

MEMORY OF NATIONS

Democratic Transition Guide

[The Georgian Experience]



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REHABILITATION OF VICTIMS

LEVAN AVALISHVILI

INTRODUCTION

Soviet repression has become a popular theme of research among scholars, after the fall of the Soviet Union in almost every former Soviet state, including Georgia. The scale of repression and the approximate number of victims is still unclear in Georgia.

There were several stages of Soviet repression in Georgia: In February–March of 1921, Bolshevik Russia invaded the country, overthrew the democratically elected government and took control over whole territory. The members of the government and the parliament of the Democratic Republic of Georgia (1918–21) immediately became victims of repression. Only some members of the government, and people affiliated it, emigrated to Europe and survived.¹

After the occupation of Georgia, the most extensive attempt to restore independence was the August Uprising of 1924. Members of the Committee for the Independence of Georgia, which was established in Europe, initiated the uprising, but the badly planned operation didn't succeed. This failure caused the imprisonment and mass executions of members of the uprising. Estimates of the numbers of deaths, of both rebels and their opponents (including executions), range from 630 to 4,000. Some members of the Georgian government in exile were among the repressed that had emigrated to Europe in 1921, but had later returned to Georgia to take part in the uprising.²

The years 1937 and 1938, the period of the Great Terror, was the time of the largest repressions in the whole of the Soviet Union, and Georgia, with no exception. In Georgian the SSR convicted more than 29,000 people, almost half executed by the so-called “Troikas”. Among them, 3621 people were convicted by direct order, sent straight from Moscow, with the signature of Joseph Stalin, and other members of Political Bureau (so called “Stalin's Lists”).³

The repression continued between 1941–1951. In this period representatives of various national, ethnic and religious minorities also became subjects to the mass repression.⁴

Two Separate events, which have deeply affected the Georgian memory, and still leave scars for Georgian society, are the events of the 9th of March 1956, and the 9th of April 1989. On both occasions, Soviet authorities rapidly dismantled peaceful demonstrators in the center of the capital city, Tbilisi.⁵

DESCRIPTION OF THE CURRENT SITUATION

The analysis of the dynamics and specifics of the rehabilitation process, of the victims of Soviet repression, in the Georgian SSR is hindered by complex problems in the archival sphere of Georgia. On the one hand, the fragmentation of the archives of the former KGB, and the Ministry of Internal Affairs of the Georgian SSR (now – the first section of the Archive of the Ministry of Internal Affairs of Georgia), is linked with the loss of a significant part of the archival documents during the Tbilisi Civil War of 1991. Due to this, it makes it impossible to determine the number of victims of the repressions in the territory of Georgia from 1921,

up to the collapse of the USSR. Due to the low research activity, there is no information yet on what has become of the documents partially reflecting the activities of the repressive apparatus of the security agencies (annual reports, reports on specific issues, “cases” of anti-Soviet political organizations, correspondence on the issues, communication with subordinate structures), which would restore the overall picture.

On the other hand, the main documentary evidence for studying the rehabilitation process has been preserved in the National Archive in the fonds of the Prosecutor's Office and the Supreme Court. Researchers have access to these documents in cases where 75 years have passed from the moment of their creation. The Laws of Georgia “On the National Archives and Archive Fonds” and “On Personal Data Protection” protect “personal information” does not allow “third parties” to access documents related to criminal cases and containing personal information. The rehabilitation materials of the mid-1950s will be available for study from 2030 (unless fundamental changes occur in legislation). As the researchers note in their analytical reports, currently, it is impossible to obtain some declassified documents, since, according to this law, the researchers are not allowed to get access, with the search aid of the fonds (list of cases), because they contain declassified documents, for which the period of secrecy has not yet expired. Thus, the researchers do not have the ability, either to receive records on rehabilitation of a particular person, or to process a complete list of existing cases to recreate an overall picture.⁶

Today we have more or less clear information about the NKVDs (People's Commissariat of Internal Affairs of the Georgian SSR) operations on the central and regional levels, and how they were managed by Moscow. In 2015, the Ministry of Internal Affairs of Georgia released a two-volume edition “Bolshevik Order in Georgia”, which gives a portrayal of the Bolshevik repression. According to this publication, the NKVD's so-called “Kulak” Operation (order N00447) is one of the most researched, repressive operations in the former Soviet countries. The assumption is that the repressive organs worked only to implement the will of the Centre and only according to orders from Moscow, which has not been confirmed.

