Center for Research on the Liberation Movement
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Open Access to the KGB Archives in Eastern Partnership

Analytical Report

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Declassified: The Success of Ukraine's Open Archives

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April 9, 2015 became a turning point in the field of access to the KGB archives in Ukraine. The law "On Access to the Repressive Bodies of the Communist Totalitarian Regime of 1917–1991 Archives" was passed by the Ukrainian Parliament on that day. The bill, which was considered by the Supreme Council, was submitted by the Cabinet of Ministers together with three other "decommunization" laws.

It is not a new practice to have a specific law that regulates access to documents of the former secret services of totalitarian and authoritarian regimes repressive bodies. Almost all former socialist camp Central and Eastern European countries and some former Soviet republics have similar acts. Prior to that, access to all archival documents in Ukraine was regulated by the general law "On the National Archival Fund and Archival Institutions", adopted in late 1993.

The law "On Access to the Repressive Bodies Archives" is based on the understanding that democratic transit is impossible without respect for human rights and freedoms. In order for the totalitarian regime with its political repressions and other persecutions not to repeat, it must be analyzed and studied. In particular, it relates to archival documents, which often serve as the only source of information about the tragic events of the past.

Democratization of the special services and the police cannot properly be implemented if they continue to guard archives containing information on massive violations of human rights and continue to use methods from their predecessors' archives. Building up new force institutions is, among other things, possible through breaking the chain of succession which, de facto, existed until the spring of 2014.

Free access to the communist special services archives not only provides an opportunity to restore the violated rights, but also demonstrates that information about all crimes, sooner or later, will become known to the public.

In order not to repeat the totalitarian practices of the past it is important to inform the society of how the repressive regimes are formed and the methods they use.

When in early 2014 the Ukrainian government tried to recommence totalitarian governmental methods ("dictatorial laws of January 16") in order to maintain its position, this led to human casualties and the occupation of part of the state territory by Russian troops. This is a vivid example of the fact that sometimes the right to information prevails over the right to privacy. The right to information ultimately benefits for the right to life ensuring.

Before the Archival Law of 2015

When deciding whether to provide access to the KGB archives or not the archivists have encountered many documents. In addition to the framework archival law "On the National Archival Fund and Archival Institutions", a number of laws and other normative acts were taken into account. These acts might be interpreted ambiguously, so they were used both to grant access and to limit it. Everything depended on the political situation and the desires of the archives administration, the head of Ukrainian National Archives and the relevant body in the case of branch state archives (for example, the voice of the Security Service or the Minister of Internal Affairs).

The practice existed when archives interpreted the law too widely. For example, they denied access to files of so-called "unrehabilitated" persons, while such a ban was not provided by any normative legal act. Only the files

of rehabilitated persons were provided for examination, and the permission of relatives was required. Sometimes it was impossible to get such permission as the direct relatives might not stay alive.

Work on New Legislation

The necessity of applying the European countries experience in Ukraine was mainstreamed in 2010 when humanitarian policy has undergone significant changes as a result of the presidential election. The changes also covered the issue of access to the KGB documents. The first signal of change was the director of the National Memorial Museum for the Memory of Victims Occupational Regimes "Prison on Lontskiy" Ruslan Zabily detention. On September 8, 2010 SBU officers came across him at the central railway station in Kyiv.

He was charged with attempting to divulge the state secret. His computer was seized as well as the hard disks containing electronic copies of the NKVD-KGB documents, which were made both in the SBU Archives and in the archives of the Baltic countries. The SBU explained that "state secret" refers to the NKVD-KGB documents, archival materials about the repressions of the Bolshevik regime and the struggle of the communist special services against the liberation movement.

De jure, according to Ukrainian legislation, such documents were not secret as they did not contain state secret and did not have stamps of restrictions on access to information. The first time these documents were given the equal and unhindered access was after Volodymyr Viatrovych became the SBU archives head in 2008, and the Special Presidential Decree was issued. But things changed after Yanukovych came to power. Information about repressions and murders, the struggle against the Ukrainian liberation movement and massive violations of human rights in the twentieth century was considered as secret again.

Due to public reaction, actions of civil society and scientists all over the world, Zabily was defended. But the precedent of an abrupt change in the policy of access to the KGB documents and attempts to prosecute for working with these documents revealed the necessity for an integrated approach regarding the issue of the communist special services archives openness.

Digital Archive

It was a tactical decision to publish these documents in order to make sure the access to them would not be closed, as the law provides for the documents once published may not be re-classified. Before his dismissal, Volodymyr Viatrovych managed to transfer digitized copies of documents, made in the archives at that time, to two universities — Ivan Franko Lviv National University and the Kyiv-Mohyla Academy. The idea of creating a digital archive for the publication of a large number of archival documents arose.

In 2011, the Research Center for the Liberation Movement (Scientific Public Organization) together with the Ivan Franko Lviv National University and the National Memorial Museum for the Memory of Victims Occupational Regimes "Prison on Lontsky" (headed by Ruslan Zabilyi) started a project to set up an electronic archive of the Ukrainian liberation movement. In March 2013, the E-archive was launched and so far it has published more than 24,000 copies of documents.

A long-term and strategic decision was to work on legislative changes. There was a need for a document that would clearly regulate access to the archives of the communist special services in Ukraine.

International Programs

The Research Center for the Liberation Movement has developed and began implementation of the international program "Open Archives". It started in 2010: during the following years the experts have studied the experience of other Central and Eastern European countries, have organized conferences, academic and practical seminars, focus-groups, sociological researches, explained how to work with the archives and where to apply for the information

about people's relatives. Several digests about European and Ukrainian archives and algorithms for their usage have been issued, professional network Facebook community was created (10 000 users), those who have just started the research work could gain the consultation.

The Revolution of Dignity has made its own adjustments and brought new opportunities. The experts created a working group "The National Memory Policy" in the public coalition "The Reanimation Package of Reforms", to which they were also co-founders. The coalition has had a great potential to advocate for reforms at the legislative level, and the working group brought together many experts from different fields.

The bill resulted from lengthy consultations, improvements, focus groups, parliamentary round tables in cooperation with the relevant Verkhovna Rada Committee of Spirituality and Culture etc. On April 9, 2015, on a shortened review procedure the Verkhovna Rada (Supreme Council) by 261 votes adopted the bill as a basis and, as a whole. On May 15, the law was signed by the President and came into force on May 21, five years after the Open Archives program started.

The program was implemented with the support and assistance of the International Renaissance Foundation, the Konrad Adenauer Foundation, the Polish Institute, the Czech Center, the French Institute, the Embassies of Lithuania, Latvia, Switzerland and others.

Today, the law provides open access to the Soviet Union repressive bodies documents or the KGB archives for all comers. The next stage in the implementation of the law should be the creation of the Ukrainian National Memory Institute archive. One of the key challenges is finding the resources for arranging the new archive premises.

In comparison with the legislation of other Central and Eastern European countries, the Ukrainian law on access to special services archives gives more opportunities both for scientific research and for finding relatives who have been victims of totalitarian regimes. It is the most liberal among the specific European legislation.

Access to archives is an opportunity to better explore and understand the events of the 20th century, to reinterpret and analyze the causes and consequences of different processes, and also to deconstruct those myths that continue to affect modernity.

The Ukrainian reform experience can be useful for colleagues from the Eastern Partnership states who still cannot fully access the communist special services archives in their countries. There may be many reasons for this — from an authoritarian political regime to an inert society. However, identifying the problem, molding solutions and considering the possible risks — this is what we tried to do in this collection of analytical reports.

AZERBAIJAN

Eldar Zeynalov,
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The KGB archives in Azerbaijan

The archives of the former communist special services: AzCheKa, AzGPU, AzUNKVD ZSFSR, Azerbaijan SSR NKVD, NKGB, MGB — are still subordinated to the Ministry of Internal Affairs (MVD/MIA) and the State Security Service (SSS) of the Republic of Azerbaijan. Physically, the archives are located in the main buildings of the relevant department.

These archives do not have websites and do not publish lists of archival funds. Therefore, the overall structure of these funds can be represented only approximately.

The number of the Soviet special services files and documents in the country remains unknown to the public. Several years ago the former Ministry of National Security of the Republic of Azerbaijan published the figures of repressions on its website, what gives some understanding of the alone archival investigation files for the period of 1920–53. So, since May, 1920 until the beginning of 1921 the AzCheKa murdered more than 40 thousand people, in 1934–38 the NKVD sentenced 27,854 people to be shot. In total, the number of repressed (shot and imprisoned in the camps) in the period 1920–50, exceeded 400 thousand persons, and even more than half a million people were expelled from the republic.

As for the later (post-Stalin) period of 1953–91, although not on this scale — political repressions were carried out even then. But **all the relevant part of the archives falls under the protection of the law "On State Secrets".**

Some documents of the Azerbaijan Transcaucasian Soviet Federative Republic NKVD Administration (AzUNKVD ZSFSR) dated of 1922–1936 were stored in the archive in Tbilisi. After the ZSFSR liquidation these documents were transferred back. But, considering the fact the part of those documents related to the entire Transcaucasus — it is also unknown whether they were returned in full.

Some special services documents (various kinds of certificates, memoranda, information summaries, copies of judicial decisions on rehabilitating of the repressed persons) can be found in the former United Party Archives — at present the Political Documents Archives under the Republic of Azerbaijan Presidential Office. However, even many of these archive documents that should be declassified on the basis of the law "On State Secrets" have not been transferred to open funds.

Archive legislation

The whole archival system has been reformed for more than 20 years now, starting in 1996. Hence Azerbaijan received the status of the PACE honorary guest and adopted the national law "On State Secrets" (updated in 2004). In 1999, the law "On the National Archival Fund" was adopted, which regulates the relations between the central archive and hundreds of departmental ones. The National Archival Office, and under the Presidential Administration — the central expert commission for the examination of documents and archives, were established.

In 2002, they approved the rules for citizens' access to secret documents. In 2005 — appeared a public and constantly updated list of state secrets. In 2007 a regulatory act on electronic secret documents was adopted. In June 2017 the instruction on the organization of archival work in state and municipal structures was approved.

Currently a legislative base to regulate the archival system has been developed. This is the Constitution, the laws "On the National Archival Fund", "On State Secrets", a number of the Republic of Azerbaijan Cabinet of Ministers re-

solutions. There are many departmental regulations that regulate archives in these structures.

One of the archival reform achievements is the unification of **the procedure for granting access** to state archival documents.

According to Article 16 of the Law "On the National Archival Fund", any legal and natural person has the right to appeal to the State Archive Fund for the use of documents.

If this document contains state secrets, its use is permitted after 30 years (unless something else is provided by law). At the end of this period, it can be extended at the request of the organization.

If the document contains information about personal and family life, except for the cases established by law, access to it is opened 75 years after the document established, or 30 years after the death (or death ascertainment) of that person, or 110 years after the date of his or her birth. Use of such documents before the expiry of this period is only possible in cases provided by law.

The archive must comply with the requirements of the copyright law.

Documents containing state secrets fall under temporary protection of institutions, offices and organizations before their deposit in the state archive. The term of this protection, counting from the date of document creation, constitutes:

- for the republican bodies of state authority — 15 years;
- for regional and municipal authorities — 5 years;
- for local governments — 5 years;
- for scientific and technical documents — 15 years;
- cinema, photo, audio and video documents — 3 years;
- acts of civil status, notaries, court cases and personal files — 75 years.

The documents of the liquidated state structures are transferred to the archives of their successors.

Upon receipt of a request from an official or a citizen, the head of the state structure should check whether the requested information constitutes a state secret, and whether there are any obstacles to granting the applicant access to classified documents. In particular, access may be denied to:

- Incapable persons or persons with limited abilities.
- Persons convicted as particularly dangerous recidivists, brought to the investigation or trial for crimes against the foundations of the constitutional order, the security of the AR, the commission of other grave and especially serious crimes.
- Persons suffering from any of the 22 diseases defined by the Cabinet of Ministers (for example, schizophrenia, postpartum psychosis, drug addiction, alcoholism, etc.).
- Persons who were detected to take actions that constitute a danger to the safety of the AR during the inspection before getting an admission to a state secret.
- Persons who evade verification activities or give false information about themselves.

A person who has been denied access to work with state secrets may appeal this decision.

If a decision on admition of a citizen is taken, he or she must voluntary take on some write commitments. In particular, a person must sign a statement about awareness with the law on responsibility for the violation of state secrets and the commitment not to disclose secrets; on the consent with the partial and temporary restrictions imposed by law; on the consent to conduct verification activities against him or her; on the type, volume and rules of giving privileges.

After being verified, a person admitted to work with state secret and the administration conclude a contract. The verification is carried out by the head of the organization (for access to classified information) and state security agencies (at higher degrees of secrecy). Its volume depends on the level of the materials secrecy.

Further, the applicant is granted an admission in one of three forms. Form number 1

gives access to information of special importance, form number 2 — to top secret information, form number 3 — to secret information. If a person receives admission to forms No. 1 or No. 2, this gives him or her the right to work with information of a lower secrecy level.

The described procedure is applied on the basis of regulations approved by the Republic of Azerbaijan Cabinet of Ministers in the development of provisions of the laws "On the National Archival Fund" and "On State Secrets".

The information is classified on the basis of an updated list of information that falls under the determination of a state secret. This list is composed by the Interdepartmental Commission for the Protection of State Secrets under the President of the Republic of Azerbaijan.

Key documents of national legislation on access to archives:

- The Law of the Republic of Azerbaijan "On the National Archival Fund" (No. 694-IQ of 22.06.1999).
- The Law of the Republic of Azerbaijan "On State Secrets" (No. 733-IIQ of 7.09.2004).
- Decree of the President of the Republic of Azerbaijan "On Approval of the Law of the Republic of Azerbaijan 'On State Secrets'" (No. 139 of 5.11.2004).
- Decree of the President of the Republic of Azerbaijan "On Approval of Certain Legal Acts Arising from the Law 'On State Secrets'" (No. 23 of 22.11.1998).
- The Law of the Republic of Azerbaijan "On Information, Informatization and Protection of Information" (No. 460-IQ of 3 April 1998).
- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of the Regulation on the Rules of Compilation, Protection and Use of the National Archival Fund, the Procedure for Including in or Excluding from the National Archival Fund or Liquidation of the Archives, Archival Funds and Documents Collections, the Rules for the Protection of Non-State Archival Funds, Regulation on the Awarding Persons who Discovered or Found the Discovered Archival Documents, the Rules for the Use of Documents of the State Archive Fund and the Procedure for Temporary Documents and Collections Exportation Abroad for the Purposes of International Cooperation" (No. 32 of 6.03.2000)
- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of the Model Provisions on Structural Subdivisions for the Protection of State Secrets in Government Bodies, Enterprises, Administrations and Organizations of the Republic of Azerbaijan" (No. 160 of 17.10.2002).
- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of the List of Diseases that Exclude the Work with Information that Constitutes a State Secret" (No. 161 of October 17, 2002).
- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of the Rules for the Admission of an Official or a Citizen to Information that Constitutes a State Secret" (No. 162 of October 17, 2002).
- Decree of the President of the Republic of Azerbaijan "On approval of the List of Information Classified as State Secret" (No. 248 of 3.06.2005).
- Decree of the President of the Republic of Azerbaijan "On Approving the Rules for the Classifying Information as State Secrets" (No. 249 of 3.06.2005).
- Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On the Examination of Information Systems Used for the Compilation, Production and Exchange of Electronic Documents Including Information Containing State Secret" (No. 129 of August 20, 2007)
- Decision of Ministry of National Security of the Republic of Azerbaijan "Rules for Decision-Making on the Illegal Dissemination of Information Containing State Secret" (No. Q / 24 of 17.11.2015).
- Decision of the National Archival Directorate „On Approval of the Instruction on the Organization of Archival System in State and Municipal Bodies, Administrations, Organizations and Institutions" (No. 5 of 12.06.2017).

• Decree of the President of the Republic of Azerbaijan "On the Improvement of Archival System in the Republic of Azerbaijan" (No. 816 of 02.12.2002).

• Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Approval of the Program for Improving the Material and Technical Supply of Archival Service Institutions, Providing Archival Services with Necessary Facilities, Repairing and Reconstructing Existing Archival Buildings, and Improving the Social Status of Archival Workers" (No.12 of 16.02.2004).

Working conditions and specificity of access to the KGB archives

To access the KGB archives, the same order is applied as described above. Officials and private persons shall gain individual access to information that constitutes a state secret. This applies to both citizens and foreigners.

The exception is made up of rehabilitated persons and their heirs who, according to Article 8 of the Law "On Rehabilitation of Victims of Repression", have the right to receive manuscripts, photographs and other personal documents stored in files. The bodies and their officials that store files related to repressions in the archives are obliged, at the request of the applicant, to inform him or her of the time, the cause of death of the rehabilitated person, and the place of person's burial.

Restrictions in access to information (documents) depend on the degree of secrecy of information and the level of access to it obtained by the researcher (№ 1, № 2 or № 3).

This also applies to copying (scanning) documents. If the administration decides that taking out the document facsimile from the archive may harm the state or will constitute a violation of the privacy secret, then the request may be rejected. For example, there was a case when scanning and publishing a person's photo taken in prison caused public protest and complaints from his descendants.

As far as we can judge, the practice has become much more liberal since 2015, when the special services leadership was replaced and the minister and several hundred employees of the Ministry of National Security were dismissed.

