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ARTICLES

«Reverse rehabilitation of mass repression victims»: Examining the Russian Prosecutor's Office's new initiative

After Stalin's death, more than four million citizens who had been sentenced to execution or labour camps were rehabilitated in the USSR and later in Russia. Now, the General Prosecutor's Office is preparing to overturn some of these decisions. Here's what it really means.

ОБ ЭТОМ НИКТО НЕ УЗНАЕТ

Если об этом никто не напишет. Подпишитесь на регулярные пожертвования ОВД-Инфо, чтобы плохие дела не оставались в тишине.

ПОДПИСАТЬСЯ

Текст на русском

Translated by OVD-Info volunteers.

This September, the Russian General Prosecutor's Office **published** a draft order proposing the revocation of certain rehabilitations of Soviet repression victims. The document, currently undergoing an anti-corruption review, specifies that the revocations will target the rehabilitation of individuals «guilty of committing serious or particularly serious crimes, war crimes, crimes against peace, and crimes against humanity».

The prosecutor's draft is related to the significantly revised/changed State Policy Act on the Commemoration of Victims of Political Repressions, rewritten four months ago. Notably, the word «mass» was removed in reference to the repressions.

After reviewing the **concept**, Boris Vishnevsky, a deputy of the St. Petersburg Legislative Assembly, **concluded** that compared to the original **document** from 2015, it now lacks specificity: «In the current version, the language is so vague that it remains unclear who exactly carried out the repressions, who is responsible for them, what they entailed, who they affected and in what numbers, as well as how many people were rehabilitated. However, there was room for discussions about „national interests“, „strengthening traditional, spiritual, and moral values“, and protecting society from „destructive informational and psychological influences“».

WHAT THIS ACTUALLY MEANS

Historian Nikita Petrov from the *Memorial* organization **told** *Agentstvo Novosti* (a Russian news agency) that he does not understand the legal meaning of the General Prosecutor's draft order. According to the 1991 **law** «On the Rehabilitation of Victims of Political Repressions», the rehabilitation of those convicted of the crimes listed in the new document is already prohibited.

As a result of this law, between 1991 and 2014, more than 3.5 million people were rehabilitated — significantly more than during the Soviet era. «Let me remind you that the Prosecutor's Office, starting from 1991, made decisions on the rehabilitation or denial thereof based on **Article 4** (which lists the grounds for denial of rehabilitation, according to *OVD-Info*). It is impossible to revoke the rehabilitation of these individuals because they had already been denied rehabilitation», comments Grigory Vaypan, a senior lawyer at *Memorial*, to *OVD-Info*.

He views the draft order as a «hidden revision» of the 1991 law, since it did not provide a procedure to revoke rehabilitations: «The Russian state cannot just say, „You know what, we changed our minds. We admitted that we had severely abused and repressed this person. But now we take back our repentance“.

There will be no court proceedings, as the revocation of rehabilitations will occur in the same way they were made: through the prosecutor's conclusion after examining a case. Vaipan is confident that «revoking someone's rehabilitation will become a single piece of paper stating that the previous decision was incorrect». «There will be evidence, but society will either not see them at all or will see a trimmed version favorable to the Prosecutor's Office. There will be no real public oversight of these decisions».

Experts consulted by *OVD-Info* see at least three potential consequences of the future order (and its existing draft). Firstly, there could be **a mass revocation of rehabilitation for a specific category of repressed individuals.**

According to Grigory Vaypan, there are complex «borderline» cases where, during World War II, individuals were forced to cooperate with the occupying German authorities but did not commit violent crimes. «For example, I have a client who is a child of the Gulag. In 1943, her mother was sentenced by a Soviet court for being a German informant — based on a document she signed under the threat of imprisonment in the occupied city of Oryol. The case materials did not indicate that she actually reported on anyone. Her cooperation was limited to signing the statement. In 1992, the Prosecutor's Office rehabilitated her», Vaipan says. According to him, there are thousands of such borderline cases, and «the Prosecutor's Office is proposing to review them».

The prosecutor's draft specifies that «exoneration of collaborators with the Nazis and traitors to the Motherland» is not allowed. On his Telegram channel *Dedivoyevali*, genealogist Igor Yakovlev expressed a concern that «spy» cases might come under review. The responsibility for espionage was stipulated by **Article 58** (on counter-revolutionary activities) of the Russian Soviet Republic's Criminal Code. Under this article, espionage was considered treason against the Motherland. Anyone could be accused of it, often without grounds. «People were accused of being Japanese, German, or Polish spies; it was a fairly common practice», Yakovlev explains to *OVD-Info*.