- 1 Saqartvelos Damphudznebeli Kreba – 1919 [Constituent Assembly of Georgia – 1919], SovLab, Tbilisi, 2016.
- 2 Stephen F. Jones, “The Establishment of Soviet Power in Transcaucasia: The Case of Georgia 1921–1928”, in *Soviet Studies*, October 1988, 40, No. 4 (4), 616–639.
- 3 Mark Junge, Omar Tushurashvili, Bernd Bonvec, *Bolshevikuri Tsesrigi Saqartveloshi* [Bolshevik Order in Georgia], Tbilisi: Intellect Publishing House, 2015.
- 4 See Mark Junge, *Ethnosi da Terori Saqartveloshi* [Ethnos and Terror in Georgia], Tbilisi: Intellect Publishing House, 2015.
- 5 See Levan Avalishvili, The March 1956 Events in Georgia: based on oral history interviews and archival documents and Jesse Paul Lehrke, The Transition to National Armies in the Former Soviet Republics, 1988–2005, in *Georgia After Stalin: Nationalism and Soviet power*, Edited by Timothy K. Blauvelt and Jeremy Smith, Oxfordshire, UK: Routledge, 2013.
- 6 See Alexander Daniel, Larisa Eremova and others, *Rehabilitation and Memory: Treatment of the Victims of Soviet Political Repression in Former Soviet Union Countries*, Moscow: Memorial, 2016, <https://www.memo.ru/media/uploads/2017/03/02/reabilitacia.pdf>

Moreover, the so-called “limits” for arrests and executions were defined before the mass operations, but only upon offers made by the local party leaders, according demands from the Center. The system worked in a way that the Center had the ability to control the number of operations, but also, according to the archival materials, we can see numerous cases, when the regional “nomenklatura” asked the center to increase the “limits” of repression.⁸

DESCRIPTION OF THE TRANSITION AND CURRENT STATUS

Prior to the collapse of the Soviet state, a significant, and most pertinent part of the archives remained inaccessible for studying the process and scope of Soviet terror, and for the identification of its victims. In addition, most of the interested persons and researchers lacked the competence to determine where the relevant materials could be found. For instance, from 1989 to the end of 1991, only a few researchers succeeded in gaining access to materials of the former KGB Archives, and in December 1991, during the Civil War in Tbilisi, a significant part of the archive that was at the epicenter of the fighting, was destroyed as a result of a fire. Naturally, one can suppose that the complete content and extent of this archive will remain unclear, and may exceed the official estimates. In general, the KGB archives give numerous reasons for speculations and interpretations. Alleged witnesses, and participants, of the process claim that some of the most important documents from the archives were later transferred to the special KGB depository in Smolensk. Some claim that a group of Georgian KGB employees escorted the documents in order to sort and destroy them. The above-mentioned sources claim that the documents concerned intelligence developments, accounts and reports. The numbers of the documents destroyed, or sent back, about the state, and the legal environment of the remaining documents in the Smolensk Archive, are also unclear. Since 2003, there have been talks about the return of the documents (originals or scanned) but without any consequences. In 2008, Georgia broke diplomatic relations with Russia, and the archival institutions no longer have contact with each other.⁹