The KGB archives and society

During the "perestroika" period in the late 1980s, public interest in accessing the KGB archives was primarily related to the rehabilitation of victims of political repressions. At the time, many republican citizens were rehabilitated on the basis of Soviet legislation, but neither the surviving victims nor their families had access to archival files. At the same period, hundreds of participants of the insurgency in Azerbaijan in 1920–30 were denied rehabilitation, again without access to the case materials.

This situation provoked disagreement among the victims. Some considered themselves "innocent", convicted "for no reason", others, relying upon the information published at that time, believed that they had the right to fight the Communists. As a result, supported by the authorities, the "faithful Leninists" prevailed in the "Society of Victims of Illegal Repression" and actually blocked work on exposing Stalinist crimes. In addition, due to organizers of the public trial in 1956 over the organizers and executors of the 1930s terror (Mir Jafar Bagirov and others), the "Red Terror" gained a narrower framework (1935–53), turning into a "Bagirovsky" and "Stalin's". **Repression against the rebels and peasants continued to be considered justified and not condemned.**

The situation was the same even after Azerbaijan gained independence, when a ban on rehabilitation "of the organizers of gangs who committed murder, looting and other violent acts, and who personally participated in the commission of such acts as part of such gangs" was included into the Law "On the Rehabilitation of Victims of Political Repressions" (No. 44-IГ of March 15, 1996) (namely, Art. 4 of the Law).

Thus, members of partisan detachments and revolts against the Communists were excluded from among the victims.

In addition, the ban on the rehabilitation of "persons who participated in the conduct of political repression and subsequently undergone repression" was used very selectively. In fact, only NKVD officers who served there in 1935–53 fell under it. Members of the Azerbaijani Soviet government, suppressing the uprisings of the fighters for independence in 1920–21 and the peasant uprisings of 1930–32, the court and the prosecutor's office employees, convicted in 1937–38 and rehabilitated in the 1950s, remained in the status of "victims of repression".

It should be noted, however, that the discussion that began in the period of "perestroika" since the beginning of 1988 crossed over another socially sensitive topic — **the Armenian-Azerbaijani conflict around Nagorno-Karabakh.** As a result, the focus of public interest was shifted to the topic of Armenian-Azerbaijani contradictions of the early XX century (1905–1920). A lot of archival publications on this issue have appeared.

The theme of "Stalinist" repressions has receded into the background. At the same time, it even took a distorted form, when the topic of ethnic affiliation of NKVD officers (allegedly mostly Armenians) and their Muslim victims was discussed.

In the 1992–93s due to the corresponding trends in Eastern European countries, the topic of access to the KGB archives overlapped with the public **debate on lustration**. But the forced withdrawal from the power of the former communists in 1992 did not lead to the discovery of the KGB archives. They were sealed with the personal participation of the anti-communist opposition leaders.

During the year, while the Popular (People's) Front of Azerbaijan (PFA) was in power, the subject of the KGB archives was repeatedly (but to no avail) raised by the opponents of the PFA. The disinformation about the fact that the Azerbaijani KGB archives were allegedly sent to Russia was launched.

However, after the overthrow of the PFA government, the new government used several documents from the archives of the 1970s — early 1990s in the political struggle. Later, one of the authoritative historians Z. Buniatov published a series of articles on major archival and investigation files of the 1930s with hundreds of figurants. It became clear that the KGB archives had been preserved.

In recent years, many researchers have again turned to the theme of "red terror", publishing a number of interesting books based on archival materials. However, only a small part of them are posted on the Internet, and even fewer publications have been translated from Azerbaijani into other languages. So these publications are of little use to foreign researchers.

It can be stated that **the discussion about access to archives has become purely academic**. It was not revived even with such an excuse as the 80th anniversary of the Great Terror. In the country there is no monument to the victims of the "Red Terror", their graves are not commemorated, there are no anniversaries of such events as, for example, the "kulak operation" of 1937.

Against this backdrop, the reburial of the named above Azerbaijani Communists leader Bagirov, who was shot in 1956 and attempts at his political rehabilitation look symptomatic (so far in public opinion).

Challenges and tasks before of the archival reform

"*The Program on Improving the Material and Technical Supply of Archival Service Institutions, Providing Archival Services with Necessary Facilities, Repairing and Reconstructing Existing Archival Buildings, and Improving the Social Status of Archival Workers*" was approved by the AR Cabinet of Ministers Regulation of 16.02.2004.

During 2016, Resolution the AR Administration of the President received up to 300 applications from citizens related to archival matters. Their analysis gives an idea of the existing problems. Citizens indicate such reasons for their ap-

peals: protected archival funds are constantly used incorrectly on the local level; archival documents of organizations and offices that were abolished in the process of structural change or privatization are not handed to the state archives timely and completely. For these reasons, citizens do not get a result when they apply for documents to state archives.

As for archives of historical interest, an obvious problem is the failure to send to open central funds those KGB and trials documents that were issued earlier than 1942, as well as personal files of people born in 1907 and earlier, or those who died in 1987 and earlier.

Organizations, initiatives and algorithms of archival search

There are no specialized public organizations in Azerbaijan that would be engaged in the struggle for access to the archives of special services.

If there is a need to contact the SSS archive or obtain information about a repressed relative, one should contact the SSS directly: State Security Service of the Republic of Azerbaijan, AZ1006, Baku, Parliamentary Avenue, 14. E-mail: mektub@dtx.gov.az

There are no public databases, web portals, publications for the KGB documents.

ARMENIA

Samvel Martirosyan,
Information Security Expert

The discussion over the archives of the communist special services in Armenia arose concerning the political issue of lustration.

The first demands for the opening of the KGB archives in Armenia appeared before the Soviet Union collapse in 1988. However, despite the opposition political forces repeated demands for lustration, it did not go further than talk. Therefore, lustration was not carried out in Armenia.

The issue of lustration in Armenia was first raised by the public in late 1988. In February 1988, the Karabakh movement began. This was one of the first large-scale protest movements in the Soviet Union. Hundreds of thousands of people came out to rallies in Yerevan. Initially, there was only one demand — the annexation of the Nagorno-Karabakh Autonomous Oblast to Armenia.

At first, the demonstrators were loyal towards the Soviet authorities; one could see posters streaming "Lenin, the Party, Gorbachev". But after a few months the Moscow lost control over the situation. The leaders' arrests, force actions, bringing troops into the cities — all these rapidly led to metamorphosis, which shaped the movement into an extreme anti-Soviet form. The final phase was the actual detachment of Armenia from the Soviet Union even before the collapse of the USSR.

By the middle of 1988, there were discussions concerning the participation of KGB agents in the Armenian and Azerbaijani SSR and Nagorno-Karabakh events. Then, the first demands for lustration sounded from the rostrums of the rallies. They were utopian though, — as, despite the swaying of the situation, the Soviet security officials kept holding the reins of government.

At the same time, the centrifugal movements led to the fact that on September 21, 1990 the Armenian SSR KGB made an appeal in which it supported the Declaration of Independence adopted on the same year August 23 by the Armenian SSR Supreme Council. In fact, the State Security Committee abandoned the subordination of the centre and declared its depoliticization.

Exactly one year later, on September 21, 1991, Armenia held a referendum for independence. 99.5% of voters at 95% turnout voted for independence. The Supreme Council of Armenia confirmed the withdrawal of the republic from the USSR on the results of the referendum from September 23, 1991.

Social and political processes and lustration

A year after the declaration of independence, the issue of lustration became topical. In 1992, the Supreme Council of Armenia in 1990–1995, (today — the National Assembly, the Parliament of Armenia) — deputy Albert Baghdasarian initiated a project on lustration. The deputy was a member of the "Karabakh" committee, the main organizing body of the Karabakh movement in the Soviet period. But the proposed draft failed in the first independent Armenia parliament.

Much later this episode was commented by another Supreme Council of Armenia former deputy David Shahnazarian. He was also a member of the "Karabakh" committee, and in 1994–1995 he headed the Republic of Armenia State Department of National Security, which became the successor of the Soviet KGB, and now bears the name of the National Security Service.

"*The lustration issue was raised in Armenia many a time: in 1988, during the Soviet regime, and in 1992, and during my tenure as head of the Ministry of National Security (MNS) in the mid 1990s. However, same as then, now I continue to stand unconditionally against the adoption of such a law and I intend to do everything*

possible to prevent this from happening," — said Shahnazarian.

"*There are numerous reasons for this, and first and foremost is the fact that such processes are impractical in an authoritarian regime, in addition, the adoption of the relevant law will jeopardize the security of the country*," — the ex-deputy explained, when commenting on later initiatives on lustration in 2011. It is noteworthy that Shahnazarian has been in the strong opposition to the authorities for many years.

"*Furthermore, it must also be taken into account that the countries, cited by the legislative initiative authors — as an instance to follow, were occupied by the Soviet Union, what cannot be said of Armenia, where the Dashnaks voluntarily handed over the power. Therefore, if in these countries such cooperation is considered to be assistance to the invaders, in Armenia it was cooperation with the official authorities,*" — the former head of national security believes.

During the initial years of independence, the society did not consider lustration as a priority. In Armenia, until 1994, there was a bloody war with Azerbaijan over Karabakh. Energy and economic crisis was more urgent for an independent republic. In the future this topic, although raised, was not at the fore though. One of the reasons for this was the passivity of the Armenian Communists.

Unlike many post-Soviet republics, where the communist leaders continued to rule during the independence period, a velvet revolution actually took place in Armenia. In 1990, the party and its leaders were displaced, and those who fought the regime — came to power. During the period of independence, the Communist Party gradually withdrew from the political arena and was no longer a factor in politics. Questions of lustration were regarded separately from the aspect of the struggle against the Soviet past.

At the same time, the shadow of the KGB was still hanging over the political field of the country. This was the factor used by the political top in the struggle of the elites after the proclamation of independence. The accusations of the work on the KGB — naturally, unfounded, as the archives were not officially opened — was a trump card in the inter-party struggle.

The battle between the first Armenian president Levon Ter-Petrosian and the Dashnaktsutiun — one of the oldest Armenian parties, the Armenian Revolutionary Federation (ARF), became one of the sensational episodes where "spontaneous lustration" was used. The party was exiled in the Soviet times, and then became part of the political system of an independent republic. On June 29, 1992, Levon Ter-Petrosian made a televised address to the nation. He accused the Dashnaktsutiun of many sins. Among other things, he said that the party's leader Hrayr Marukhian directly cooperated with the USSR KGB and consistently embodied their line against the liberation struggle of the Armenian people for independence. Following the President's speech the head of national security Marius Yuzbashian, makes a statement, confirming the words of Ter-Petrosian.

Jumping ahead, we will say that Marukhian was expelled from the country. Later Ter-Petrosian achieved complete ban of this party in Armenia, but the next president, Robert Kocharian, abolished it.

In the middle of July, the Dashnaktsutiun party's printed organ the "Azatamart" newspaper published a response article, which — at this point — directed the accusation against Levon Ter-Petrosian, relating to his work for the Soviet state security. The newspaper publishes details of the agency activities of Ter-Petrosian. Sources of information are not clearly indicated, but in the Dashnaktsutiun they say they have documents confirming the president's connection with the KGB. It is reported that the documents are stored in the organization Munich office, but one of the originals is published as the proof.

These two statements gave rise to a long war of compromising materials. At the same time, the evidence base for both sides was missing, since **no official declassified data existed.**

In the future, the topic of lustration was raised several times by opposition political forces. Already in 2011, the opposition faction of "Heritage" launched an initiative on lustration.

The legislative initiative was aimed at declassifying information about people who openly or secretly cooperated with the special services of the former USSR and other countries before the September 21, 1991 referendum on Armenia's independence. This bill has caused the greatest debate in society in recent years. Lustration was also expressed by the Free Democrats, the Conservative Party, the Union of National Self-Determination, and a number of social and political figures. But on the whole, **the political field bent more toward abandoning the disclosure of the KGB archives.**

The government rejected the bill. RA Minister of Justice Hrayr Tovmasian, who represented this legislative initiative at the government meeting, stated that there is no need to adopt such a law, since the Republic of Armenia, having proclaimed independence, recognized itself as the successor of the Armenian Soviet Socialist Republic.

The minister explained that out of the former Soviet republics, only three Baltic republics and Georgia adopted such laws, because these countries believe that they were occupied by the Soviet Union. According to the Minister of Justice, the adoption of the law on lustration can also cause an unconstitutional situation, "*since it gives retroactive effect and provides certain restrictions for people, whereas at the moment when these relations took place, they did not cause any unconstitutional situation*."

"*I know what the secret documents contain. I think the following decision should be taken here. Several "Heritage" members need to sign the non-disclosure and be given an opportunity to examine certain documents. I am sure that after this, they themselves will claim: "People, do not do this*," — says the mentioned above former head of the Ministry of National Security David Shahnazarian.

The Supreme Council of Armenia ex-deputy Albert Baghdasarian, who submitted a similar bill to the parliament in 1992, said that the "Heritage" version of agents' lustration most likely aims at solving some domestic political plane issues.

The head of the National Security Service, Gorik Hakobian (who was the head of the NSSA in 2004–2016), stated even more harshly: "*A number of European countries, including several post-Soviet republics, have taken similar steps in this direction. I should note that this was not endorsed by wide sections of society, and was timely suspended*."

Based on the current realities of the country's development, the service rethought its tasks and directed its activities to ensure the safety of the citizen, society and the state. Persons cooperating with the security service play a big role in exposing foreign spies in Armenia. Specific information about them, according to the law of Armenia, is a state secret.

Most likely, the law "On lustration" will not be adopted either now or in the future. Regardless of political processes, Armenians will put the safety of the homeland above all.

Later, in 2016, the opposition faction "Heritage" head — deputy Zaruhi Postanjian again presented the bill on lustration in 2016, but parliamentarians refused to consider the bill. 30 deputies voted for, 70 — against, and 4 — abstained on December 5.

Legal issues related to archives

The KGB archives in Armenia are not directly open for work. The law on archive system says that documents that have lost their secrecy are submitted to the **National Archives**. They become available to society after such submission.

According to the rules of the National Archives, all documents stored in the archive should be accessible to researchers. There is an exception for documents containing confidential information and being in an unsatisfactory physical condition. Access to documents of personal, party, public funds can be limited according to the will of the fund-maker.

There are 3 reading rooms in the archives:

1. The central building (Gr. Kochara 5, Yerevan)

2. The second building (Marshal Baghramian 59 b, Yerevan)

3. A branch of film and photo documents (Tbilisi highway 25a, Yerevan)

One can order no more than 20 files a day. The order will be performed within the next business day.

Documents related to repressions of the Soviet period were transferred to the National Archives during the period of independence — from 1997 to 2015. Initially, the list of the repressed was published in the state newspaper "Hayastani Hanrapetutiun" in 1992. All the files of the repressed persons in the Soviet period were declassified. In overall, there are about 38 thousand volumes related to about 19 thousand repressed — such an amount of documents was disclosed by the organization **"Armenian Center for Ethnological Research "Azarashen"** in the course of research it conducted.

The rest of the KGB documents remain closed. In particular, all information related to the **agency activity** during the Soviet period is closed. Researchers cannot access the files of **Armenians who fought in the Armenian Legion of the Wehrmacht** in Nazi Germany. Also, any personal information is closed.

The Law on State and Service Secrets in Armenia was adopted on December 3, 1996. According to the Law on State and Service Secret, Article 15, secret documents must be preserved for 10 years. Documents with the stamp "Highly Important" and "Top Secret" are preserved secret for a period of 30 years. At the same time, for these types of documents, the government can make a special decision to extend the period of secrecy.

Within three months after declassification, the document is submitted to the state archive (article 16 of the law).

At the same time, the Law on Archival Business (adopted on June 8, 2004), Article 22 states that information about personal or family life can be classified for up to 100 years.

Government Regulation of February 22, 2002 "The Procedure for Transferring to Public Archives or Destruction of Declassified Information with Expired Periods of Storage, Constituting State and Official Secrets" indicates that "*information constituting state and official secrets (documents containing information) shall be transferred within a three-month period to the state archives of the Republic of Armenia after the storage term expiry and their declassification, by the state bodies and organizations — managers of the information, constituting state and official secrets*."

Virtually, no practice of declassifying the classified documents exists in Armenia. It's not just about the archives of the Soviet KGB. During the period of independence, a political and legal framework has not been formed that would make declassifying and publishing certain information and documents publicly important.

Most state institutions do not declassify documents in a routine manner. Most often, declassification simply does not happen at all. The non-governmental organization **"Information Freedom Center"** periodically monitors and sends inquiries to all ministries of Armenia asking for the number of classified and service documents declassified during a year. For example, in 2011 the organization reported that on the basis of requests it became clear that out of all governmental departments only the Ministry of Defense had declassified a number of documents and the Ministry of Foreign Affairs had declassified only one document. This occurs even despite the fact that all the documents which appeared in 2001 and earlier should have been declassified in 2011.

The replies on the organization's requests relating to the declassified documents during 2015 and filed to state institutions in 2016 also indicate that the procedure for declassification simply does not take place.

As for the KGB archives and their possible declassification under the Law on State and Service Secrets, the lawyers consider this 30-year period should be counted from the moment of Armenia's independence, that is, from September 21, 1991, and not since the existence of that or another document of the Soviet period. Accordingly, the question of the application of the law in full force will arise only by 2021, when the 30-year period will expire. But even after the expiration of the legal period, most likely, the government will use the legitimate possibility of extending the term of documents classification.

The major normative acts on the archives in Armenia are:

1. The Republic of Armenia Government Resolution No.168 of February 22, 2002 "On the Approval of the Procedure for Transferring to Public Archives or Destruction of Declassified Information with Expired Periods of Storage, Constituting State and Official Secrets."

