged in memorial activity. The Concept of the State Policy on Memorializing the Victims of Political Repressions is implemented under such conditions that Stalin is glorified and Memorial Society is called a “foreign agent” and their work is complicated in every possible way. This makes one think that the modern government is attempting to monopolize the right to talk about repressions and fight against the attempts to speak of the past in an alternative way.

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# TIMELINE OF THE MAJOR EVENTS

<b>March 11, 1985</b>	Mikhail Gorbachev took the office of the CC CPSS General Secretary
<b>February 1986</b>	M. Gorbachev declares a policy of glasnost at the 17th Communist Party Congress, which marked the beginning of the restoration of freedom of speech and the mass media as well as the reduction of censorship
<b>June 1988</b>	The 19th CPSS Conference decided on the democratization of the political system and holding competitive elections to the new parliaments of the Soviet Union and the Russian Republic (RSFSR) – the Congress of People’s Deputies
<b>January 16, 1989</b>	The Decree of the Presidium of the Supreme Soviet of the USSR on additional measures to restore justice for the victims of the Stalin period repressions. The verdicts of Stalin-era quasi-judiciary repressive bodies were annulled
<b>January 1989</b>	The Memorial society was founded
<b>March–May 1989</b>	Elections of the USSR People’s Deputies
<b>October 27, 1989</b>	The Constitutional reform in the RSFSR. The Congress of the RSFSR People’s Deputies became the supreme state body elected by the universal, equal, and direct suffrage and secret ballot
<b>February 1990</b>	Foundation of the Democratic Russia Election Bloc
<b>March 14, 1990</b>	Article 6 of the USSR Constitution on the “leading and guiding power” of the Soviet Communist Party in the state and society was changed. A multi-party system was proclaimed
<b>March 1990</b>	The competitive elections of the RSFSR People’s Deputies, Moscow and Leningrad city council deputies were held
<b>May 29, 1990</b>	Boris Yeltsin was elected the chairman of the RSFSR Supreme Soviet
<b>June 12, 1990</b>	The RSFSR Supreme Soviet passed the Declaration of State Sovereignty of the RSFSR
<b>October 9, 1990</b>	The USSR law on public associations legalizing a multi-party system was adopted
<b>March 17, 1991</b>	The Referendum on the preservation of the USSR and holding the election of the RSFSR president
<b>April 26, 1991</b>	The RSFSR law on the rehabilitation of repressed peoples was adopted
<b>June 12, 1991</b>	The first election of the RSFSR president was held. Boris Yeltsin won it. At the same time regional elections were held too, as well as a referendum on restoring the original name of Leningrad
<b>July 20, 1991</b>	President Yeltsin’s decree on the legal prohibition of the activities and influence of the party in governmental bodies, institutions and organizations
<b>August 19–22, 1991</b>	The coup d’etat in the USSR and its failure
<b>August 22, 1991</b>	The replacement of the RSFSR red flag with the Russian historical flag (white-blue-red)
<b>August 23, 1991</b>	Yeltsin suspended the activity of the RSFSR Communist Party
<b>August 24, 1991</b>	President Yeltsin’s decrees on transferring the CPSS and KGB archives to the public archive storage
<b>September 1991</b>	The restoration of the historical names of Leningrad and Sverdlovsk cities
<b>November 6, 1991</b>	The CPSS was prohibited in the territory of Russia
<b>August–December 1991</b>	Dissolution and winding up of KGB
<b>October 18, 1991</b>	The RSFSR law on the rehabilitation of the victims of political repressions was adopted
<b>October 24, 1991</b>	The concept of the RSFSR judicial reform was passed
<b>December 1991</b>	The complete collapse of the USSR and the establishment of Russia as the successor of the USSR in international relations
<b>December 25, 1991</b>	Renaming the RSFSR as the Russian Federation
<b>May–November 1992</b>	The CPSS case in the Russian Constitutional court
<b>March 29, 1993</b>	The failure to impeach President Yeltsin

<b>April 25, 1993</b>	The referendum on confidence in President Yeltsin and the need of early presidential and parliamentary elections
<b>June–July 1993</b>	Constitutional meeting
<b>September 21, 1993</b>	President Yeltsin’s decree on the gradual constitutional reform which terminated the activity of the Congress of People’s Deputies and the new parliamentary elections to the State Duma were scheduled
<b>September 22, 1993</b>	The Supreme Soviet dismissed President Yeltsin from office
<b>October 3–4, 1993</b>	The armed confrontation between President Yeltsin and the Supreme Soviet in Moscow. The actual dissolution of the Supreme Soviet and arrests of its leaders
<b>October 10, 1993</b>	Opening of the first memorial sign on the former NKVD training area in Butovo, Moscow region
<b>December 12, 1993</b>	The referendum on adopting the draft RF Constitution, elections of the State Duma deputies and members of the Federation Council
<b>February 23, 1994</b>	Newly elected State Duma announced political and economic amnesty applied, in particular, to the participants of the 1991 Coup and the supporters of the Supreme Soviet
<b>December 1994</b>	A war in Chechnya broke out
<b>November 7, 1996</b>	Declaring the day of the October Revolution the Day of Accord and Reconciliation
<b>July 17, 1998</b>	The reburial of the remains of Tsar Nicholas II and his family
<b>July–September 2000</b>	Opening of the memorial complexes in the burial places of killed Polish prisoners of war in Katyń and Mednoye
<b>2001</b>	Opening of the GULAG Museum in Moscow
<b>2004</b>	The transfer of the funding powers for the reparations to the victims of political repressions under the benefits monetization policy
<b>October 29, 2007</b>	The first event of Restoring names in Lubyanskaya square in Moscow
<b>April 2011</b>	The preparation and publication of the program to commemorate the victims of political repressions and reach national reconciliation
<b>2014</b>	The launch of the Final address program
<b>2015</b>	Shutting down the Perm-36 Museum under the pressure of the authorities

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