Only a few non-governmental organizations in Georgia are interested in the matters of Soviet repression and rehabilitation, including the Institute for Development of Freedom of Information (IDFI), the Georgian society “Memorial”, the Soviet Past Research Laboratory (SovLab) and the Georgian Young Lawyers’ Association (GYLA). With the help of the Ministry of Internal Affairs of Georgia, the financial aid from the Heinrich Boell Foundation, and the Embassy of Switzerland in Georgia, the IDFI and “Memorial” implemented the project “Stalin’s Lists from Georgia”. A large database with search tools was created for this project. It contains more than 3600 short biographies of the victims of the “Great Terror” of 1937–1938, who were convicted based on the decisions of Stalin, and the members the Politbureau.¹⁰

The Georgian society “Memorial” has been working on this issue since it was founded in 1992. Since then, the society has advocated for quick enactment and implementation of the laws fostering the repressed persons. Also, they have advocated for fulfilling the compensation nominated by the European Court of Human Rights, as a result of the case against Georgia, and for granting the repressed people at least the same social benefits as was granted to former law enforcement officers. The law of Georgia N430 from 16. 10. 1996 “On Social Security of Persons

Transferred to the Reserve from Military Bodies, Internal Affairs Bodies and the Special State Protection Service, and Their Family Members”,¹¹ granted persons transferred to the reserve from military bodies, internal affairs bodies, and the Special State Protection Service, who have permanent residence in Georgia and Georgian citizenship, with state compensation. As a member of Georgian society “Memorial”, Guram Soselia told us it was an irony of fate that some former KGB and other workers of the system of retaliatory bodies during USSR, who were involved in the executions, were granted much more benefits than the heirs of the executed people themselves.¹²

LAW AND THE PRACTICE OF ACKNOWLEDGEMENT OF CITIZENS OF GEORGIA AS VICTIMS OF POLITICAL REPRESSIONS AND SOCIAL PROTECTION

The first relevant law on rehabilitation was passed in Georgia in 1997; it was titled “On the Acknowledgment of Citizens of Georgia as Victims of Political Repression and Social Protection of Repressed Persons”.¹³ According to the Article 2 of this Law, “different forms of coercion shall be construed as political repression, such as deprivation of life, damage to health, imprisonment, exile, expulsion, deportation from the state, forcible placement in psychiatric institutions, deprivation of citizenship, forced labor, confiscation and destruction of property, illegal dismissal from office or from other work places, movement to special settlements by force, eviction from a dwelling house, as well as other restrictions of human rights and freedoms guaranteed by the legislation of Georgia, which were conducted by the State for political reasons based on the decision of a court or other state authorities, and which were related to false accusations of committing a crime, to a person’s political opinion, or to the acts of contradiction by peaceful means against illegal actions of the current political regime, to social or religious affiliation or a social class status, as well as forms of coercion committed by the State as provided for by the Article 4 of this Law”. Nevertheless, despite the adoption of this Law, the issue of compensation to the victims of repression remained a serious challenge for

7 “The Soviet secret police worked according to quotas. Just as Soviet economic planners set targets for industrial growth, so too did state security organs set their own ‘limits’ for arrests and executions”. Paul R. Gregory, *Terror by Quota: State Security from Lenin to Stalin*, New Haven: Yale University Press, 2009, <https://www.h-net.org/reviews/showrev.php?id=23648>

8 Mark Junge, Omar Tushurashvili, Bernd Bonvec, *Bolshevikuri Tsesrigi Saqartveloshi* [Bolshevik Order in Georgia], Tbilisi: Intellect Publishing House, 2015.

9 Documentary “Lost History” [*Dakarguli Istoria*], 2014, <https://www.youtube.com/watch?v=5vYlBOxhBj4>

10 See “Stalin’s Lists from Georgia”, e-data base, 26 March 2018, <http://www.nplg.gov.ge/gwdict/index.php?a=index&d=26>

11 Law of Georgia “On Social Security of Persons Transferred to the Reserve from Military Bodies, Internal Affairs Bodies and the Special State Protection Service, and Their Family Members”, Consolidated publications, 7. 12. 2017.