2. The Republic of Armenia Government Resolution No.188-N of February 17, 2005 "On Approving the Procedure for Financing the Storage of the Republic of Armenia Archive Fund".

3. The Republic of Armenia Government Resolution No. 189-N of February 17, 2005 "On Approval of the Procedure for State Accounting of Republic of Armenia Archive Fund Documents".

4. The Republic of Armenia Government Resolution No. 932-N of 23 June 2005 "On Approval of the Procedure for the Examination of the Archival Documents Value Expertise and their Inclusion in the Republic of Armenia Archive Fund Composition and the Republic of Armenia Government Resolution No. 559 of September 4, 1999 Lapse."

5. The Republic of Armenia Government Resolution No. 1111-N of July 14, 2005 "On Approval of the Procedure for Recognizing the Archival Documents as Particularly Valuable and Unique, their Accounting, Producing of Insurance Copies and Storage."

6. The Republic of Armenia Government Resolution No. 1896-N of October 20, 2005 "On Approval of the Procedure for Depository Storage of the Republic of Armenia Archive Fund and the List of State Bodies, State Institutions and Organizations Performing Depository Storage."

7. The Republic of Armenia Minister of Culture and Youth Affairs Order No. 476-N of December 21, 2004 "On Approval of the Procedure for Using the State-Owned Documents of the Republic of Armenia Archive Fund."

8. The Republic of Armenia Minister of Culture and Youth Affairs Order No. 481-N of December 24, 2004 "On Approval of the Model Provisions on State Bodies, State Institutions and Organizations Expert Commissions."

9. The Republic of Armenia Minister of Culture and Youth Affairs Order No. 496-N of December 29, 2004 "On Approval of the Procedure for Storage of State-Owned Documents of the Republic of Armenia Archive Fund."

10. The Republic of Armenia Minister of Culture and Youth Affairs Order No. 204-N of April 15, 2005 "On the Approval of the Procedure for Archival Documents Processing and their Transferring to State Archives."

11. The Republic of Armenia Coordinating Minister of Territorial Administration Order No.1-N of February 16, 2006 "On Approval of the Procedure and Form for the State Register Keeping of the Republic of Armenia Archive Fund Unique Documents."

12. The Republic of Armenia Coordinating Minister of Territorial Administration Order No. 2-N of February 16, 2006 "On Approval of the Rules for the State Registration of Republic of Armenia Archive Fund Documents, Maintenance of Accounting Documents and Submission of Accounting Data for Central State Accounting."

Public Initiatives

Civil society studies on repressed people have started not so long ago. Previously, it was mostly an individual scientific work in the National Archives. Such results are periodically published in the "Archival Bulletin of Armenia" journal.

In 2012, the NGO the Armenian Center for Ethnological Research "Azarashen" in cooperation with the German public organization DVV International (German Institute for International Cooperation of People's Higher Schools Association), launched a program that encompasses studies of political repression in Armenia during the period of totalitarianism in the USSR and on the society reactions to these repressions identification in our days. The program is called "**Armenia total(itar)is**" (Totalitarian / Totalitarists Armenia).

"Armenia total(itar)is" studied totalitarian socio-cultural and socio-psychological manifestations among the population of Soviet Arme-

nia, as well as how the process of Soviet life was formed. The main goal is to publish the research results in order to work together to overcome the consequences of the totalitarian system. Organization's researches are being published on a separate website http://armeniatotalitaris.am.

The organization was also able, in cooperation with the National Archives of Armenia, to create a single register of files relating to victims of repression in the territory of Soviet Armenia — http://armeniatotalitaris.ru. The base includes the files of all those who were repressed in Armenia during the Soviet Union. This includes the files of those who were in captivity during the Second World War, who were sentenced to different terms — either as prisoners of war or as members of the Armenian Nationalist Legion of the German Army. The KGB archives did not provide lists of those prisoners of war who were not connected with repression.

According to the organization's expert Aida Papikian, who — in the course of "Azarashen" — takes part in database of the repressed launching, there is no single institution in Armenia that would be engaged in such researches. Therefore, individual researchers worked with no comprehensive understanding of what materials were open. In fact, a large-scale disclosure of the base on the repressed in the Soviet era has only now taken place.

BELARUS

Dmitriy Drozd,
Editor and author of the Belarusian Documentation Center Founder of the Practical School of Finding Repressed

Funds of Special Services

Departmental archives still keep the largest part of the funds issued by the former force departments of the BSSR. This not only impedes the characteristic of these funds, but makes it overall impossible. On the official website of the **State Security Committee of the Republic of Belarus**, which still bears its Soviet name, there is a section of the **Central Archives (the KGB (MSS) CA)**. There are only 4 sections: "On Information Obtaining", "Procedure for Application to the Archives", "Services" and "Contacts". There is no description of the funds, no number of documents and their specifics, funds guide is also missing.

We can only gain at least some information about the funds from other sections. For instance, out of the "On Information Obtaining" section:

1. Information about the service in the state security agencies (the CheKa, GPU (SPD), NKVD, NKGB, MVD (MIA), BSSR and Republic of Belarus KGB).

2. Confirmation of participation as a part of NKGB BSSR special groups, which operated during the **Great Patriotic War (GPW)** in the temporarily occupied territory of the BSSR.

3. Confirmation of participation in the liquidation of the anti-Soviet underground and banditry in the territory of Western Belarus in the post-war period (1944–1952).

4. Information regarding persons (natives of the districts that belong to modern Minsk region), subjected to political repression in the 1920s-1950s and subsequently rehabilitated.

5. Information regarding prisoners of war (Belarus natives) who were kept in the camps set up by the German occupation authorities during the World War II.

They use the same approach to informing citizens in regional branches: **the KGB Directorates archives for the Brest, Vitebsk, Gomel, Grodno and Mogilev regions.**

Some information may be obtained from the indirect sources. In May, 2010, **the head of the KGB CA, Vl. Doroshevich** gave an interview to the newspaper "Рэспубліка" ("Respublika") in which he narrated: "Most Belarus residents see the KGB Central Archives as a storehouse of concealed secrets, where information about people and events accumulates. This is the prevailing stereotype. In fact, in accordance with its status of the "departmental archive" it concentrates documents relating mainly to the state security agencies activities in the territory of Belarus from 1918 to our time. Alike other archives, the documents are systematized according to the inventories and

Results table of the review of the archived criminal files related to rehabilitation on the files remained deposited in Republic of Belarus KGB archives

Regions	Reviewed	Number of persons	Rehabilitated	Denied Rehabilitation
Brest	16023	22198	15462	6736
Gomel	19731	37731	26342	11389
Grodno	25029	29085	19040	10045
Minsk	38782	64022	51584	12438
Mogilev	23604	38281	28826	9455
Vitebsk	29230	44235	34660	9575
Total	**152399**	**235552**	**175914**	**59638**

funds. They are located in specially equipped archives. The KGB CA functioning mechanism is determined by the requirements of all-republican regulatory legal acts". The article contains a table with important statistics for the part of the KGB archives fund characterization.

It may be concluded that there are no less than 152.399 criminal files throughout Belarus KGB archives which contain information about no less than 235.552 citizens, out of which no less than 175.914 have been rehabilitated. This statistics, however, covers only the reviewed files since 1991. **First Deputy KGB Chairman, Major-General Igor Sergeienko** referred to these same data at a meeting of the "round table" on the issue of Soviet repression. The event was held at the newspaper "SB. Belarus Segodnia" ("SB. Belarus Today") editorial office on February 24, 2017.

Since 2002, under a treaty with the German **association "Saxon Memorials in Memory of Victims of Political Terror"**, to which Ukrainian Security Service is also a participant, the KGB CA has participated in an international program on tracing the fates of Soviet prisoners of war and their gravesites. Part of the archive from the Wehrmacht reference service after 1945 fell into the USSR. Here it was named "**trophy cards on Soviet prisoners of war"**. The KGB CA holds more than 20.000 of such cards, regional KGB departments hold the cards as well. In the period of 2002–2012, more than 25.000 archival documents for more than 15.000 prisoners of war — natives and residents of Belarus were processed, and this list can be freely downloaded from the website of the Belarus KGB.

Part of the KGB archive is being gradually transferred to state archives. Till November, 2009 it was possible to obtain information about persons who were forcibly driven away during the World War II (those who lived in the modern Minsk region) from the KGB CA. In November, 2009 archival filtration files were transferred for permanent storage to **the State Archives of the Minsk Region (SAMR).** It is known that by 2006 the KGB archives contained information on 280.000 people of this category.

It is much easier to characterize the funds of the special services, as well as other related funds, which fell into the state archives. The richest in this respect is **the National Archives of the Republic of Belarus (NARB).** As of 01.01.2017 on permanent storage base there are 1.106.982 files in the archives, which are grouped into 1.244 funds and 3.434 inventories. A significant part is the former **Central Party Archive of the Communist Party of Belarus** (**CPA CPB**). **The party archive of the Minsk CPB regional committee** was transferred to SAMR. These documents were mostly classified as secret and not readily accessible. Since 1993, the mode of their storage was subject to reconsideration. Employees of NARB continued work on declassifying these funds as secret.

NARB holds rather big (3236 storage items) fund No.1363 named **"The KGB under the Council of Ministers of the BSSR"**, 1939–1941; 1944–1957. It contains "documents of the primary party organization of the NKGB and the MGB of the BSSR: minutes of the report-elected party conferences, bureau meetings, the party committee and general meetings of the communists, files of admission to membership and candidates for membership in the VKP(b) [The All-Union Communist Party (of Bolsheviks)], personal files, lists". This might be very useful when compiling a list of special services.

The former party archive, which the 4-P fund holds, preserves 102.525 files. This is the richest material, both about the activities of the punitive bodies and the victims of repressions: the detailed notes of the NKVD of the BSSR in the CP(b)B CC and the CP(b)B CC in the CC VKP(b), information on combating kulaks, Zionism, banditry, sabotage, special reports on the counter-revolutionary struggle in the kolkhozes etc.

The researcher of the special services and repressions history may also be interested in the following funds: the CheKa in the struggle against counterrevolution ... under the SNK [Council of People's Commissars] of the BSSR, the GPU [State Political Directorate], the NKVD BSSR, the Police Department of the Ministry of Internal Affairs of the BSSR, the Special Chamber of the People's Court under the CheKa of the BSSR, the Revolutionary Tribunal of the BSSR, Special Division of the OGPU [Unified

State Political Directorate], Administration of detention places under the NKVD, and others.

But mostly the historian researcher might be interested in the **data base "Information on unreasonably repressed citizens of Belarus"**, which the NARB holds. It is formed on the basis of the state archives materials and the KGB and MVD (MIA) offices' archives. The DB provides a solution to a number of tasks, including searches throughout different fields and statistical analysis. The database development started back in 1992 and currently counts **180.500 entries**.

The preserved files of provincial and district CheKa, revolutionary tribunals, prosecutor's offices, prisons, etc. fell into the regional and zonal state archives. In addition, information on dispossessed kulaks, deported, deprived of voting rights citizens of Belarus, etc. can be freely accessed in various funds of non-force agencies. These are, for instance, the funds of the district, regional and circuit executive committees' fiscal departments, village councils, etc. Most of the above mentioned repressions were administered, thus information about them is stored in **the Ministry of Internal Affairs Information Centres (MIA IC)**. It has been experimentally ascertained that this information has been preserved very fragmentarily. It is significantly inferior both to qualitative and quantitative indicators of the Ministry of Internal Affairs IC funds of those regions in Russia to which the dispossessed kulaks were deported.

Archive legislation

Archival activities, access to archives, including archives of special services, work with citizens' appeals in the Republic of Belarus are regulated by the following legislative acts and instructions:

- The Constitution of the Republic of Belarus;
- The Law of the Republic of Belarus "On Appeals of Citizens and Legal Entities" of July 18, 2011 No. 300-3;
- The Law of the Republic of Belarus "On Archives Business and Records Management in the Republic of Belarus" of 25.11.2011 No. 323-3;
- Presidential Decree of the Republic of Belarus "On Additional Measures for Work with Appeals of Citizens and Legal Entities" of October 15, 2007, No. 498;
- Presidential Directive of the Republic of Belarus "On Measures for the Further De-bureaucratization of the State Apparatus" of December 27, 2006, No. 2;
- Rules of Work of Government Institutions and Other Organizations Archives approved by the Regulation of the Ministry of Justice of the Republic of Belarus of 24.05.2012 No. 143;
- Instruction on the Procedure for Access to Archival Documents Containing Information Relating to the Personal Secrecy of Citizens, approved by Resolution of the Republic of Belarus Ministry of Justice dated 24.05.2012 No. 132.

We intentionally took this information from the official page of the KGB CA in order to illustrate that the work of these archives, theoretically — does not differ in any way from the work of ordinary archives and is not regulated by any other legislative acts, including any internal instructions, other than those listed above.

Articles 34 of the Constitution of Belarus defines the right of access to information and its limitations: "Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information". At the same time herein: **"The use of information may be restricted by legislation** with the purpose to safeguard the honour, dignity, personal and family life of the citizens and the full implementation of their rights."

The Constitution enshrines the right to restrict access to information by the relevant legislation to safeguard the rights of citizens. The Law "On Archival System and Records Management in the Republic of Belarus" provides, in Article 28: "Users of archival documents have the right of access to them for obtaining and using the information contained in them..."

However, there are legal bases to restrict the access to documents: "The procedure for the use of archival documents containing state secrecy information, commercial and other secret information protected by law ... is established by this Law and other legislative acts." In

Article 29: "**Access to archival documents is restricted** if there is a reason to believe that this: will entail the disclosure of state secrecy information, commercial and other secret information protected by law; ... violates the rights and legitimate interests of citizens; will entail another violation of the law."

In fact, the only ground on which the Belarusian citizens may be denied access to archives in general and the KGB archives in particular, — is the protection of personal (private) life secrecy, (and far not the state secrecy information). However, the Law quite unequivocally determines that these limitations cannot be applied to documents in any way, if such documents have been declassified as non-secret or 75 years have passed since their issuing: "**Restriction of access to archival documents containing information pertaining to the personal secrecy of citizens is established for a period of 75 years from the date of issuing of such documents** ... The procedure for access to documents containing information relating to personal secrecy of citizens is established by the republican administration body in the field of archives and records management ..."

The Article "Temporary storage of documents of the National Archival Fund" lays down that: "Documents of the state part of the National Archival Fund prior to their transfer to the state archives, as well as documents on personnel, **are temporarily stored** in the corresponding archives of government institutions, other organizations... **The following terms for temporary storage are established: ... documents ... of internal affairs institutions, state security ... — of 30 years**". Thus, after 30 years of storage all files from departmental archives should be transferred to state archives. The prolongation of this period is possible only "on the basis of contracts concluded in accordance with the procedure established by the Republican administration body in the field of archives and records management."

In concern of state secrecy information, **the Law of the Republic of Belarus dated 19 July, 2010 No. 170-3 "On State Secrets"** leaves broad prospects for information access restriction, when in its Article 14 "Information that can be attributed to state secrets" it encompasses among such information the following: "on citizens cooperating (cooperated) on a confidential basis with the institutions conducting intelligence, counterintelligence and operational-investigative activities, as well as on regular secret employees and employees of these institutions, including those deployed in organized groups, performing (performed) special assignments". However, for this purpose the documents should be classified as secret by the relevant institution and, as a rule, **for 30 years**. If this did not happen or the documents or files do not have stamp **"Secret",** then these files might not fall under the Law. The majority of files about repressed persons have been made open in 1950–60[5] and later.

"Instruction on the Procedure for Access to Archival Documents Containing Information Relating to the Personal Secrecy of Citizens" almost doubles the Law "On Archive Business ..." determining the **75-year term**. In the question of access restriction "The Rules of Work of the Government Institutions and Other Organizations Archives" fully refer to the current legislation.

In the Republic of Belarus, legally the term of restricting access to documents that contain secrets of privacy can be reduced, but not increased. At the time of writing this article (2017), by simple mathematical operation it may be calculated that no **legal** restrictions on this attribute can be applied to declassified documents, produced earlier than 1942. However, practice badly differs from theory.

When the work on the book was already underway, the author received an answer from the Presidential Administration, which practically undercuts much of the above said. So, despite the Law "On Archive Business and Records Management in the Republic of Belarus" unambiguously determines that "Restriction of access to archival documents containing information pertaining to the personal secrecy of citizens is established for a period of 75 years **from the date of the issuing of such documents**", basing on some commentary, employees of the special services archives count the limitation period not from the date of document issuing, and not even from the archive deposit of a criminal file,

but **from the year of rehabilitation**, which prolongs the restriction till 2035–2065. As for the deadline for transferring files from departmental archives to state archives, which is defined by the Law in 30 years, **on the basis of new contracts these terms have been extended for the KGB and Ministry of Internal Affairs archives for 75 years**. This practically means that Belarusian government does not plan such a transfer until 2081 and 2084 respectively.

Working conditions and specificity of access to the KGB archives

The official KGB website, in fact, only explains the rules of work with citizens' appeals, and not an algorithm for independent access to the archives. Although there is a reference to the Belarusian laws, it is almost impossible to get access to work, except by way of obtaining information or acquaintance with distinct files on relatives. **Historian I. Kuznetsov,** based on his own experience, states: "The KGB archive remains completely closed, even for researchers. As an exception, close relatives of the repressed are permitted to get acquainted with archived investigation files of the later. At the same time pages with unwanted information are hidden with envelopes on them ... **Getting access to the systematic work — it's out of the question**".