In his opinion, «a large amount of people is needed» to review this vast amount of espionage cases. «The prosecutor's office can instead choose an easier solution, say, and revoke the rehabilitation of all the people accused of a specific crime. What if they simultaneously revoked the rehabilitation

of every „Polish“, „German“, „Japanese“, and every other country's „spy“?» the genealogist wonders.

Nevertheless, Grigory Vaypan thinks a mass review of cases is unlikely. «There is no need to revoke millions of decisions if you can just sow distrust on the entire process», he **wrote** on Facebook. «After a few dozen or hundred dozen demonstrative cases everyone will start thinking the rehabilitation process was flawed and abused. Suddenly victims of repressions won't be victims at all, but exonerated criminals».

A second possible consequence is an almost complete denial of access to the archives of repression victims' cases. «You used to be able to get full copies of [the victims'] archived cases without any redactions or omissions. The FSB archives, where these cases are mostly kept, are currently removing whole pages: witness interrogation protocols, denunciations, and some service documentation. The last names of security officers leading the cases are being removed almost everywhere», says Igor Yakovlev. «A few years ago, my wife and I **sued** the Pskov (a Russian city next to the Estonian border) FSB department demanding they provide a full copy of the case (concerning the Belchenkov brothers, Yakovlev's wife's relatives — *OVD-Info*). We even went to the Supreme Court, but that still didn't achieve anything, now we just **owe money** [for the legal costs]».

He specifically pointed out an **article** in the prosecution's draft order stating that only the «rehabilitated persons or their relatives» can acquire the documents on their cases, as opposed to anyone who applies, as is currently the situation. Usually, descendants of the repressed (without proof) and researchers would view these documents not at the prosecutor's office, but in archives, first and foremost at the FSB archive. If this new draft becomes an order, access to the cases of the rehabilitated will become very difficult:

researchers will be denied, and descendants will have to prove their relation.

If a rehabilitation decision is revoked, not even the descendants would be able to get access to archived case files: the case files of the non-rehabilitated are classified.

«This is why I **encouraged** my subscribers who have not acquired the copies of their relatives' cases to do that as soon as possible before all the regulatory by-laws are updated in accordance with the [State Policy] draft [on the Commemoration of Victims of Political Repressions]» — says Yakovlev.

Finally, the third and most important possible consequence of the draft and following order is the manipulation of the memory of Soviet terror: Russians will be convinced that the government never repressed anyone, and if it did, they deserved it. Boris Belenkin, also a member of *Memorial*, is **concerned** that the review of the cases will «confuse the Russian people» and change their attitudes toward the rehabilitated victims of repressions.

Grigory Vaypan thinks the goal of the Russian government is to «in essence discredit the rehabilitation of victims of Stalin repressions: „the point is to convince the public and make them doubt the rehabilitation process, through showing that it contained errors and violations, that everything is uncertain, that the people on these lists were not actually victims, and that these lists are not to be trusted“.

The expert thinks this is necessary to «create an image of the impunity of the government» that, in this logic, did not use terror. And if any crimes had occurred, «they can be justified by something important».

The draft order remarks that the mass amnesty of 1955 «led to rehabilitations on formal criteria and exonerations of nazi accomplices and traitors of the Motherland that served

in Baltic, Ukrainian and other punitive units formed on a national basis, members of underground nationalist, and bandit groups».

«This is a misdirection: „Maybe the Soviet government did exterminate its citizens, but not en masse. But you need to see what those bloody gangs did — and are still doing“. And then they tie it to Ukraine, to the Baltic states, to Europe as a whole. It is a political game», — states Igor Yakovlev.

The genealogist points out that the renewed 2020 Russian Constitution contains an **article** describing the Russian Federation as the «legal successor of the USSR». In his opinion, «the government does not dare to publicly deny mass repressions», but «the propagandists have been working on it for a long time». «They are trying to deter public attention from the government’s responsibility for the mass extermination of its citizens».

Grigory Vaypan calls the draft order «a campaign to reverse the rehabilitation of the victims of Stalin’s repressions»: «If the main idea of this draft order comes into practice, the order can be used to revoke the rehabilitation of all victims of Soviet terror».

Galya Sova

ЧТО Я МОГУ С ЭТИМ СДЕЛАТЬ?

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