12 The interview with the Georgian society “Memorial” member - Guram Soselia, 2018.

13 Law of Georgia “On the Acknowledgment of Citizens of Georgia as Victims of Political Repression and Social Protection of Repressed Persons”, (N1160; 11. 12. 1997/ Consolidated Publications, 31. 10. 2014), <https://matsne.gov.ge/en/document/download/31408/11/en/pdf>

Georgia. Although article 8 of the Law mentions a separate law that determine the procedures for the revival of property rights of the rehabilitated person, this law has not been enacted, until now... In 1997, when the Law on recognition of the victims was being passed, the Parliament of Georgia postponed the discussion of this issue. In 2009, the Public Defender of Georgia asked the Government to adopt this law,¹⁴ but his request has not been satisfied. The turning point that changed the situation was the decision of the European Court of Human Rights, against Georgia, which was related to citizens Klaus and Yuri Kiladzes

EUROPEAN COURT OF HUMAN RIGHTS CASE: KLAUS AND YURI KILADZE VS. GEORGIA

A court case about the recognition of two Georgian nationals, who were victims of Soviet repressions, to receive the compensation they were entitled to, become a precedent for the other similar cases in Georgia. The case began when the appeal wasn't satisfied by the Georgian Court system, and the case was sent to the European Court of Human Rights.

This case against Georgia originated from application no. 7975/06, lodged to the ECHR under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms, by two Georgian nationals, Klaus Kiladze and Yuri Kiladze, on the 22nd of February 2006, in order to assert their rights for compensation resulting from their status as victims of political repression. The applicants, two brothers, were born in 1926 and 1928 respectively and live in Tbilisi. Their father was convicted on October 2, 1937 for "sabotage and terrorism" and executed. On November 7, 1938, their mother was condemned to eight years of imprisonment for "propaganda and agitation expressed in a call to the overthrow the Soviet regime" and was sent to the labour camp in the Far North of the USSR. Then aged 12 and 10 respectively, the applicants at first remained alone in their parents' apartment in Tbilisi, with no neighbors, friends or family daring to go near them because of the fear of being arrested. They were then held for one and a half months at a detention center in Tbilisi. They were malnourished, and subsequently contracted typhoid due to unhygienic conditions. They were then sent away from Georgia to the Stavropol region of Russia, and placed in an orphanage, and spent two years there. Both applicants were constantly humiliated and beaten by the staff and by the other orphan children.

Immediately after the arrest of the applicants' mother, the family apartment of 90 m² in Tbilisi was confiscated together with all the furniture and personal and family items.

In 1940, the grandmother of the applicants managed to obtain guardianship over them. After returning to Georgia, while still children, Klaus and Yuri had to work hard in order to earn money to live. Subsequently, they faced strong social and political pressure as the children of a "traitor of the Motherland" their entire life working in the USSR.

In 1945, the applicants' mother was freed. On May 4, 1956, the South Caucasus Military Court annulled the decision of November 7, 1938 that condemned her, due to the absence of an offence, and pronounced her rehabilitation. On 30 August 1957, the Panel on Military affairs of the Supreme Court of the USSR annulled the decision of October 2, 1937, for the same reasons, and pronounced the rehabilitation of their father.

On March 16, 1998, the applicants applied to the court of primary jurisdiction in Tbilisi requesting that their parents, as well as

they themselves, be declared victims of political repressions. On August 19, 1998, their request was granted in full. On the grounds of this decision, the brothers Kiladze applied on March 15, 2005 to the court of primary jurisdiction for compensation for the material and moral damages based on Article 9 of the Law "On the Recognition of Status as a Victim of Political Repression for Georgian Citizens and Social Protection for the Repressed Persons." Emphasizing the killing of their father, the separation from their mother, their conditions of detention, first at the detention center then at the orphanage, the damage caused to their health, the humiliation and repression suffered from the time of their parents' arrest to an elderly age, as well as the confiscation of property after their mother's arrest, the applicants asked to be granted compensation of 515,000 GEL (approximately 208,000 EUR) each for the total material and moral damages they suffered.