There was a rather short period, the late 80's — early 90's of the twentieth century, when some researchers were admitted to the KGB archive, for example, **T. Protko,** but then the access was closed. In 1994, she finished her work on the book **"The Formation of the Soviet Totalitarian System in Belarus (1917–1941)"**, which was published in 2002. Until now, it remains the only book of this level in Belarus.

In 2001, there was published an analytical report of a group of Polish researchers **"Access to Information and the Activities of Special Services in Central and Eastern Europe"** under the supervision of **A. Zheplinsky**, who assessed the situation in Belarus: **"... In practice, access to the KGB archives is prohibited**..." More than 15 years have passed since then, but this report has not yet lost its relevance.

As for independent access to the KGB CA, according to the KGB employees, the situation is almost perfect. They name several well-known names of those who managed to work there independently. However, most of those researchers were themselves employees of special services, or held high posts in the archival hierarchy, or had influential patrons. For the last years there was no case when any independent historian has gained access to this archive. For example, T. Protko mentioned above, tried in 2015 to continue her research in the KGB CA, but she was denied.

It is impossible to receive information for a non-relative. The KGB employees traditionally depict almost perfect picture: "Both Belarusian and foreign citizens have the right to apply to the KGB of Belarus for familiarization with archival criminal files on their repressed relatives and friends. In the course of familiarization, personal documents and photographs of the repressed are returned to relatives. In 2009 alone, employees of the KGB CA considered 229 citizens' appeals and 154 inquiries of legal entities, **52 persons** were accepted for personal conversation and familiarizing them with archival materials..." The insignificance of these achievements illustrates only the fact that the reading room of the **National Historical Archives of Belarus** is visited by about 50 persons every day. The number of appeals considered can not at all be an indicator of the accessibility to the archive, since citizens are often denied of access.

Those who manage to prove their kinship with the repressed, indeed, if they want to, gain the possibility to personally get acquainted with the file, get an extract or a photocopy. In the KGB CA familiarization takes place in a special room only in the presence of an employee of the archives. All the information that the KGB officers deemed it necessary to hide from the visitor — is closed in the file. Even relatives cannot familiarize themselves with the contents of special envelopes. According to the instructions, they store information about the execution of the sentence with the performer's surname, as well as the burial place.

The KGB CA employees themselves publish, from time to time, books based on their own

funds, for example, **"Felix Dzerzhinsky: Knight of the Revolution", "The Shield and the Sword of the Fatherland" or "Generals of the State Security Institutions..."**

Unfortunately, the restriction to admission extends not only to the KGB archives, but also on obtaining information from the **"Information on Unreasonably Repressed Citizens of Belarus" database** in NARB, as it continues to be restricted **"for official use only"**.

KGB archives and society

One of the main topics for independent Belarus remains the theme of memory about the victims of repression and, as its embodiment, the problem of preserving the place of mass shootings of "Kuropaty". It cannot be stated, however, that the topic of access to the archives of special services is completely forgotten, since all these issues are closely interconnected. In the last 2-3 years, this interest is supported by a number of Belarusian initiatives, movements, parties, the media and individual historians. There is an in-depth discussion where different sides advance their views on the problem from "cannot be opened", through "open only to the chosen" to "open everything for everyone". This topic won even more after the opening of special services archives in Ukraine. Let us follow the dynamics of public interest in this topic over the past 10 years.

12.09.2006. The leader of the **United Civil Party, A. Lebedko**, in his address to the **KGB chairman S. Sukhorenko**, formulated a number of initiatives and proposals in which, referring to the experience of Ukraine opening archival files on Golodomor, he suggested: "...The disclosure of archives is an honest and a just step towards the victims of repression, their relatives, our history and ourselves."

29.10.2009. In the main state newspaper **"SB. Belarus Segodnia"** ("SB. Belarus Today") editorial office there was held a "round table" dedicated to the Stalinist repressions and "Kuropaty". The topic of opening the KGB archives was not even touched.

3.11.2009. "Belarusian Christian Democracy" party Resolution on the Remembrance Day of Dziada ancestors states: "We demand opening the KGB archives for researchers and a wide range of interested publics..." (translated here and below from Belarusian into Russian by the author).

27.11.2009. There was held a public discussion «**Курапаты — праз 20 гадоў**». ("Kuropaty — after 20 years").

11.05.2011. The international historical and educational, charitable and human rights community "Memorial" registered its Minsk branch and the former prisoner of the GULAG **Vl. Romanovskii** became its chairman**.**

16.01.2013. On the **"Радыё Свабода"** ("Radio Freedom") website the article "Krivaltsevich: Leave the Graves in Kuropaty" is published, where a well-known archaeologist claims that not new excavations, but only archives can give a clue.

30.07.2013. A round table was held in Minsk where representatives of public movements, party leaders and human rights activists discussed the concept of lustration during the transition from an authoritarian regime to democracy and the development of the text **"Lustration for Belarus".**

18.05.2015. The need to open archives was voiced at the conference **"Lustration for Belarus".**

24.10.2015. The "Vitebsk Courier" website issues an article under the title "History of the USSR KGB. Notes of an Eyewitness" **by colonel in retirement, former USSR People's Deputy, member of the Belarusian Left Party "Spravedlivyi Mir" ("Fair World") (former Communist Party of Belarus) Central Committee N.S. Petrushenko.** One of its sub-sections had the eloquent title "Why it is unnecessary to open the KGB archives."

13.11.2015. In Minsk, in the **"Palace of Arts"** there opened an exhibition **"The Truth about Kuropaty"**, prepared by members of the public initiative **"Experts in Defense of Kuropaty".**

3.12.2015. A presentation of the site of the **Virtual Museum of Soviet Repression in Belarus** was held.

8.03.2016. An attempt was made in Belarus to **register the historical and educational association "The Redemption of Memory"**.

20.09.2016. The first lesson at the **Practical School for Information Retrieval on Repressed Persons** was held in Minsk.

21.09.2016. On the **"Belsat"** TV channel launches the program "How to Declassify the KGB Archives? ..." dedicated to the topic of access to the KGB archives.

25.11.2016. The "Charter-97" website published an article **by Irina Khalip "Personal Case of Everyone"**, devoted to the problem of searching information about repressed.

3.12.2016. The "Charter-97" website published an article by **D. Drozd "Do not be an Accomplice"** on the topic of access to the KGB archives.

11.01.2017. "The Redemption of Memory" Association Organizational Committee published an address **"To the Citizens of Belarus and Belarusians of the Whole World".** In particular it stated: "We appeal to the leadership of the KGB, the Ministry of Internal Affairs and the Prosecutor's Office of the Republic of Belarus with a demand to review the files of unrehabilitated victims of terror ... to reveal the names of buried in Kuropaty and other places mass executions, to publish lists of officers of the Polish army shot in Belarus in the 1940s..."

22.02.2017. In Minsk, in the "Palace of Arts" was opened the second exhibition **"The Truth about Kuropaty"**, prepared by members of the public initiative **"Experts in Defense of Kuropaty"**.

24.02.2017. In the **"SB. Belarus Segodnia"** ("SB. Belarus Today") newspaper editorial office holds the second "round table" named **"Kuropaty — Memorial of Memory and Sorrow",** which was not only widely enlightened in state and independent print media, but also broadcasted on TV. This event marked a complete turnback of the Belarusian state from suppression and ignoring the Stalinist repressions to recognition of this fact and start of work on the construction of the Memorial in "Kuropaty". In addition to the scale of repressions and rehabilitation work, the topic of access to the KGB archives was also discussed at the meeting.

4.04.2017. Representatives of the public sent an open letter to the **Minister of Culture B. Svetlov**, in which, among other things, touching the question of construction of the Memorial in Kuropaty, they pointed out that the construction of this monument is impossible without revealing the names of these victims, which is impossible without opening the archives.

5.04.2017. Minister of Culture of Belarus met with representatives of the initiative "Experts in Defense of Kuropaty".

6.06.2016. The site of the newspaper **"Nasha Niva"** published an article **"How to Search for Information about Repressed Relatives: Archivist's Tips"**.

8.06.2017. In Astana the President of Belarus A. Lukashenko handed to the **President of Kazakhstan N. Nazarbayev** copies of archive files of the executed "enemies of the people" wives sent to the **Akmola camp of traitors to the Motherland wives**.

9.06.2017. "Радыё Свабода" ("Radio Freedom") website publishes an interview with **the editor-in-chief of the "SB. Belarus Segodnia" ("SB. Belarus Today") newspaper P.Yakubovitch,** where, answering the question of how he managed to obtain documents from the KGB archive, and whether the descendants of the victims of repression can similarly receive full files and copies of their ancestors' files, among other things, Mr. Yakubovitch said: "The main topic of the conversation is archives, access to them and how to solve this problem. According to the law for the last 20 years relatives had the opportunity to get answers to the questions why their grandfather, father or grandmother were arrested and shot, and could start the procedure of rehabilitation. All this took place, but often there is an absolutely childish demand: "Let us into the archive." My friend, what can you find in the archive? In most criminal files terrible details are hidden..." Yakubovich claimed against the full opening of the KGB archives, as these are "terrible files", and their contents can damage the reputation of many people who slandered others.

10.06.2017. "Nasha Niva" newspaper website posted a survey on the topic: "Do you sup-

port the full opening of the Soviet NKVD-KGB archives?" which was attended by more than 1,000 people. Eventually, the following results were obtained:

- Yes (982 — 92%).
- No (15 — 1%).
- I support the idea that only close people read these files (91 — 8%).

28.06.2017. The "**Радыё Свабода"** ("Radio Freedom") website publishes an article **"Belarusian Archaeologists about the Idea of Exhumation in Kuropaty: "The Archives of the NKVD-KGB Need to be Opened First"**, in which Belarusian archaeologists V. Vergey and N. Krivoltsevich both talk about the need to open archives.

4.07.2017. The "Belarusian News" site publishes an article **by Doctor of Law, Professor M. Pastukhov "DE-JURE. How to Reform the KGB?"** in which the author touches on the problem of archives and speaks for limited access to them: "The opening of the KGB archives (first for study by the parliamentary commission, and then — for access to all comers)."

At the time of the preparation of this report the release of new articles in the media does not stop. The "BDC" and "The Redemption of Memory" began preparations for a large-scale **Congress entitled "The Right to Establish Truth and Access to Archives"**, scheduled for August 22.

It can be concluded that the societal discussion about the need to open archives of special services and law enforcement agencies has been especially activated in recent years. The requirement of full opening of archives grows. Today this decision, which can only be taken personally by the President A. Lukashenko himself, does not seem completely impossible.

Organizations, initiatives and algorithms of archival search

From the very beginning of 'perestroika' and till this day in Belarus there are many societies and initiatives that are to a greater or lesser extent connected with the study of Stalinist repressions and the memory of their victims. Many of them are implemented within specific (often short-term) projects and often have less than a dozen activists. It makes sense to list only the most significant of those who gained a high public resonance and continue their work.

]On October 19, 1988 in the Minsk Cinema House there was held an **All-Belarusian founding meeting** (attended by 350 people), which approved the Charter and the Declaration of the **"Martyrology of Belarus" Society**. The main goal of martyrology is to uncover the mass repressions of the 1920's-1950's, ascertain the number of deaths in Belarus, in places of detention and imprisonment, and perpetuate their memory. In 1989 the society issued a bulletin "Martyrology of Belarus". In 1990, the film "The Road to Kuropaty" was shot. In 1993, the conference "Time, Monuments, People: the Memory of Repressed Archaeologists" was held, memorial signs were erected in Chervene, Kuropaty and others.

The Belarusian Association of Victims of Political Repressions is a voluntary association of citizens who suffered from political repression. The founding congress of the association was held on February 7-8, 1992 in Minsk, and on June 5, 1992 the Ministry of Justice of the Republic of Belarus registered it. The Association aims at providing legal, material, social and other assistance to those who suffered from political repressions, is engaged in perpetuating the memory of victims of repression and educational activities. It includes regional and district associations and organizations.

In 2001, in response to the work on the expansion of the Moscow Ring Road, which was held on the territory of the monument, an initiative **"For the Salvation of the Kuropaty Memorial"** was launched. To protect Kuropaty from destruction, activists sent protests to the authorities, actively raised the problem in the press. In autumn 2012, the initiative was restored in connection with public protests against the construction of the entertainment complex "Bulbash Hall" near the place of mass shootings.

A huge initiative to perpetuate the memory of the victims of repression, including the need to open archives, is carried out by the public initiative **"Experts in Defense of Kuropaty"**, which brought together prominent public figures, politicians, artists, historians and activists. The initiative managed to hold several exhibitions devoted to the Kuropaty issue, publish booklets, draw the Minister's of Culture attention to the existing problems, etc.

Over the past few years the initiative **"For the Rescue of the Memorial "Kuropaty"** and the Minsk branch of the international organization **"Memorial"** have jointly held a number of events: **the public Tribunal for Stalinism**, actions to perpetuate the memory of Stalinist repressions, round tables, meetings on the theme of Stalin's repressions in Belarus, the talaku in Kuropaty. Together they confronted the opening of the restaurant and entertainment complex **"Bulbash-Hall"** near Kuropaty, etc. Activists came to a joint decision on the need to create a new **historical and educational public association "The Redemption of Memory"** on the basis of two initiatives. Among its tasks, the society calls "the requirement of researchers' access to state and departmental archives, primarily the KGB and the Ministry of Internal Affairs archives."

Of great importance for the maintenance of a permanent public interest in Belarus in the subject of repression and access to archives is the work of the **candidate of historical sciences I.N. Kuznetsov**. In 1992 he defended his thesis on **"Mass Repressions in the 1930s and Rehabilitation of Victims of Terror"**. Today Kuznetsov is one of the main researchers of this subject in Belarus and a participant of many public initiatives and actions to protect the memory of the repressed.

Among organizations that constantly raise the topic of access to the KGB archives, one can name the **"Belarusian Documentation Center (BDC)", its head Raisa Mikhailovskaya**. On 05.04.2015 the organization website published an article by **D. Drozd "Search for Information about Repressed Relatives"**, its continuation **"The History of One Photo (Search for Information about Repressed — continued)."** The articles were published by many Belarusian mass media, and they also became the basis for other publications and TV shows. On 09.20.2016, the first lesson was held at the **Practical School of Information Retrieval on Repressed Persons**, which held several full-time sessions and dozens of consultations, sent dozens of requests to various archives of the special services of Belarus, Ukraine and Russia. Many participants of the School were able to get acquainted with the files of repressed relatives or obtain extracts from them. Within the framework of the project, more than a dozen professional articles on the information retrieval algorithm and personal search experience were published.

In November 2016, the **"Unified information retrieval system on repressed people"** started operating on the "Belarusian Documentation Center" website. This system conducts the search for more than 50 specialized sites where lists, databases, books of memory or any information about repressed can be found. In practice, the operating of this system embraces all the data available on the Internet today. The System has processed over 70,000 requests from around the world for six months. The very first days of the System's operation allowed us to get positive results.

On December 3, 2015 presentation of the **Virtual Museum of Soviet Repressions in Belarus** site was held**.**

Some Belarusian organizations and initiatives do not aim at opening access to archives, but without this it is absolutely impossible to implement their main programs. So, without complete and free access to the KGB archive, the implementation of the **"Lustration for Belarus"** initiative is impossible. This initiative has brought together a fairly significant number of respected Belarusian politicians, historians and activists, including former deputies of the Supreme Council and members of the Constitutional Court.

The algorithm of information search is as follows:

Checking the existing lists on the Internet. To do this, you can use the "Unified search sys-

tem for repressed" https://bydc.info/search.php — detailed instructions are available on the page, you only need to enter the last name of the repressed to search.

Checking the database **"Information on unreasonably repressed citizens of Belarus"** in NARB. To do this one needs to write an application. Keep in mind that this database is still closed and has a restriction "for official use only". Information from it is provided only if there is an evidence of kinship with the repressed.

Writing applications to the KGB CA and the Ministry of Internal Affairs Information Centre including the all known information about the repressed. When applying, it is possible to ask for personal acquaintance with the file of the repressed. For those dispossessed and sent to the camps, it is desirable to duplicate the statements to the places of expulsion or serving of punishment. It must be borne in mind that both in Belarus and in Russia, — in order to obtain information about repressed persons, — evidence of the kinship is required.

In overall, the search for information on the repressed in modern Belarus requires researchers to be persevering and patient, willing to spend dozens of hours searching for indirect information from available sources, and often even some impudence, when one has to get his way through numerous official refusals and obstacles, readiness to write dozens of applications and letters. Often this correspondence with the departmental archives of Belarus and Russia lasting for years does not bring results or gives it incomplete. Only the full opening of the archives of special services and law enforcement agencies can provide answers, both to personal questions of citizens, and to questions of great importance for the entire Belarusian society and state.

GEORGIA

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The KGB archives in a state

After the "Rose Revolution" in 2003 attention to the GSSR KGB archives in Georgia increased over again. First, the winning power in the pre-election promises raised the issue of lustration (the so-called "10 steps to freedom"), but later this power itself decided not to do so. The discussion ended on this. Before the war between Russia and Georgia in 2008 and especially after the war, the authorities began a new policy in the field of collective memory. The Soviet past, terror and political repressions became central to this project. It was decided to restructure and modernize the former Georgian SSR KGB archive.