The representative of the Georgian President, the defending party, alleged that the applicants' claim should not be admitted, given the fact that their right to compensation had not been recognized prior to 1997, and that the law that was referred to in the Article 8 of the Law of December 11, 1997 had not yet been adopted. On June 9, 2005, the court of primary jurisdiction Tbilisi Regional Court considered the facts related to the applicants' past to be established, save for the confiscation of possessions. On the latter point, the court cited against the applicants on the grounds of the Article 102 § 3 of the Civil Procedure Code – lack of documentary proof attesting to the confiscation, judging that the submitted written statements of eye-witnesses were not sufficient. The court also considered the applicants' claim to be beyond the period of limitation altogether, without indicating what period of limitation they were referring to and when this period had commenced. Finally, the court concluded that the request of the applicants could not be admitted in any event since the laws the Articles 8 and 9 of the law of December 11, 1997 referred to had not yet been adopted.

The applicants brought a cassation appeal asserting that, by virtue of the Order of August 15, 1937, the spouse of any person condemned as a "traitor of the Motherland" would automatically be condemned to a term of imprisonment from five to eight years, that their minor children would then be placed in an orphanage outside of the Georgian territory, and that their movable and immovable property would automatically be confiscated. The conviction of their father obligatorily led to these measures and, given the context in which these events took place, they could not be blamed for the fact that they were unable to present the documentary proof of the confiscation of property. As to the period of limitation, the applicants asserted that their claim for compensation was based on the Law of December 11, 1997, and could not therefore be beyond the period of limitation at the time, when their requests were decided. The applicants also alleged that nearly eight years had already passed since the Law of December 11, 1997 had entered into force, in which the State had not taken the necessary measures in order to legislate and compensate the victims of political repressions, in accordance with the Articles 8 § 3 and 9 of this Law. They maintained that the number of the victims, all elderly, was falling, and in their opinion, the State was waiting for their death to resolve the problem of compensating them. According

14 See "Ombudsman Demands Concrete Steps for the Social Protection of Political Repression Victims", 5 April 2010, <http://www.interpressnews.ge/ge/politika/130412-ombudsmeni-politikuri-represiebis-mskhverplthasocialuri-dacvsthvis-konkretuli-nabijebis-gadadgmas-ithkhovs.html?ar=A>

to the explanatory memorandum of the draft of the law submitted (without any results) to the Parliament in 2001 by the Georgian society “Memorial”, to remedy the legal void in question, the number of victims of political repression affected by the abovementioned Article 9 varied, according to the categories, from 600 to 16,000.

The applicants’ appeal was dismissed on November 2, 2005 by the Supreme Court of Georgia, which, upholding the reasoning of the regional court relating to insufficient documentary proof of the confiscation of property, dismissed their request for compensation for material damages.

The applicants continued to seek proof of the confiscation of their parents’ possessions. In a letter of December 4, 2006, the Registry of Real Estate Property informed them that the apartment in question had only appeared in the archives for the first time in 1940, as a property of the State. Since then, no information has become available on the subject.

The applicants alleged that in delaying in giving substance to their rights guaranteed under Articles 8 and 9 of the law of 11 December 1997, the State was keeping them in a tormenting situation of uncertainty and distress which amounted to degrading treatment.

After about 4 years of examination, the ECHR declared by six votes to one, that there has been a violation of the Article 1 of the Protocol no. 1, and by six votes to one, that it is not necessary to also examine the application from the point of view of Article 13 of the European Convention on Human Rights. Also, the ECHR declared that, if the necessary (legislative and other), measures of the judgment are still lacking, the Respondent State will have to pay each of the applicants 4.000 EUR (four thousand euros) in moral damages and the sum of costs and expenses. The ECHR dismissed by six votes to one, the remainder of the demand for just satisfaction.¹⁵

The abovementioned case, arguments provided by the Georgian state, and decision of the European court of Human Rights became a showcase for other similar court appeals. The lack of support for appropriate documents that wasn’t provided to the court and article 8 § 3 of Georgian law “on the Acknowledgment of Citizens of Georgia as Victims of Political Repression and Social Protection of Repressed Persons” where we read – The procedures for the revival of property rights of rehabilitated persons shall be determined by a separate law that was not adopted till nowadays played a major role in the assessment of the court – partial satisfaction of appealing party.