Since 1990 and till now this archive history gives rise to various hoaxes and speculations. In 1990, mass anti-Soviet demonstrations took place in the center of Tbilisi, on Rustaveli Avenue. They were held next to the MVD-KGB building. The demonstrators broke into the building and tried to seize the secret documents. The guard quickly dispersed the protesters. As alleged participants and witnesses of the process assert, some of the important documents from the archive were later transferred to the special KGB repository in Smolensk. A group of Georgian KGB employees escorted the documents in order to sort and destroy them. The above sources claim those were the documents agency operational files, accounts and reports. But in fact the number and type of documents sent to Smolensk remains obscure till now. The numbers of the documents destroyed, sent back, the state and legal situation of the remaining part of the documents in the Smolensk archive are also unclear. After 2003 there was an attempt to raise the issue of the documents return, but with no success.

At the end of December, 1991 when there was a coup in Georgia, the KGB building appeared to be in the center of military operations. The building caught fire, and after the end of the shootings and clashes it turned out that most of the KGB archive was destroyed. It is still not completely clear how many files were burnt and how it happened that the rest of the documents survived (according to official information in 1991, 230 000 items were stored in the archive, out of which 210,000 were burned).

The remains of the archive were transported to the National Archives of Georgia storage and, later, in 1995, they were handed back to the Ministry of State Security and were placed in the building of the so-called "Module".

During the 1990s, access to the archive was insignificant: legal uncertainty was exacerbated by poor conditions in the building and violations of the document storage provisions.

After 2005, the Ministry of Internal Affairs of Georgia (at that time the security service was part of the Interior Ministry structure) established an archival office, which incorporated the former KGB archives and the archive of the GSSR Marx-Engels-Lenin Institute (MELI). This room has been technically equipped and the repository was renovated. The archive management started to popularize itself: edited its own magazine in partnership with different media, shot documentaries, etc.

After the inventory and digitalization of the KGB archive it became possible to name the number of documents. According to the official information of the archive management, the situation is as follows:

Fund No. 1 — Circular instructions and reference collections on the line of the USSR Security Service activity: 1 134 volumes.

Fund No. 6 — Investigation files: approximately 20,000 investigation files of 1920–1990.

Fund No. 8 — Protocols of non-judicial bodies (the Presidium, colleges, CheKa-GPU-NKVD meetings, triples (*"тройки"*) under the NKVD): approximately 941 volumes of protocols.

Fund No. 12 — Protocols of the supreme measure of punishment (SMP) execution: 92 volumes with data on 16 639 persons.

Fund No. 13 — Lists and personal files of persons displaced in special settlements: specific statistics are not publicly available.

Fund No. 21 — Data on rehabilitated victims of Soviet Terror: copies of the GSSR Supreme Court Colleges in Criminal Files on the rehabilitation of 18,000 persons.

Fund No. 9 — Filtration files of prisoners of war: 1,300 files.

Fund No. 14 — Data on irreversible losses in the World War II: 105 volumes in copies containing data of about 120 thousand persons. According to the archive information, the originals are stored in the archives in Podolsk.

The manning of the KGB archive began since February (actually — March) of 1921, after Soviet Russia occupied Georgia and created the GSSR CheKa. Prior to the actual actions of the GSSR CheKa, the tasks of "state security" were performed by the Special Division of the 11th Red Army. The archive has preserved its documentary heritage since 1920.

Based on the funds lists, it becomes obvious that several "white spots" exist. Namely:

1) what has happened to an array of internal KGB official documents (service correspondence, memos, reports, accounting documents, chancellery, etc.);

2) what has happened to personnel records and personal files of employees archives;

3) what has happened to the KGB district departments of the Georgian SSR archives;

4) whether the archive and card catalogue of the secret KGB employees is preserved or was burnt;

5) where is the archive and documentation of the frontier and internal troops?

The situation becomes even more complicated due to the fact that there was no one to find out anything neither about the structure of the GSSR KGB archive, nor about the documentation characteristics or other statistics.

Curious is the fact that the Adjarian ASSR KGB archive is fully preserved till nowadays, but the autonomous republic state security administration denies the existence of the archive and thus excludes access to it.

Until 2017, the first section of the Ministry of Internal Affairs archives (the last exact name is the Georgian Interior Ministry Academy Archives) was located in the building of the State Security Service (the so-called "Module"), but currently it is being transferred to a new location — the Interior Ministry Academy building.

The above-mentioned KGB archive funds contain very interesting materials about Soviet political repressions, the struggle of the Soviet regime against the underground movement for the restoration of Georgia's independence, the mass terror of the 1930s, the World War II, and post-war "cleansings". They also store information about the KGB routine rounds on "smugglers", and since 1970 — about operations against dissidents. Particularly interesting is the fund number 1, which contains collections and instructions on the activity of the Soviet special services.

Some KGB documents are also kept in the Georgian National Archives. More precisely: in the NKVD-MVD archives fund, the Supreme Court of the GSSR fund and in the fund of the GSSR Prosecutor's Office (the latter contains part of the prosecutor's supervision of the KGB investigation files). However, due to access problems, it is impossible to claim accurate statistics and characterization of the materials.

The situation is the same with the Adjarian Autonomous Republic Archives, which contains the Adjarian ASSR Ministry of Internal Affairs archive fund.

Archive legislation

Access to the documents of the former GSSR KGB archives is regulated by the Ministry of Internal Affairs of Georgia order, which guarantees the transparency of the KGB and CP of Georgia materials of 1920–1991.

Major problems of the archive legislation:

1. **There is no single law** that would regulate the basic principles of archive system and archival institutions. There is a law on the National Archives and Archive Fund, which seeks

to be so. But only the National Archive recognizes it as the governing law, and other archives, led by their own reasons, establish separate regulations or charters of internal order. Therefore, there is a different state of transparency, access, infrastructure and working conditions in different archives. The level of communication and cooperation between archives is extremely low.

2. **The main archives poorly understand the tasks lay upon them**. Instead of physically storing documents, keeping records, processing search queries and creating comfort for users, in practice, archives protect and control the information stored, and create different restrictions for users. In addition, almost every archive has a tendency to be regarded as a scientific institution (despite the often critically low level of scientific staff) and therefore the institution considers the visiting researchers as competitors.

3. In order to restrict access to documents the archives tend to find loopholes in the current legislation. One such tool is the concept of "**personal information**". The National Archive network refers to the Law on the National Archives and Archive Fund, which prohibits third parties to read documents containing "personal information" without the consent of the person or his/her heirs before the expiration of the 75-year period from their regulation. Referring to this, the archive arbitrary blocks all information after 1942, often complicating the access to materials of earlier years either.

The law does not consider the fact that the legal concept of "personal information" implies any information that allows identifying the person (including the name and surname). As a rule, that part of information that requires special control is often called "sensitive" or "personal", as it covers information about the private life, finances and health of an individual. The law does not consider these differences in terms and concepts and blocks access to all information about all persons, regardless of who the person is — an individual or a civil servant.

The situation is even aggravated by the indifferent attitude of the supreme authority towards the problems of collective memory, soviet totalitarianism legacy and the archival sphere problems.

Working conditions and specificity of access to the KGB archives

After 2009, there were no incidents of refusal to provide documents from the archive. Internal order and price of services are regulated by separate rules:

1) the President of Georgia decree on the creation of the Ministry of Internal Affairs Archives (No. 494 of 06.09.2011): defines the functions and structure of the archives and its offices;

2) a Government of Georgia regulation on payment for services provided by the Ministry of Internal Affairs Archives (No. 428, of 16.10.2012).

All Georgian or foreign citizens are allowed to access the documents — the law **does not provide for any restrictions.** But it also does not give any privileges for the work of scientists, students, etc. Even the objects of the investigation file themselves or their heirs do not have any advantages in accessing the documents. They pay very high prices to copy documents that relate personally to them or their family members. Usually the archive issues copies with "watermarks", what practically excludes the full use of the "product".

Based on the archives "autonomy", **each institution determines the price** of services and the list of services **at its own discretion**. For example, until 2017 the National Archives considered the familiarization with documents as the service which was charged. In addition, the researcher's work in almost all archives is made more difficult by high prices for documents copying. This, in fact, excludes the possibility of obtaining a large volume of copies, which are necessary for proper scientific activity. The price for a copy is 3 GEL per page, regardless of whether the archive itself takes copies for the researcher or the user applies his or her own devices.

The procedure for registering a researcher or filing a request is fairly simple and fast: a statement on the documents familiarization request and the personal questionnaire has to be filled out at one of the departments. Usually this all takes 1 working day.

Working hours of the Ministry of Internal Affairs Academy Archives are from 11 to 6 each working day during the year, except for the official holidays.

Currently the MIA Academy Archives is moving to a new building, what gives hope for better working conditions with documents. Prior to that, the first MIA Academy Archives department (KGB-MVD archive) was located in the State Security building, and the second department (GSSR CP archive) was stored in former Automatic Telephone Office (ATO) building of the "Mukhiani" section. Working conditions in the reading room were rather uncomfortable. There was not enough space, the hall was located next to the working rooms, and there were no stationary computers and the Internet.

It was especially inconvenient at the first department, for one needed to get a pass through the State Security checkpoint, be searched, and leave all electronic devices and mobile phone in the storage.

Because of the problematic infrastructure, it was difficult to use internal electronic databases and search tools. They were available only within the archive management network, so it was impossible to connect through visitor's own laptop, and the analogues of the internal database on the archive site were critically inconvenient.

The official standpoint of the archives is that there are no such materials that are not given out to users. Since the society cannot independently audit the archive's repository and does not even undertake such attempts, no one can officially put this version into question. The society depends on the KGB archive funds inventory posted on the archive site. It did not ever happen that the archive rejected requests for documents from these funds.

It is peculiar that the above-mentioned Minister of Internal Affairs order (on the openness and transparency of the KGB archives from 1920 to 1991) does not at all consider the concept of "personal information" related to the personal privacy, health, finances of private individuals who were victims of the Soviet terror. On the one hand, it deprives the MIA Academy Archives of the opportunity to use this rule as a ground to restrict access to documents (as the National Archive does), but on the other hand, there is question of respecting the right to privacy of those citizens who were injured by the special services: those who were surveilled and suffered from inhuman pressure on them.

The KGB archives and the society

The fire in the KGB archives and the tragic processes of general chaos in Georgia in the 90s influenced strongly the public attention around the comprehension of the Soviet past. At the turn of 1990–1991 there was a public discussion about lustration and the press often drew attention to the matters of Soviet terror. But later, in the 90s there were almost no fundamental initiatives and discussions about the KGB archives and questions of the Soviet history.

Individual historians, journalists and private individuals sought access to investigation files, but the number of such visitors was very low. This did not stimulate the archive to be transparent and introduce new technologies.

The Georgian community "Memorial" has started one of the public initiatives around the KGB archive materials. It engaged in the systematization of archival data regarding the repressed persons, who were shot in the GSSR in 1924 and 1937–1938. "Memorial" published these data in its own newspaper, but due to lack of resources and other reasons, the process soon stopped.

After the Ministry of Internal Affairs Archives was reformed and opened in the late 2000s, the issue of transparency and increasing the level of access was not publicly announced, since the archive and the state have always emphasised that the archive is absolutely transparent and provides modern services.

Until the beginning of 2010, public initiatives on the comprehension of the Soviet past were poorly developed. Reformation of the archive did not happen due to the lack of such movements, constructive criticism and non-involvement of the society.

The process of a museum of Soviet occupation establishment in Tbilisi was similar. The museum was established very quickly, supervised by a very small closed group of people, none of whom can be considered a professional historian. As a result, the museum is now full of falsifications and represents a manifestation of false stereotypes about Soviet history and the Resistance movement in Georgia.

The emergence of independent initiatives which aimed to study the modern history and tried to identify systemic problems in the archives led to an attempt of founding in 2014 opportunity for dialogue among researchers, citizens and representatives of the main Georgian archives. They were to exchange information about problems and develop optimal solutions. The process was led by the South Caucasus Bureau of the Heinrich Böll Foundation, which has long supported programs to comprehend the Soviet past. The main party to the dialogue on the part of independent research initiatives was the SOVLAB — Soviet past research laboratory. The dialogue did not turn out: the participants and the archives did not show enthusiasm for the continuation of the discussions. Oppositely, negative processes related to the access to materials of the National Archives network began.

The SOVLAB organization prepared a report on diagnosing problems in the archives sphere and a set of recommendations for improvement. For several years, it has been advocating this package in political and public circles, but so far, with little success. Recently, the organization has launched a public campaign to inform the general public about the essence of the archival system problems.

In the current months, there has been a very slight positive progress in both major archives, but the above fundamental problems continue to obscure the free scientific activity of independent researchers. Unless the supreme authority supports the harsh and principled reforms steps, one should not rely upon the improvement of the situation on the part of the archives.

Organizations, initiatives and algorithms of archival search

During the 1990s there was only one organization from the side of society — the Georgian "Memorial", which tried to unite the members of the repressed families, systematize information about the victims, collect family archives and disseminate information to the general public. The organization still exists, but actively does not work anymore and the online archive is not available.

After 2010, new public initiatives emerged. Two significant research and educational projects were carried out by the NGO "Institute for Development of Freedom of Information — IDFI". In 2011–2013, it was engaged into the launching of an electronic database of documents related to the events of March 9, 1956 and the compilation of an electronic collection of biographies of the Georgian part of the so-called "Stalin lists", as well as the preparation of the exhibition.

Since 2010, the non-governmental organization "Soviet past research laboratory — SOVLAB" has carried out a number of researches and educational projects aimed at understanding the Soviet past: "Topography of Red Terror — Tbilisi", "Topography of Red Terror — Telavi." This is a historical and educational tour — a map with the stories of the sites, places, houses of old cities and people living there. The project explains the reasons for specific stages of Soviet repression, illustrates the directions, goals and results of terror. In 2011–2012, the publications "Topography of Red Terror — Old Tbilisi", "Comprehension of the Soviet past — a collection of discussions", "Lost history — the memory of repressed women" were printed. Two documentaries were produced: "Great Soviet terror — people's stories", "Stories told live —

the memory of repressed women". Within the framework of this project exhibitions were organized in various cities of Georgia.

Since that same year, the organization has launched the "Public Archive" project (archive.ge) — it is an open web-archive that collects oral stories and digitized versions of unique historical documents — personal archives of Georgian citizens (including those documents that are stored in the families of the repressed persons).

In 2013–2017, the organization carried out such projects as: "Memorial collection of the Constituent Assembly of the Democratic Republic of Georgia history, biographies of deputies who might be called repressed by a parliament, and related documents", "Project on the identification of places of mass executions in 1920–1940s years in Tbilisi, Telavi and Gori", "History of the political Red Cross of Georgia" and "History of the self-government reform in the first republic of Georgia in 1918".

There are still no electronic or printed memory books in Georgia which would reflect the mass of information from the KGB or other archives (there are only two exceptions: the Book of Memory of Repressed Physicians from Georgia and the Stalin Lists from Georgia). The Ministry of Internal Affairs Academy Archives website has search capabilities for individual funds (as listed above: investigation files, "triples" (*"тройки"*) database etc. See **archive.mia.gov.ge**). But one can search for people in funds only by name, patronymic and surname; other actions cannot be carried out. The internal database contains a lot of digitized documents and more extensive information retrieval capabilities, but it is hardly accessible even in the reading room. The remote access is beyond the discussion.

MOLDOVA

Igor Caşu,
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The archives of Soviet political police in Moldova

The documents of the former political police of the Moldavian SSR are preserved in several archives of the present day Republic of Moldova. The main bulk of them can be found in the archive of the Service for Information and Security (SIS) of the Republic of Moldova, the institution that is the official heir of KGB of MSSR. Since January 2010 when a Presidential Commission for the Study of Communist Totalitarian Regime in the Republic of Moldova has been set up, a part of the KGB documents has been transferred to the National Archive of the Republic of Moldova. Another set of documents of the former Soviet political police can be found in the archive of the Ministry of Interior. Part of the documents were later transferred to the National Archive as well. Another set of documents pertaining to the activity of KGB and its predecessors are located in the archive of Social-Political Organizations of the Republic of Moldova (AOSPRM), former archive of Central Committee of Communist Party of Moldova (CC of PCM). Mainly it is about the correspondence between CC of PCM and NKVD-NKGB-MGB-KGB from 1940 to 1989.

The total number of files is not known exactly. But the most valuable ones and made accessible in the last 7 years — those of repressed persons during the Soviet period — are known with mathematical precision. In 2010 there were 52.231 personal files of the victims of political terror in the SIS depositories and 33.590 of the persons repressed by the Soviet regime in the archives of the Ministry of Interior, mainly persons deported during the three mass deportations from Moldavian SSR (June 12–13 1941, July 5–6 1949 and April 1 1951). Out of the total number of the files of 85.821 repressed persons, 25.000 files were transferred between 2010 and 2014 to the National Archive: about 10.000 files from the Ministry of Interior and 15.000 files from the SIS archive.

As mentioned above, the archive of SIS represents the archive of the former KGB of the Moldavian SSR. Besides the fond of the repressed persons which is the largest, there are also other fonds, but the access to them is restricted till nowadays. In 2010, the members of the Presidential Commission for the Study of Communist Totalitarian Regime in the Republic of Moldova had access to some of them. One of the most important fond as it gives general information about the activities of the NKVD-NKGB-KGB is called *Orders and reports of the KGB of MSSR* («Приказы и распоряжения КГБ МССР») which covers the period from 1940–1941, 1944–1989 and contains 3,765 files (дело). Another fond is referring the administrative issues and contains 493 files. The largest fond is called the Filtration and Trophy fond referring to persons repatriated in USSR after 1945 (the majority of them forcefully) and prisoners of war (48,000 files).

Unfortunately, one of the most valuable fonds of documents related to the repressive policies of the Soviet political police were destroyed in 1994–1995 following the publication of the volume of documents edited by Valeriu Pasat *(«Трудные страницы истории Молдовы». Москва: Терра, 1994)*. The context in which the liquidation of the above mentioned fond happened was that a pro-Russian parliament was elected in 1994 following a four year period of incipient de-communization. Pasat's volume

contains excerpts from reports *(докладные записки)* of NKVD-NKGB-KGB of Moldavia from 1940 to late 1950s. Fearing historians would continue the publication of these reports till late 1980s and would mention the then politicians that started their careers in 1960s, 1970s and 1980s, the leaders of the Democratic-Agrarian Party that had won a comfortable majority in the parliament decided to destroy those files.

Other fonds have been preserved however. Among the other fonds, smaller ones, there is a fond covering the mass terror of 1937–1938 in the former Moldavian Autonomous Soviet Socialist Republic (this fond was split between SIS and Ministry of Interior). The SIS archive contains a small fond (4 volumes) related to the partisan movement in the Moldavian SSR during the Second World War, the great bulk of documents — more than 1000 files — related to this topic being preserved in the archive of the former Central Committee of the Communist Party of Moldavia (presently the Archive of the Social-Political Organizations of the Republic of Moldova, AOSPRM). There is another fond called Documents of district administrations of NKVD of Moldavian SSR covering 1940–1941 and 1944–1946 (11 volumes). There is a small fond called Lists of the Romanian citizens expelled from USSR in 1945 (3 volumes). Related to deportations, there were preserved one volume of the file on mass Deportations from Moldavian SSR in July 1949 and one volume of documents related to the repatriation of Bessarabian Germans in Germany in the fall of 1940 after the Soviet occupation of Bessarabia, a part of Romania, in June 1940, following the Hitler-Stalin Pact of August 23 1939. This small fonds — on Romanian citizens expelled in 1945, deportations of 1949 and repatriation of Germans, as well as decisions of troika during the Great Terror in MASSR in 1937–1938 have been transferred to the National Archive of the Republic of Moldova and can be accessed by anyone interested in, be they Moldovan citizens or foreign nationals. The fond on partisans and several others like that on Special Departments (Особые отделы) were not accessible to the researchers after 1991, the access being denied even to the members of the Presidential Commission created in 2010.

The other important archive that hosts an important number of the documents related to the activities of the Soviet political police is the archive of the Ministry of Interior of Moldova which hosts the archive of the former civil police (militia) of Soviet Moldavia. The archive of the Ministry of Interior contains mainly files of the former deported persons from MSSR (including MASSR, from 1930). But it also contains files of NKVD from the Moldavian ASSR (a part of Ukrainian SSR, 1924–1940, on the left of the Dniester River), especially related to the victims of the Great Terror, 1937–1938 (59 files) and a fond of persons condemned by extrajudicial institutions (such as Military Tribunal) covering 1919–1952 and containing 4806 files. As noted above, the largest fond from former MVD is that of the persons repressed by the Soviet regime, mainly persons deported during the three mass deportations from Moldavian SSR (33.590 files).

The laws on access to archives

The access to archives in the Republic of Moldova is made according to the Law 880-XII On the Archival Fond of the Republic of Moldova adopted in January 22 1992 by the Parliament and promulgated by the then President Mircea Snegur. Subsequently, on May 27 1992, through a special decision of the Government of the Republic of Moldova there was adopted a Statute of Archival Fond of the Republic of Moldova which ruled more in detail the access to various types of documents and belonging to various archives and special depositories. The degree of access to the fonds and files pertaining to the activities of the Soviet political police was anticipated by the categorizations of the archives of the former KGB of Moldavian SSR and Ministry of Interior (MVD) of MSSR as special depositories and not as archives. Hence, by default the access to the files issued by these two Soviet institutions was limited to the researchers or denied altogether for about two decades after the independence.

Section III of the Statute stipulated that the access to judicial files — referring to the files of politically condemned persons from the Soviet period — is 75 year after these documents were being issued. This means that documents issued by the NKVD or other repressive organs of the Soviet regime in 1940 (the year when Bessarabia was occupied by USSR) were to be accessible to historians and other interested persons starting in 2015. In practice, the access has been denied to individual files issued by the Soviet political police before the year 1940 (in MASSR, 1924–1940). This was true about the files on the various activities of the VCheKa, OGPU, NKVD, NKGB, MGB, KGB on the territory if MASSR and MSSR. The earliest files pertaining to political repression in MASSR/MSSR that are preserved in Chișinău archives are from 1919 and 1920.

The access to the files of the persons repressed on political ground by Soviet political police — executions, arrests, deportations — are regulated by a special law that has been adopted in early 1990s in almost every former Soviet republic. It is about the Law 1225-XII on the Rehabilitation of the Victims of Political Repressions adopted on December 8 1992. In conformity with article 3 of this Law, all persons condemned by VCheKa, OGPU, NKVD, NKGB, MGB, KGB from November 7 1917 to June 23 1990 (when the Declaration of Sovereignty of Moldova has been adopted) for various "crimes" like "counter revolutionary activity", "treason of the fatherland", "defamation of social and political order", "violations of laws stipulating the separation of Church and state" and so on were to be rehabilitated. Based on that Law, all the former victims that survived the repression and their relatives were entitled to have access to the files and get a photocopy for free. The application of this Law however was restricted by governments that had a pro-Communist or pro-Soviet ideological pedigree. This happened especially during the 9 year rule of the Party of Communists of the Republic of Moldova (PCRM), under the Presidency of Vladimir Voronin (2001–2009), the last but one Ministry of Interior of the Moldavian SSR in 1989–1990.

A turning point in changing the legislation related to the access of files and fonds of the Soviet political police in Moldova happened in 2010. On January 14 2010 the then President (*ad interim*) of Moldova, Mihai Ghimpu, adopted a Decree on the creation of the Presidential Commission for the Study and Evaluation of the Communist Totalitarian Regime in the Republic of Moldova. According to this Decree, all state institutions, including the Service of Information and Security and Ministry of Interior, were obliged to open their depositories for the members of the Commission in order elaborating a report on the crimes committed by Soviet occupational forces on the territory of the Republic of Moldova. Although this Decree is still valid, it had judicial force only for the period of the existence of the Commission (January 14 1010 — June 30 2010). The Parliament in 2010 and in subsequent years was very fragmented both politically and geopolitically and it did not succeed to pass laws that would make access to the archives of Soviet political police permanent. Understanding that changing the legislation was a deadlock the Presidency in 2010 adopted a strategy in order continuing the policy of extending access to the archives of the KGB. More exactly, it was decided that the SIS and Ministry of Interior would transfer their fonds step by step to the National Archive of the Republic of Moldova. As all the fonds of the National Archive are in open access (with some minimal restrictions related to personal data) automatically all the files transferred from other secret archives became accessible both to Moldovan citizens and foreign nationals. In this way, the model Moldova followed in the liberalization of legislation pertaining to the access to Communist political police was different from that of the majority of the former countries of Central and Eastern Europe (Poland, Romania etc).

Access the KGB archives: its specificity and limits

Except for short periods, in the last 26 years from its independence, the access to KGB archives was denied in Moldova both to local

historians and foreign nationals. The first time the archives of the former KGB of Moldavian SSR was open to the researchers was in the early 1990s till 1994–1995. In the that period, several historians, among them Elena Postică, Ion Țurcanu, Veronica Boldișor and several others had access to the KGB files. The majority of these historians were interested to shed light on the degree of armed resistance against the Soviet regime in Bessarabia in the aftermath of the Second World War. Both Postică and Țurcanu published articles in academic journals and newspapers both in Moldova and Romania on that subject, as well as published each a book on the anti-Soviet resistance in Moldavian SSR in late 1940s-early 1950s (in Romanian, 1998 and 2000). Till nowadays, these two books are referential on that subject, but of course they are outdated both in empirical and conceptual terms. Another historian, one of the main historians of the Soviet Moldavia, that had access to KGB files in early 1990s but continued to share its pro-Soviet attitude in his works after 1991, was Vladimir Țaranov, former director of the Institute of History for more than a decade (1977–1991). From the archives of KGB he used mainly files related to the mass deportation of 1949 and did not manifest any interest in the resistance issues or other aspects of history of MSSR that would reflect a repressive policy against the local population. In his several books published after 1998, Țaranov continued to consider the mass deportations as a "tragedy" of the local population and did not label these mass repressive campaigns as crimes of the Soviet regime like some of the boldest historians did that already during the Perestroika period.

In mid 1995, the access to the archives of the former KGB was denied again for about 15 years. This was due to political factors: in 1994, a pro-Russian political party, Agrarian-Democratic Party, won the majority at the parliamentary elections and thus the access to KGB archives was initially restricted and then banned altogether.

Between 1998 and 2000 Moldova was governed by a pro-European coalition of political parties, but this did not have a substantial consequence on politics of memory, especially in terms of access to the archives of the former KGB of Moldavian SSR.

In 2001 a party called the Party of Communists of Republic of Moldova won the majority of the votes in the parliament and once again in 2005 and thus as one can easily anticipates the access to KGB archives was denied till 2009 when Vladimir Voronin's party lost its leverage on power in Moldova. During Voronin's one party rule even members of the families of those repressed in the Soviet times were denied to consult the files that were deposited in SIS archive or in the archive of the Ministry of Interior. Some researchers that did their Ph.D. on mass repressions and insisted they would like access these files were even threatened that if they will insist they would have face problems (including threats about the security of their family members).

In 2009–2010 started another period in terms of politics of memory in the Republic of Moldova. A coalition of four pro-European parties won the majority in the national parliament and as it was expected, the access to the archives of KGB became one of the main objectives of the new regime. One party, the Liberal one, made the opening of the archives of the former Soviet political police its main objective as a tool against its political rival, the Party of Communists, but also as a part of the larger effort to distance Moldovan society as a whole from its Soviet past and encourage closer relations with Romania and European Union. As a result, when Liberal Party (which had 15% of members of the parliament) got its representative appointed as *ad interim* President of Moldova, a Presidential Commission for the Study and Evaluation of Communist Totalitarian Regimes was created in mid January 2010. Gathering 30 historians, linguists, sociologist, lawyers and writers, this Commission had free access to the fonds available in early 1990s and to other fonds that nobody knew they existed in Moldova. Other interested historians or journalists non-members of the Commission had access to KGB and MVD archives in January-June 2010 when the Commission official-

ly functioned. Unofficially, till December 2010 those members and non-members of the Commission had the possibility to consult mainly the fond of repressed persons from former KGB archive and MVD, but also several other fonds. As mentioned above, the legislation regarding the access of to KGB/MVD archives has been not changed after 2010, as not all pro-EU parties represented in the parliament agreed on that. In consequence, it was decided that files form SIS and Ministry of Interior would be transferred to the National Archives and automatically make them accessible to all those interested. Till 2014 in this way there were transferred about 25, 000 files related to repressed persons, but also several other small fonds related to Great Terror in MASSR in 1937–1938, mass deportation operations (reports on the organization, deployment and immediate aftermath of deportations), repatriation of Romanian citizens after 1944.

The reading room of the National Archive can receive up to 30 researchers at a time. Both local and foreign historians and non-historians presenting a letter from their institution either in Romanian, English or Russian can have access to all documents of the Soviet political police that have been transferred so far from SIS and Ministry of Interior. One can order 5 files per day and make photocopies with their own camera for 10 MDL per files (50 USD cents for one file, *delo*).

The SIS has a reading room for 4 persons at a time. But the real problem is that it was not yet transformed in a modern archive with specific working hours. One problem is related to the legislative aspect, another one to the lack of cadres to serve in the reading rooms and search for files in the depositories. Usually SIS archive gives access to specific files pertaining to repressions both before 1953 and after 1953 up to late 1980s, but every request is examined individually in a monthly period.

KGB archives and society

The interest in the KGB archives in Moldova was sparked as elsewhere in the former Soviet Union by Perestroika and *glasnost',* in the late 1980s — early 1990s. Starting in 1990 and 1991 there were published articles and interviews by and with responsible persons from KGB dealing with archival depository. Several important materials in this sense have been published in *Moldova Socialistă* (*Советская Молдавия* after 1991 *Независимая Молдова),* of special interest being materials signed by A. Tirikin, former chief of the archival department of KGB of MSSR. The pressure from intellectuals and Popular Front of Moldova, the leading non-government organization in the forefront of the Moldavian national movement of late 1980s — early 1990s, as well as of society at large, previously prohibited topics like mass deportations, Soviet Occupation of 1940 and 1944, mass famine of 1946–1947 became the main topics of public debate. In this framework, historians raised the question related to the access to the party and KGB archives. The access to KGB archives became a reality however only after the collapse of the Soviet Union in 1991. As noted above, several historians interested in the disclosing of resistance anti-Soviet movement had access to KGB archives in 1991–1995. There was no discussion, at least a systematical one, about the full access to KGB archives and the need for lustration in early 1990s. One explanation is that the absolute majority of the new elite of independent Moldova came from the higher or lower ranks of the former Communist Party of Moldavia and they did not want them being reminded about that. Some of them collaborated in some way or another with KGB. Only after 2001 when the Party of Communists, the first party to contain the name Communist won the parliamentary elections a great bulk of intellectuals and their representatives in the national legislature started to think seriously about opening the archives of the former Soviet political police as a strategy to compromise their political opponents, the Communists, as well as a way to push for more democratic reforms in Moldova.

The first public debate about lustration took place in April 2006 — March 2007 when the leading newspaper *Jurnal de Chișinău* launched a series of interviews with leading intellectuals

asking them about the need to open KGB archives and pursuing the lustration law. The majority of more than 200 persons interviewed stated that they did not collaborate with KGB. Only a few admitted they collaborated with Soviet political police while not considering this fact a very serious embarrassment or a motive for repenting.

After 2009 when the pro-Romanian and pro-European parties came to power, the doors of KGB archives were largely open. But the members of the Presidential Commission created in 2010 never had access to the most sensitive files related to the collaboration of still active politicians or public intellectuals with Soviet political police.

In 2013 a parliamentary commission was created in order to examine this possibility under the chairmanship of the member of the parliament Ion Hadârcă, the first leader of the Popular Front and former secretary of Moldova Writers Union in late 1980s, member of the Liberal Party. Nothing came after the activity of this commission however.

After 2014 when the pro-European elite was involved in the money laundering in huge amounts (1 billion USD) and compromised, the interest in the access to KGB archives in Moldova lost its momentum. It is not an important issue in the program of the newly created pro-European parties after 2014. Partly it happened because the solution suggested as a result of the Presidential Commission to transfer gradually the KGB documents to the National Archive created the impression the problem was solved or is in the process of being solved. But the problem persist as the process of transferring the KGB files to the National Archive is discontinued since 2014 on the official ground that the later does not have enough space and administrative capacity to host and make available to the public the documents.

At the same time, the public interest in the further opening of the KGB files and especially of the present day politicians still active is not a hot topic any more. This is explained by the fact the majority of this category of politicians like the former President Vladimir Voronin lost their grip on power and they are not perceived as articulating a serious political force any more.

Equally or even more important, another explanation of the diminished interest in KGB files or lustration from the part of the society at large after 2014 is related to the fact the new post-Soviet elite that has not been involved in one way or another in the Soviet Nomenclatura did not meet the expectations of the pro-European and anti-Communist elites and society.

Organization, initiatives and algorithms of archival research

There were several initiatives from the part of non-government organizations focused on the increasing the access to KGB files and arguing for the importance of adopting a law of lustration in the broader framework of de-communization process. Besides the timid initiatives of de-communization in early 1990s and the initiative of 2006–2007 to launch a public debate about lustration and need to open the KGB archives mentioned above, the most important projects in Moldova related to this topic are very recent. In 2010, The Association of Young Historians of Moldova, with financial support from Moldova Soros Foundation, launched a project entitled *Declassification of files of the Service of Information and Security*. The director of the project was the Secretary of Presidential Commission for the Study and Evaluation of the Communist Totalitarian Regime in the Republic of Moldova, Mihai Taşcă (Ph.D. in law) assisted by Alexandru Postică (lawyer), Valentina Basiul (journalist), Tudor Ciobanu, Sergiu Musteaţă and Corina Rezneac, all three historians. As a result of this project, a guide to the archives of the Republic of Moldova was for the first time published (2011, 205 pp.), in which a special attention was paid to the files of the KGB and MVD archives, to the legal framework of access to archives etc.

As a matter of fact, the above mentioned project was conceived in order to support the activity of the Presidential Commission for the

Study and Evaluation of Communist Totalitarian Regime. The members of the Commission took part in a public campaign to inform the society about the importance of disclosing the KGB archives for the democratization of Moldova. Among the most active members of the Commission to participate in numerous TV and radio programs and inform the society about these issues were Octavian Țâcu, Igor Cașu (vice chairman of the Commission), Mihai Tașcă (secretary of the Commission), Gheorghe Palade, Sergiu Musteață (vice chairman of the Commission), Viorica Cemortan-Olaru, Anatol Petrencu, Elena Postică, Pavel Parasca, Gheorghe Negru, Gheorghe Cojocaru (the chairman of the Commission), Vladimir Beșleagă, Sergiu Chircă. During several years (2010 to 2014), two members of the Commission Igor Cașu and Mihai Tașcă contributed on weekly basis to the rubrique *The Archives of Communism* in the leading newspaper of the period *Adevărul*, publishing materials with pictures about the repressive policy of the Soviet regime of the territory of present-day Moldova. The existence of the Presidential Commission — supported by the most important NGOs and pro-European intellectuals as well as by the main TV channels and radio — and its related activities based on the long lasting involvement of its members was the main project that contributed not only to the opening access to KGB archives, but especially to spreading the information disclosed in these archives and changing the attitude of the larger segments of Moldovan society toward Communism. The most enduring results of these projects were the revision of history textbooks in 2013. These textbooks, published in Romanian and Russian are mandatory till nowadays in all schools in Moldova no matter the language of instruction, Romanian or Russian. Two members of the Presidential Commission participated in the elaboration of the new history textbooks, Igor Cașu and Igor Șarov (textbooks for 12th and 9th grade).