One of the main points was indicated in the Paragraph 85 of the court decision where we read: Under these conditions, the Court believes that general measures at a national level are without doubt called for within the framework of the execution of the present judgment. The necessary legislative, administrative and budgetary measures must therefore be rapidly taken in order for the people envisaged in Article 9 of the law of December 11, 1997 to effectively benefit from the right, which they are guaranteed in this provision.¹⁶

REHABILITATION AND COMPENSATION TO THE VICTIMS OF REPRESSIONS AFTER THE ECHR DECISION

Executing the decision of the ECHR, the Georgian authorities passed a certain amendment to the Law “On the Acknowledgment

of Citizens of Georgia as Victims of Political Repression and Social Protection of Repressed Persons” according to which the repressed person, or his /her first immediate heir, or their representative, should directly apply to Tbilisi City Court in order to get the pecuniary compensation. The total number of victims of Georgia’s political repression and their heirs was about 20,000 people before the amendment, but later, the numbers increased. The number of applicants also increased.

According to the Georgian Young Lawyers Association, more than 2,500 suits were filed in Tbilisi City Court within three months after the legislative amendments took effect. Due to the large number of suits, the court established a compensation limit of minimum 200 GEL (about \$ 100) and a maximum of 500 GEL (about \$ 250). It is noteworthy that these suits could be examined only by Tbilisi City Court, which caused additional expenses for people living in province.

The Georgian Parliament made several changes to the law on 31 October 2014 by. Thus, the definition of a victim of political repressions, and the rules of acknowledgement the victims of political repressions and guarantees of their social protections were elaborated. According to the law, the victims of political repressions are people, who have suffered political repression in the territory of the former USSR from February 1921 until 28 October 1990, from the intervention of the Soviet Red Army until the first free and multi-party elections in the Soviet Socialist Republic of Georgia and later on the territory of independent Georgia. As usual, in all countries, where the similar law exists, not only the persons, who suffered the repressions, but also a spouse, child (adopted child), parent and any other lineal relative, who stayed with such persons in penitentiary establishments, has been in exile and expulsion, and in special settlements with such persons were also acknowledged as the victims of the political repressions. Georgia was not an exception and similar record appears in Georgian law as well.¹⁷

According to the Law, persons, who have been acknowledged as victims of political repression shall have all of their political, civil and other rights and freedoms that have been violated as a consequence of political repression restored, and shall regain all military and special rank and government awards that have been seized as a consequence of political repression, and shall be granted the allowances as provided for by this Law.

According to the changes in the Law made in 2014, victims of repression were granted with an indemnity: no less than GEL 1.000 and no more than GEL 2.000 (approximately 600–1200\$ with regard to the official exchange rates in Georgia). If the person is already dead, the nearest heir can claim the indemnity.¹⁸

In parallel to the adoption of the amendments to the Law on repressed, an amendment was made to the concomitant law – “The Administrative Procedures Code of Georgia”. The repressed person, or his /her first immediate heir or their representative should directly apply to Tbilisi or Kutaisi Court in order to get the pecuniary compensation. The claim had to be submitted by 1st of January 2018. In addition, a person, who had already received compensation, but a sum that was less than

15 See European Court of Human Rights, Second Section, CASE OF KLAUS AND YURI KILADZE V. GEORGIA, (Application no. 7975/06) , Judgment, 2 February 2010, http://ehrac.org.uk/wp-content/uploads/2010/06/Kiladze-v-Georgia_ENG.pdf

16 Ibid., paragraph 85.

17 Ibid.

18 Ibid.

the minimum set by the new amendments, could have applied to the court again.