As a result of the activities of the Presidential Commission and the project initiated by The Association of Young Historians, a large number of former repressed persons or their relatives have been encouraged to consult the KGB or MVD archives for files related to their own fate or the members of their families. The main guide for the relatives and researchers in order to do research in the former archives of Soviet political police is a 4 volume *Cartea Memoriei* (Book of Memory) coordinated by Elena Postică in 1999–2005 published by the Publishing House *Știința* and supported by Moldova Soros Foundation. This book contains about 80,000 names of those repressed on political motives covering 1940–1986 years, with reference to the locality, district, year of repressions, the motive invoked by the Soviets and the place where they have been detained. This book is not accessible online, but it is available in almost every locality being distributed for free to public libraries. In order to get the file of a repressed person, the interested person should write a letter to SIS or/and Ministry of Interior indicating the family name, name and middle name as well as the year of birth of the person repressed. In one month these institutions are obliged by law to give an answer in this regard. Upon the positive response, the person requesting the file is entitled to have access to the *delo* and make a photocopy if he/she is the one repressed or is one of his relatives. As to the researchers both Moldovan and foreign citizens who want to have access to the KGB and MVD archives, they should write a letter to SIS or/and Ministry of Interior to get access to one fond or another. In a month period the answer should be given specifying the date when the researcher can get the needed files if they are declassified. The files of former KGB and MVD that have been already transferred to the National Archive — as mentioned twice above, about 25,000 — can be accessed easier by anybody interested in, usually in a 5 day period, but for those coming outside Chișinău the files are released the next day upon request and approval of the director of the archive. The price for photocopying one file (*delo*) from National Archive is 10 MDL (50 USD cents).

UKRAINE

Center for Research
on the Liberation Movement

The KGB archives in a state

Documents of the communist special services in Ukraine are stored in several archival institutions:

1) Security Service of Ukraine Branch State Archives — SSU BSA (OGA SBU);

2) Foreign Intelligence Service Branch State Archives — FIS BSA (OGA SVR);

3) Ministry of Internal Affairs Branch State Archives — MIA BSA (OGA MVD);

4) Central State Archives of Public Associations of Ukraine — CSAPA;

5) Regional state archives of Ukraine.

The following information may be found there: official documentation of the Extraordinary Commission (the CheKa) (1917–1922), the State Political Administration (1922–1923), the United State Political Administration (1923–1943), the People's Commissariat for Internal Affairs (1934–1946), the People's Commissariat for State Security (1941, 1943–1946), The Ministry of State Security (1946–1953), the Ministry of Internal Affairs (1953–1954), the State Security Committee (1954–1991) and other files.

The Security Service of Ukraine Branch State Archives — the KGB successor — holds the major bulk of documents; there are also fragments in the regional state archives of Ukraine and the CSAPA. The reason for this dispersion is the unfinished transfer of the communist special services archives, which started in Ukraine right away after the USSR collapse and ended in the late 1990's due to a lack of premises.

Today, in order to find information about a person, one needs to address all the listed institutions: the SSU and MIA BSA and their regional subdivisions, regional state archives and the CSAPA.

The MIA Branch State Archives of Ukraine was launched on the basis of the URSR Ministry of Internal Affairs Archives in 1995.

This archive was being reformed even during Soviet times. In 1954–1956 a grand Ministry of Internal Affairs reorganization was held and a State Security Committee was being established. In this regard, the Ministry of Internal Affairs archive was separated: it kept on storing files on criminals (murders, robberies, banditry etc.), while the KGB received primarily the files of the convicted under political articles. The factor that many political opponents in the Soviet Union were judged under criminal articles was not taken into account when separating the documents.

The rehabilitation of the Stalin's repressions victims was being held at the same time. The deported special settlers were released, and the files from the places of their deportation were sent to the URSR Ministry of Internal Affairs. This process lasted only two years — therefore some documents on deported Ukrainians remained outside Ukraine.

At present the institution stores about 3 154 thousand files in 1454 funds of the central archive in Kyiv and in the archives of the regional administrations. There one can search for the following documents:

- the OGPU, NKVD, the USSR MVD and the URSR GPU, the NKVD and the URSR MVD regulatory and administrative acts since 1932;
- the ministry's record keeping documents since 1944 (documents of the previous period were destroyed during the war)
- criminal files on persons convicted during 1919–1954 by extrajudicial and judicial bodies for the acts to be considered criminal thereat;
- the Separate Meeting and the "Troikas" minutes of 1930–1935;
- files on special settlers evicted from Ukraine who were placed in resettlements from 1948;
- files of the dekulakized (dispossessed kulaks);

• the MVD employees personal files since 1942.

The archive contains databases on the activities of the USSR punitive-repressive organs: information on citizens convicted by a Separate Meeting (Special Meeting) and the GPU "troika" (96,511 people); on "special settlers", persons deported from Ukraine (49,235 people).

Following the USSR collapse, some of the KGB archives were transferred to the **state archives of Ukraine**. Totally — 1.5 million files from the KGB archive. There were 1,373 thousand filtration files on persons held in German captivity and 169 thousand criminal files on rehabilitated persons among them.

The **Central State Archives of Public Associations of Ukraine** stores more than 34 thousand files on residents of Kyiv and Kyiv region, which constitute a separate fund No. 263 ("Collection of Extrajudicial Files of Rehabilitated Persons, 1919–1953").

In 2007, the **Foreign Intelligence Service Branch State Archives** was established and the documents of the first KGB administration responsible for external intelligence were deposited to it. There is very little information about this Archive. It should be understood from the materials published by the Archive, that the documents associated with the Soviet intelligence activities among Ukrainian political emigration (S. Petliura, V. Vinnichenko, P. Skoropadsky etc.) are stored in it.

The **Security Service of Ukraine Branch State Archives** stores one of the largest and most interesting collections of the communist documents. The researcher will be able to find documents from 1918 to 1991 in it. This is more than 800 thousand files, out of which about 109 thousand are kept in Kyiv, and about 735 thousands — in the regions.

These documents were also distributed according to topics and types and merged into various archival funds. The central Kyiv archive, for example, holds 85 such funds.

The archive stores such types of documents:

• archival criminal files on famous figures of Ukrainian culture and politics, being repressed in 1920–1980s. There are 95003 files in Kyiv.

• the USSR and the Ukrainian SSR state security bodies regulatory and administrative documents;

• information and analytical documents that contain generalized information about the state-political, socio-economic, cultural and spiritual life of Ukraine, the activities of Ukrainian emigration;

• statistics on the results of the Soviet state security bodies operational-search and investigative activities;

• documents of political organizations and armed formations of the Ukrainian liberation movement confiscated by the Soviet security organs in the course of struggle against them (in particular, a unique collection of OUN and UPA documents in 240 volumes is kept here);

• documents on the state security activities during the World War II (1939–1945);

• documents on the foreign states special services activities against the USSR;

• personal files of former security agencies employees, extended service military officers and civilian employees;

• intelligence files on Ukrainian artists and politics — the so-called literary files where the information on persons the security bodies were interested at was being accumulated thematically;

• agent files on persons who collaborated with the Soviet security agencies.

This is a huge unprocessed base for historical research.

As a result of the de-communization reform that is currently taking place in Ukraine, all the KGB documents will soon move to one separate institution — the Ukrainian Institute of National Memory State Archives. The new institution will create a unified database and provide open access for everyone who wants to see the agent files. Currently the new archive is being formed.

Archival Legislation

Conventionally, the legislative archival history can be divided into a long and short parts — before 2015 and after, when a framework law on archives was adopted.

Before the adoption of the law on the open KGB archives

There were many legislative acts that had to be taken into account by the archivists, dealing in particular with the KGB archives. These are the framework law "On the National Archival Fund and Archival Institutions" and the following documents:

- Constitution of Ukraine
- The law "On Information"
- The law "On Access to Public Information"
- The law "On State Secret"
- Summary of statements constituting state secret, approved by the Security Service of Ukraine Order of August 12, 2005 No. 440
- The procedure for using documents of the National Archival Fund of Ukraine, belonging to the state, territorial communities, approved by the Ministry of Justice of Ukraine Order of 19.11.2013, No. 2438/5
- Verkhovna Rada of Ukraine Decree of December 24, 1993 No. 3812-XII "On the Interpretation of the Law of Ukraine "On the Rehabilitation of Victims of Political Repressions in Ukraine".

As a rule, in majority of cases, the same normative legal act could contain norms, which on the one hand would provide an opportunity to familiarize with archival documents, and on the other hand, would limit it.

Article 32 of the Ukrainian Constitution lays down that every citizen shall have the right to access the information about himself/herself possessed by public authorities and bodies of local self-government, institutions, and organisations unless such information is considered a state or other secret protected by law. Along with that the same article prohibits interference into private person's life and family matters, except when such interference is stipulated by the Constitution of Ukraine. The collection, storage, use, and dissemination of confidential information about a person without his or her consent shall not be permitted, except for the cases determined by law and only in the interests of national security, economic welfare, and human rights.

Article 34 of the Ukrainian Constitution guarantees to everyone the right to freely collect, store, use, and disseminate information by oral, written, or other means at one's discretion. The same article names the cases to restrict this right.

The Law of Ukraine **"On Information"** outlines the questions of information creation, storage, usage and protection (in May 2011 its new edition was laid down). The right to free access to archival resources was identified as one of the guarantees of the right to information (art. 6). Besides this law stipulates such principles of information relations as openness, accessibility of information, freedom of information exchange, its completeness and reliability (Article 2), and access to information is defined as one of the main state information policy directions (Article 3).

The law "On Information" also divides information into an open and restricted (confidential, official and secret). The procedure for classifying information as secret or official, as well as the procedure to access it, shall be regulated by laws. Only issues related to secret information are regulated by a separate law.

And what is the most important, in its paragraph 4 Article 21 lists the information that cannot be classified as information with limited access. In particular, it **prohibits closing access to information about facts of violation of human and civil rights and freedoms**, illegal actions of state authorities, local self-government bodies, their officials and servants. The law "On State Secret" contains similar rules.

Article 29 of the law "**On Information**" states that information with limited access can be disseminated if it is socially required, i.e. is of public interest and the right of the public to know this information prevails the potential harm from its dissemination.

The law **"On Access to Public Information"**, which came into force in May 2011, regulates the access to information held by public information providers, including archival institutions. Despite the fact that the procedures for accessing archives are not regulated by this law, since there is a special law "On the Nation-

al Archival Fund and Archival Institutions", its general provisions on the right to information and its limitations, the so-called three-stage test (clause 2, Article 6 of this Law), should have been applied to the issues of access to archives.

The framework law in the archival sphere is the Law of Ukraine **"On the National Archival Fund and Archival Institutions"**. The law regulates the concept of the National Archival Fund, the principles of its formation, accounting and storage, as well as determines the system of archival institutions of Ukraine, peculiarities of their establishment and activities. It defines the principles of access to documents in the National Archival Fund Of Ukraine, the procedure for using them, as well as files where such access may be restricted.

The key rules relating to the issue of access to archival documents are put in section V. Articles 15 and 16 regulate access to the documents of the National Archival Fund and its restrictions, and articles 20 and 21 define the rights and duties of users. The law grants the right to use archival documents to all citizens of Ukraine, foreigners and stateless persons.

Article 16 contained the same problematic norm, which was the main reason to deny access to the archival KGB documents: *"Access to documents of the National Archival Fund containing confidential information about a person, as well as posing a threat to the life or inviolability of citizens' dwelling, is limited to 75 years since the issuing of these documents, unless otherwise provided by law. Earlier, the access is granted with the permission of a citizen, whose rights and legitimate interests may be violated, and in case of his death — with the permission of heirs".*

The first problematic point was (and still is) the definition of what confidential information is. Article 11 of the Law of Ukraine "On Information" says that confidential information about an individual includes, in particular, data on his or her nationality, education, marital status, religious beliefs, health status, and address, date and place of birth. At the same time, the newer Law of Ukraine "On access to public information" indicates that confidential information is also the information about a person that the individual himself identified as confidential. If an individual does not prohibit the dissemination of information about himself, such information is a subject to disclosure.

Despite the rule that a newer norm should prevail, in practice the two-valued interpretation of the notion of confidential information led to the practice when archives simply refused access to documents.

The second problematic issue is the introduction of **categories of heirs** into the rules on confidential information. In accordance with Article 1219 of the Civil Code of Ukraine, the inheritance does not include rights and duties inseparably connected with the person of the testator, including individual non-property rights. The right to non-interference into private life by collecting and disseminating information about a person or protecting personal data is a personal non-property right of a particular individual. The use of the term "heirs" in para 4 of Art.16 of the Law of Ukraine "On the National Archival Fund and Archival Institutions" has contradicted and still contradicts the current Civil Code of Ukraine.

The refusals provided by the archives, referring to para. 4 of Art.16 of the law on the National Archival Fund, typically contained the recommendation for the applicant to independently establish the heirs of the person in question (in fact those were mostly people who died), track them down and get the appropriate permission. Very often it was impossible to do so, considering both the complexity of the search and the fact that often direct descendants might not have stayed alive.

Another normative act applied by the archives to deny access to information, was Verkhovna Rada of Ukraine Decree of December 24, 1993, No. 3812-XII "On the Interpretation of the Law of Ukraine 'On the Rehabilitation of Victims of Political Repressions in Ukraine'", namely its Article 15. This article proclaims that "the rehabilitated persons, or upon their consent, or — in case of their deaths — their relatives have the right to get familiarized with the materials of closed criminal and administrative files and to receive copies of non-procedural documents".

The archives referred to this article to:

a) refuse to grant files to so-called "unrehabilitated" persons, although in no way was this category mentioned;

b) provide only certain documents of the case for examination;

c) require additional documents, namely the permission from the relatives of the rehabilitated person to get familiarized with the case.

After 2015

In April 2015, the law "On Access to the Repressive Bodies of the Communist Totalitarian Regime of 1917–1991 Archives" was passed.

Basic provisions and innovations of the law:

- A separate category of the Soviet Union repressive bodies archival documents from 1917 to 1991 was defined. Repressive bodies are all force bodies and special services that acted in the Soviet Union with violations of human rights and used the means and methods of state coercion and terror based on class, national, religious motives. That is, they are the so-called "KGB archives".
- Access to all archives of repressive organs is opened. It is available for everyone — to a citizen of Ukraine, as well as a foreigner.
- Victims of the regime may restrict access to information about themselves up to 25 years (until by 2017 there was only one such application).
- Relatives of victims can restrict access only to sensitive information: about religious, political views, private and sexual life. During the period stipulated by law, there were two appeals of this type. It is interesting that the information asked for closure was absent in the archival criminal files. This was discovered during the requests processing.
- The communist special services employees and their agents cannot restrict access to information about themselves.
- Documents of repressive bodies are not subject to the law "On the protection of personal data" — information about repressive bodies and their employees cannot be a secret.
- All documents of the communist special services are transferred to a single archive, which is established at the Ukrainian Institute of National Memory. Due to the fact that now they are stored in the archives of Ukrainian special services, access is complicated by various bureaucratic procedures.
- Soviet stamps "secret" and "top secret" do not correspond to modern Ukrainian confidentiality provisions.
- The Archive visitors may take copies for free with their own technical devices. If the copy is provided by the archives, the inquirer should refund the expenses.
- The person publishing information bears responsibility for making such information public. So that is not an archivist, who only provides the inquirer with a case.
- Access may only be restricted to certain information, but not to the document as a whole.

The law of 2015 began to change the situation with access to the archives of Soviet special services. This was verified by the results of an expert poll, which was conducted in the same year 2015, comparing with a similar survey of 2011. The dynamics showed that interest in working with archival documents increases, and the number of information restriction accidents decreases.

Working conditions and specificity of access to the KGB archives

The law "On Access to the Repressive Bodies of the Communist Totalitarian Regime of 1917–1991 Archives" guarantees open access for all — scientists, ordinary citizens, foreigners.

Until 2015 there were problems with documents copying. The user had the right to copy documents or receive their copies from the archive, if it did not pose a threat to the documents and did not violate copyrights. In other words, theoretically a person could either make copies with his or her own devices or order the copies from the archive. The latter was a chargeable service for apparent reasons: that was the work of employees and equipment. But the price for archive services in different archives

and cities could significantly differ. For example, in 2012 copying in the Chernihiv region State Archives cost 0.25 UAH, while in the Dnipropetrovsk region State Archives it amounted 2.11 UAH.

Despite the fact that the copying by the inquirer's own equipment was supposed to have been free of charge, the archives still required money for making copies. For example, in Kyiv, Mykolaiv and Ternopil regional state archives the price for copying with visitor's own camera cost 81.67 UAH for the document.

Nowadays, under the law of 2015, the copying of the former KGB archives documents by the user's own means is free of charge, and the archive cannot impose any restrictions in this concern.

A lot of problems exist pertaining to **material support of the archives.** The state archives have completely or partially exhausted the possibilities for receiving and storing documents in ten state archives. The depositories of sixteen more state archives are filled up at 91-99% are filled out. In this regard, archival institutions cannot promptly accept documents from enterprises, institutions and organizations. 78% of archival repositories do not have fire extinguishing systems (or they are in the idle state), more than 80% are not equipped with conditioning and ventilation systems. This threatens the physical safety of documents.