It is also important to note that the Law applied to Georgian citizens, who suffered political repression in former Soviet Union from the 25th of February 1921 to the 28th of October 1990 and later, on the territory of independent Georgia. But this law does not apply to the persons, who belong to ethnic or religious groups deported from Georgia in the Soviet period; the procedure for their rehabilitation should have been determined separately.

The IDFI requested information from Tbilisi and Kutaisi City Courts about the number of people, who were declared victims of the political repressions. From January 2011 to May 2017, Tbilisi City Court received 13.525 appeals in total, reviewed 11.539, affirmed 11.511 and declined only 28 appeals. Kutaisi City Court from January 2015 to May 2017 received 5.517 appeals and affirmed 4.957 of them. The IDFI requested the information on the total amount of compensation that was granted to people, whose appeals were affirmed, but they received the answer that the Courts did not possess this information. Then, on the 5th of July 2017, the IDFI made a similar request to the Ministry of Finance of Georgia, and asked for the total quantity of compensations (one by one for every year) for the defined list of persons from the national budget. The Ministry of Finance of Georgia answered that the National Bureau of Enforcement satisfied these demands by forced fulfillment, and they have no authority to reveal this information. Thus, the IDFI was unable to get information about the average amount of compensation.¹⁹

ABOUT THE CATEGORY OF VICTIMS

Ethnic or religious groups deported from Georgia in the Soviet period can be analyzed by looking at the issue of “Meskhetian Turks” – the ethnic group deported from Georgian SSR to Uzbek SSR in 1944 an estimated 90,000–120,000 people. Many of the deportees died *en route*, or as an indirect consequence of the resettlement. There is no consensus on the reasons for the deportation. Unlike other deported people, who were rehabilitated in the 1950s and 1960s (or the Crimean Tatars who have been allowed to return since the late 1980s), the Meskhetian Turks have neither been rehabilitated, or allowed to return to their land of origin, nor has their property been returned.²⁰

Programs and attacks on the Meskhetian Turks, in the Ferghana Region of Uzbek SSR, in early June 1989 became the one of the first ethnic conflicts in the disintegrating USSR, and ended with the second forced exile of about 70.000 Meshkhetian Turks who were spread through various countries and never reunited.²¹

The efforts to return the Meskhetian Turks to Georgia first emerged in 1970, but southwest Georgia’s special status as a border-region, effectively blocked the start of the process. Since the 1989 events have been noted, repatriation of “Meskhetian Turks” has been on Georgia’s agenda, but during Zviad Gamsakhurdia’s and Eduard Shevardnadzes’ presidency, only several hundred Meskhetian Turk families have returned to various regions of Georgia (though not to their historic homeland), mainly with their own initiative and wages. The official number of repatriates by the end of 2001 was 644 persons.²²

After high-level meetings in The Hague and Vienna in 1998–1999, hosted by various organizations²³ with the involvement of governments, Georgia’s delegation pledged to solve the question of citizenship for returnees by the end of 1999 and

announced the establishment of a State Committee, or Repatriation Service, in the near future to address issues relating to the repatriation of Meskhetian Turks.

In 2007, Georgia issued the law – “On the Repatriation of Persons Involuntarily Displaced by the Former USSR from the Georgian SSR (The Soviet Socialist Republic of Georgia) in the 1940’s”. According to the law, the application for obtaining the status of repatriate in accordance with Article 4 of this Law was no later than July 1, 2009.

After the implementations of the law, the official statistics are as follows: a total of 5.841 individuals applied to Georgia for reintegration status over the past few years. Of these, 1.998 have been granted this status, and 494 people have received “conditional citizenship” that implies that Georgian citizenship will take its effect immediately after they renounce the citizenship of another country.

As officials explain, people are usually refused to be granted citizenship due to a lack of relevant documentation. The implementation of the law has been criticized numerous times; being stateless people, they are not eligible for the public healthcare program. “They don’t have social and economic guarantees and property-related issues still remain a problem”, reads the Georgian Public Defender’s report for 2015.²⁴

As we see from the following, the problem still exists; the percentage of people who repatriate is very low and even people who received the status are still waiting for justice to be fully restored.