The lack of space and financing in archival institutions influences the ability to organize proper working conditions for the researcher: workspaces are lacking, the existing workspaces are not equipped with computer and copying equipment, there is no access to internal databases and to the Internet. For example, at the SSU BS (OGA SBU) Archives — one of the most open archival institutions, users can work in the archive only in turn because of the limited possibilities in the reading room.

This problem may partially be solved by the establishment of a new separate archive containing documents of the communist special services.

The problem **of the ethics between** the archivist and the user is still relevant. Often the archive perceives the researcher as an enemy who is going to make public the carefully protected information. This has historical preconditions: during the Soviet era, the archive served as storage for documents "out of" the view of researchers and society, but not "for". The task of the archive was to provide documents only to specific individuals. Now the priorities have changed — the archive preserves information that can clarify many points of the Ukrainian history of the twentieth century. Also, if the archivist could previously have been afraid of granting access to the documents because of the responsibility that could be incurred on them, then now this responsibility rests with the researcher who promulgated the information.

There is a hope that this is only a temporary transition period — between legislation reformation and its adaptation to the practical life of the archival environment.

The KGB archives and society

The societal request for rehabilitation in the late 80's, virtually for the first time, raised the issue of the need to open the KGB archives.

In the 1990s, the first attempts were made to transfer documents of the communist special services to state archives. A special Supreme Council of Ukraine Presidium Decree "On the Transfer of the State Security Committee of Ukraine Archival Documents to the State Archives of the Republic" was issued at that time. This process was supposed take no more than two years, but dragged on for almost 10 years with no positive results — there was not enough space.

The next attempt of transfer the Soviet special services archives to non-force institutions was made in 2004 and during the period of the next presidential election. In 2005, a number of public organizations suggested that the authorities establish the Institute of National Memory — such institutions have long been active in other countries of Eastern Europe. On November 17, 2005, the Cabinet of Ministers signed a order on the formation of a working group

that will cooperate on the formation of the INM. On July 5, 2006, the Ukrainian Institute of National Memory appeared as the central executive authority. Among other things, it had to ensure the activities of the Central Archive of National Memory, which would deal with documents of the special services of 1918–1991. But no decisions on the arrangement of such an archive took place at that time.

At the same time, the campaign on declassifying the archival documents began. In January 2009, the presidential decree "On Declassifying, Publishing and Research on Archival Documents Related to the Ukrainian Liberation Movement, Political Repressions and Holodomors in Ukraine" appears. This document obliged the structures possessing documents of the USSR punitive-repressive system "to ensure that restrictions on the dissemination and access to specific classified information are removed in accordance with the procedure established by law by canceling the previously provided confidentiality to archival documents or other tangible media containing such information if they do not constitute a state secret".

This was when the SBU archives began to declassify its materials, conduct scientific research, publish previously unknown documents on the Holodomor, the Ukrainian liberation movement, political repressions. The institution even published a guide to its archive. But the results of the next presidential election brought a new policy. Now the documents are declassified more slowly, the number of restrictions in access to information grew.

The public continued its work in this area. In the fall of 2010, the Center for Research on the Liberation Movement developed and began to implement the **special international program "Open Archives"**. Its main goal is to attain the open access to the KGB archives.

The activities under the "Open Archives" program framework took place in several lines. The first is the **foreign experience study**: legislation, practice and the results of the archives disclosure. Of great importance was the experience of the "socialist camp" states: Poland, the Czech Republic, Germany, as well as the Baltic countries, which were occupied by the Bolsheviks. Among other things in this regard, public events were organized, where these countries' representatives came along to discuss the situation with access to the archives of their communist special services.

A distinct component of this line was the translation and publication of a handbook on the European Union countries archives that store the former communist special services documents. In the publication "Documents of the Communist special services in Europe: a guide to the network of archives", the archives of Bulgaria, Germany, the Czech Republic, Hungary, Poland, Romania and Slovakia are described in detail.

The second line is research: continuous monitoring of denial the access to archives files, a comparative analysis of working conditions in institutions that store documents of the Soviet Union repressive organs. In October 2011, the first expert survey was conducted, which allowed to identify the most important problems and to claim in overall that the problem with the access to archives did exist. Most of the interviewed experts (86.2%) noted that they personally experienced restrictions in access to information in the archives.

One of the questions was related to the archival information access mode. The overwhelming majority — 72.4% — of the experts surveyed noted that all the archival information created before 1991 should be open. The remaining respondents — 27.6% — supported the option of open archives, but with minor restrictions. None of the experts agreed that archival documents prior to 1991 should be closed.

According to the results of a nationwide opinion poll, the majority of Ukrainians (55.6%) are convinced that all documents before 1991 must be opened and another 14.2% noted that such information should be opened with minor restrictions pertaining to living persons.

Later, at the stage of finalizing the work on the draft law, focus groups researches were

conducted with various target groups: archivists, historians, journalists, human rights activists and the victims of the Soviet totalitarian system.

The third line of work is popularization and consultation. These were projects for those who would like to get access to the archives of the communist special services, but for various reasons could not make it on their own. The Center for Research on the Liberation Movement has prepared and published a special manual entitled "The Right to Truth", which contains detailed information on how and where to start a search and what resources should be used. In 2016, the revised, second edition was published. The manual is freely available and can be downloaded in pdf format.

During 2011–2015 specialized seminars were held for other organizations working in the field of access to archives. A network that provided on-line consultations via e-mail and the social network Facebook was created. Today, the group **"Access to Archives"** is the largest specialized community in the Ukrainian segment of Facebook and has more than ten thousand users.

Public presentations and lectures also took place in different cities of Ukraine. For example, an open lecture "What the KGB archives tell about?" was presented in almost 20 cities — university centers.

A separate line of activity was the development of legislative changes. Work was carried out gradually. Along with the studies, expert discussions were organized and, later, public events were held to search for the possible ways of resolving the issue of open access to repressive bodies' archives. As a result, a concept of changes was prepared, represented and discussed in the Ukrainian parliament.

The Revolution of Dignity of 2013–2014 has brought new opportunities for the archival reform. After the victory of Euromaidan of experts, working together with the Research Center for Liberation Movement on the text of the bill on open access to the KGB archives, became a co-founder of the broad public initiative "Reanimation Reform Package" (abbreviated RRP)."Reanimation Reform Package" (abbreviated RRP). There was a group managed in RRP aimed to reform the policy of national memory and this group has about 30 experts from various institutions: governmental, academic, archival and public. Bill drafting finalization continued within the RRP. This made it possible to broaden the discussion and to involve governmental and parliamentary structures into it.

Due to the RRP advocacy potential, an issue on providing access to communist special services documents was included to the deputies of the VIII parliament convocation Coalition Agreement. This issue is presented in subparagraph 13 of part 3 of section XV, "Social and Humanitarian Reform": "Ensuring universal access to archival documents, including archives of the USSR repressive organs". Accordingly, further it was incorporated to the Cabinet of Ministers Program, and later — in the deputy plan of legislative support of reforms in Ukraine.

The post-revolutionary situation also made it possible to create open and direct communication between the society and the new government. In 2014–2015 the **"Open Government Partnership"** initiative considered the need to adopt a special law on access to archives of repressive bodies. The Cabinet of Ministers on 26 November 2014 approved the Action Plan for the implementation of the Initiative. It was assumed that the preparation and presentation of the bill should be held in December of the same year.

Prior to the final bill version preparation, a parliamentary roundtable was organized jointly with the relevant Verkhovna Rada Committee of Spirituality and Culture, where a presentation and discussion of the Concept for the legislative problem solution of ensuring the open access to repressive bodies archives was presented. Ukrainian State Archives representatives and central state archival institutions took part in the event. As a result of the round table, the bill was finalized.

In cooperation with the Ukrainian Institute of National Memory, the bill was registered, it

was reviewed by all ministries and discussed in the Cabinet of Ministers. The Committee of Spirituality and Culture recommended that the draft law be submitted to the Parliament for consideration.

On April 9, 2015 **the Verkhovna Rada adopted it as a basis and as a whole**. There were 261 votes for. This is how Ukraine gained access to the KGB archives.

In June 2015, an expert survey on access to repressive bodies' archives was conducted. Its integral part was a block of the new law provisions assessments.

According to the survey results, 98.5% of experts support the provision of general free public access to archival information of repressive bodies.

94% support the withdrawal of archival documents until 1991 from under the control of present special services, law enforcement agencies and other state institutions (except for state archives).

100% support the digitization of the tangible archival information carriers.

89.6% support a ban on classifying archival information of repressive bodies as secret, confidential or official.

58.2% support the restriction of the right of access to archival information of repressive bodies available to persons who were victims of repressive bodies (it is worth noting herein that this is the only position supported by such a relatively small percentage of respondents).

98.5% support the provision under which persons involved in crimes of the communist regime cannot restrict access to personal information.

92.5% support the provision of transferring responsibility for the dissemination of information from the archivist to the person who made the information public.

97% support the principle of restricting access to specific information, and not to the document as a whole.

Talking about the implementation of the law, no case of restricting access to documents of repressive bodies or any incident of extorting payment for copying these documents by the users themselves is yet known.

Since the adoption of the law, there has been a steady trend towards an increase in the number of persons who have applied to archives containing documents of repressive bodies.

During these several years, the number of applications from ordinary citizens to the SBU archives only has increased several times. For comparison, in 2012 this number was 1237, in 2013 — 1448, in 2014 — 1329, in 2015 — 2160, and during 2016 the number of applications and requests reached 3161.

Approximately half of all appeals relate to the search for information about repressed relatives, another third are the appeals of scientists and researchers. The rest are general inquiries of a social and legal nature, for example, extracts for the calculation of a pension, or the search for documents that can be useful in lustration (referring to documents that would say that a particular job was or was not technical and, therefore, should fall under lustration).

One of the main problems today remains the formation of the Ukrainian Institute of National Memory archives. In particular, the question of finding resources for the arrangement and organization of the new institution work.

The archive reform in Ukraine may be considered implemented when the Soviet repressive special services documents will be transferred to this independent archival establishment.

Conclusions

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The Eastern Partnership policy presupposes interaction between the states in a wide range of directions — from economic to cultural. One of the main goals is to generate a common field encompassing European values. This includes, from amongst, freedom, the protection of human rights and rights of a citizen, inadmissibility of violence and repression in society.

In addition to geographical location — to the east of the borders of the European Union — these countries are also united by the Soviet past. The era of communist totalitarianism pursued a policy of almost constant repression against ethnic and religious groups, national liberation movements, persons of the "wrong" social origin. And this brought its consequences. The republics have shifted the traumas of the past into independence and inherited the problematic functioning of the political system suffering corruption, poor law enforcement activity and a low level of legal awareness.

Working with this legacy is one of the public therapy tools. The latter is impossible without disclosing the actual truth about the past. This, in its turn, is impossible without the documents of the communist special services. Unfortunately, the situation with access to the KGB archives in the Eastern Partnership states is very different and still leaves much to be desired.

So far the **Ukrainian archives** which contain information with the KGB documents remain the most open comparing to other Eastern Partnership states. The basic document for access to the KGB archives is the Law of Ukraine "On Access to the Repressive Bodies of the Communist Totalitarian Regime of 1917–1991 Archives". It was adopted on April 9, 2015 — and it was one of the "decommunization package of laws" components.

This document revoked all restrictions on access to the Soviet special services archives: leveled the significance of Soviet label "secret" and "top secret" (for a long time Ukrainian archivists identified them with identical notations on the documents of an independent Ukraine). Besides, this normative legal act considered the comfort of the work for the archives researchers: no longer may institutions charge a person for a mere familiarization with the documents. Also one can freely take pictures of these documents as well as take any other copies.

Responsibility for the information dissemination now does not rest with the archivist producing the file, but the person who has published it. The victims of the communist regime were given the opportunity to restrict access to information about themselves. Employees of the Soviet security system — on the contrary, cannot hide their participation in repressive activities.

After the opening of the archives, a large-scale campaign was launched aimed at popularization of the work with archival documents and explaining that these documents are available to everyone and no additional information from the person is required. Journalists are constantly coming to the Security Service of Ukraine State Archives, which contains one of the largest arrays of the KGB documents. They shoot shows and videos, make special projects and regular programs on national television. The archive began to receive more applications and appeals. So, in 2014 there were 1329 appeals, while in 2016 — 3161. This number keeps growing.

But the problems still remain. For example, documents of the communist special services are stored in different Ukrainian archives, what complicates the work for researchers. Also these archives cannot always accommodate all visitors due to the limited space in the reading rooms. The reform assumes that all the KGB documents will eventually be transported to a separate institution — the Ukrainian Insti-

tute of National Memory State branch Archives. The convenient reading room will be equipped there. In addition, the new institution will be digitizing documents. Now the archive is at the stage of formation.

One of the most indicative among other countries of the Eastern Partnership is the experience of **Moldova**. In early 2010, the Presidential Commission was established to study the totalitarian regime in the Republic and began to open archives which contain the KGB documents. Earlier in the 1990s, Moldova experienced the destruction of a number of valuable documents that contained information about the repression of the Soviet political police. The pro-Russian parliament then decided to put an end to the attempts at decommunization, which began along with independence. They feared that historians would publish unprofitable facts about the then politicians. Further, the popularity of pro-communist political forces in the state has buried the question of the opening of the KGB archives for almost 15 years.

In 2010, following the rearrangement of the political forces in the country, President Mihai Ghimpu established a special Commission with access to documents of the Soviet special services. To ensure constant access (and not just for the duration of the Commission's functioning), they started to transfer these documents to the National Archive — the one open to all. Not all the documents have been transmitted because of, as explained, lack of space.

The Moldovan society is now experiencing the rethinking of the Soviet past: there are public initiatives and researchers who publish books explaining how the relatives of the repressed persons can find information about the latter; writing new history books. Members of the Presidential Commission continue to work in the info space: they explain why it is important to study documents and how to do it.

Georgia has gained a different experience. From the formal side, access to the KGB archives is completely open and no one has the right to refuse the researcher to investigate it. But on the other hand — often, if they want to restrict access to the document, they refer to the fire or the export of the documents to Smolensk (Russia), which actually took place in the Georgian archives in the 90s. The main problem for researchers is that they still do not have a full picture of what documents have survived and what actually is stored in the archives.

In **Armenia**, the archival question was considered for a long time in the context of lustration. Politicians often warned the public against the opening of the KGB archives, because they feared conflicts inside the country. One of the main arguments is that Armenia is a small country, and someone very close may appear to be an agent of the Soviet secret services.

Access to the KGB archives is indirect: it only may be obtained after these archives are transferred to the National Archives. The access to documents may be denied on the ground that they are in poor condition or contain confidential information. Also the fund agent can limit access to documents of personal, party and public funds.

There are research organizations that work with the KGB archives and create registers of files on citizens repressed in Soviet Armenia. This is the responsibility of the Armenian Center for Ethnological Research "Azarashen". They say that one of the main problems for researchers is that they do not understand what materials are open and to what extent. The files connected with the agency activity are still closed.

The archives of the communist special services in **Azerbaijan** are still mostly at the disposal of the law enforcement agencies. The researchers also have a vague understanding of what exactly can be found there. When someone submits a request for familiarization with documents, the services should check whether this person has the right to work with them and whether the documents contain state secret. If the applicant receives admission, he signs a number of documents testifying his agreement to verify his identity and his undertaking not to divulge the state secret etc.

Then the checking procedure of the applicant comes. The higher the secrecy of materials is, the more thorough the verification is made. Relatives of repressed persons can get

acquainted with the files of their relatives in a simplified procedure, but to do so they need to provide certificates of kinship.

The possibility to make copies of documents is also situational: the state can decide that the dissemination of this or other information can have negative consequences, and deny access.

Public discussion around access to the KGB archives takes place in several dimensions: lustration, the conflict with Armenia over Nagorno-Karabakh area and, in fact, Soviet repression. Currently this discussion only flows within the academic community.

All the mentioned countries stipulate diverse levels of access to the KGB archives, which, though not complete — is still possible. The situation in **Belarus** is completely different. The archives are closed, researchers are constantly denied access. The topic of Soviet repression is unpromising for the future career of the Belarusian historian, — therefore there are very few researchers in the country who would specialize on the topic.

As for the positive — there are opportunities to receive information on person's relatives, but to do so one needs to prove their kinship. Some archive data can be classified by special envelopes. Such envelopes also contain information about the verdict and the burial place.

Belarusian researchers and activists still manage to keep this topic in the field of public attention. They write about this and discuss it in the media, generate resources that would help search information about repressed relatives, and take concern of memorial sites.

Each country has passed through its own path and tested its approaches for opening the KGB archives — documents of the country that has not existed for 26 years now.

Ukrainian experience has shown that the opening of the archives does not provoke social conflicts, as it is feared in Armenia. Does not jeopardize the state security what makes Azerbaijan to be anxious about. It opens many promising topics for research on the history of the twentieth century, which they try to avoid in Belarus. Allows to get acquainted with materials the professional historians could not even think of to be existing, which researchers struggle for in Moldova and Georgia.

In addition, the opening of the KGB archives in Ukraine showed that working with documents is not only a matter for historians. The general public is also interested in these matters, since the extent of repression and state interference in personal life was so great that almost everyone has his own family history in the documents of the communist special services.

The open KGB archives of the Eastern Partnership states create new prerequisites for cooperation between partnering countries via archival diplomacy, historical and cultural, human rights projects and other initiatives.

Contents

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TRANSITION