LESSONS LEARNT AND RECOMMENDATIONS

As the Georgian case shows, there are positive, as well as negative, examples of cases on how Georgia has dealt with the rehabilitation of the victims of Soviet repressions.

The main positive issue is that not only the persons, who suffered the repressions, but also members of their families, close relatives, who were with him/her in the imprisonment and deportation, were acknowledged as the victims of political repression, and if the person is already dead, the nearest heir can claim the indemnity.

The constant conflicts between groups in society, the atmosphere of violence, and the economic crisis, have all distracted society from comprehending the consequences of Soviet terror, and identifying and dismantling the driving mechanisms of the totalitarian system, as well as rehabilitating the victims of repression.w

19 Official correspondence of IDFI with Tbilisi and Kutaisi City Courts and Ministry of Finance of Georgia.

20 See Oskari Pentikäinen, Tom Trier, *Between Integration and Resettlement: the Meskhetian Turks*, ECMI Working Paper # 21, September 2004, https://www.files.ethz.ch/isn/19696/working_paper_21b.pdf

21 See Alexander Osipov, “Ferghana Events: 20 years later. History without a lesson?”, in *FerganaNews*, 10 June 2009, <http://enews.fergananews.com/articles/2545>

22 See Oskari Pentikäinen, Tom Trier, *Between Integration and Resettlement: the Meskhetian Turks*, ECMI Working Paper # 21, September 2004, https://www.files.ethz.ch/isn/19696/working_paper_21b.pdf

23 In Hague, OSCE High Commissioner on National Minorities (OSCE-HC-NM), Max van der Stoep, in cooperation with UNHCR and the Forced Migration Projects of the Open Society Institute (FMP-OSI) hosted consultations on issues relating to Meskhetian Turks. The same organizations – OSCE, UNHCR and FMP OSI hosted second meeting in Vienna.

24 See Nino Narimanishvili, Otari Atskureli, “Return from exile: Muslim Meskhetians from Georgia”, in *JamNews*, 21 June 2017, <https://jam-news.net/?p=45365>

The corresponding law on restoring property rights of the rehabilitated persons, which would regulate the process of restoring justice for the victims, has not been elaborated for more than 20 years, which makes the victims, and other stakeholders, think that the state authorities don't have the political will to fulfill it.

Only complete opening of the archives of intelligence agencies and security agencies can give answers, both to the private matters of citizens, as well as to the questions that have enormous value for all society. It is impossible to have a valid written history of the XX century, of any Soviet country, without studying the archives. Soviet repression remains one of the main traumatic points in the collective memory of post-Soviet countries. Publishing authentic documented data on the repressed, as well as individual stories, will support the process of the rehabilitation of the victims, deliver the truth to families of the victims, help to restore justice and promote reconciliation within the entire society.

The tragic events of 1991–1992, when historical documents of the former KGB Archives were lost, and together with them, the chances for rehabilitation of the victims within the country vanished. Thus, the key for restoring the truth through documents only remains in the Russian archives, which are practically

inaccessible at the moment, neither to Georgian historians, nor to ordinary Georgian citizens, due to the absence of the diplomatic relations and contacts between the archival institutions of the two countries. In the regard to the situation, as the member of society "Memorial", Guram Soselia told us, some retired KGB officers have addressed the corresponding archives in Moscow and received reference letters, but he did not know of any ordinary repressed person from Georgia, who had done the same. In theory, it is unclear, whether a repressed citizen of Georgia can receive any probative approval documents by addressing the Russian archives or not.²⁵

The main recommendations for Georgian authorities are to finalize working on a corresponding law about restoring the property rights of the rehabilitated persons. Also, the prolonged lustration process of former KGB and other workers of the system of retaliatory bodies during USSR is a sensitive topic for Georgian society and needs to be resolved once and for all, as well as repatriation of Persons Involuntarily Displaced from the Georgian SSR.

25 The interview with the Georgian society "Memorial" member – Guram Soselia, 2018.

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