

ISCKMC 2020**International Scientific Congress «KNOWLEDGE, MAN AND CIVILIZATION»****DEPORTED PEOPLES AMIDST SPECIAL RESETTLEMENT:
LEGAL STATUS (LEGISLATIVE ACTS DATED 1940–1950S)**

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Abstract

The topic of deported peoples is still extremely politicized and often used as an applied tool by various political forces, which is another requirement for a deeper study of the history of mass ethnic repression and the scale of crimes of the totalitarian regime in the USSR. This refers to the forced resettlement of the Karachais, Kalmyks, Chechens, Ingush, Balkars and other peoples to Central Asia, Siberia and even to the Far North from the native lands in 1943–1944 and about depriving them of their national statehood. The abolition of Russian peoples' autonomies and their deportation constituted an anti-human act in all respects being economic, legal, spiritual, moral and ethical, cultural, psychological. This flagrant crime stacked against the present, the past and the future of these peoples. Their forcible deportation from their homes led to innumerable physical, material and moral suffering, violation of their human dignity. In the places of resettlement, the authorities did not have a specific instruction for regulating and organizing administrative management of special settlers. Therefore, the Council of People's Commissars of the republics of Central Asia and Kazakhstan immediately asked for clarifications. The living conditions of the repressed peoples in the places of exile did not comply with the usual norms and laws but under the conditions of a special regime determined by the strict rules and instructions of the Beria department.

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1. Introduction

The theme of the mass forced deportation of peoples in the 1940–1950 by the totalitarian Stalinist regime in the USSR is more than ever important for being studied today, when there is a rising tide of public and scientific interest in national history under the conditions of new geopolitical and cultural-historical conditions. Amidst a totalitarian political regime, the deported peoples had practically no opportunity to fight and defend their rights as it could only aggravate the difficult situation. In the late 1940s and early 1950s, lots and lots of special settlers from the North Caucasus were convicted by special NKVD troikas of Special Meetings and sent to Siberia even for a handful of forcibly stolen grain. In those years, almost prisons and labor camps became the ancestral lands for prisoners and convicts among the special settlers deported from the North Caucasus. Special NKVD Conferences arrested and imprisoned them in a hurry, without evidence and with Jesuit prudence and composure.

The actions of the NKVD, the Ministry of State Security, court and procuracy did not differ much from each other. It was important to arrest, sanction the guilt and quickly sentence them long in order to control the rest of the special settlers mercilessly. For the repressed peoples, the status of a special settler was heritable. Children born to such families were considered special settlers from the moment of birth.

2. Problem Statement

Peoples' deportation to remote regions of the country during the Great Patriotic War of 1941–1945 was one of the forms of political repression in the USSR. According to Pavel Polyán, ten peoples in the USSR were subjected to total deportation, specifically, Koreans, Germans, Finns-Ingrians, Karachais, Kalmyks, Chechens, Ingush, Balkars, Crimean Tatars and Meskhetian Turks. Therewith, Germans, Karachais, Kalmyks, Ingush, Chechens, Balkars and Crimean Tatars lost their national autonomies (Polyán, 2001). The analysis of source material showed that deportation was a compulsory punitive penalty for entire peoples for the crimes of individuals or groups of the population amidst a totalitarian legal system. In official documents, they received the status of special settlers.

“Special settlers” is the legal status of deported peoples sent to special settlements. The entire population including infants and the elderly was evicted without specifying the dates of expulsion. The facts indicate that in the legal status the studied category of “special settlers” was characterized by a complete absence of political and civil rights, and freedoms.

3. Research Questions

The documents on the eviction of peoples did not define their civil and legal statuses. The authorities in the resettlement areas did not have a specific instruction for regulating and organizing administrative management of special settlers. Therefore, there was an appeal for clarifications on the rights of migrants from the North Caucasus concerning their social security. The NKVD of the USSR replied that they were not subjected to deprivation or restriction of any civil rights except the right to leave the places of settlement, that they fully retained their rights to all types of social security. However, in reality, the deported peoples had practically no rights.

The status of the deported peoples was changing. On eviction, they all became a special contingent. In 1944, the migrants got the status of special settlers implying their strict administrative obedience to the network of special commandant's offices in the places of their new residence. The special settlers were subjected to Art. 135 of the USSR Constitution, according to which they officially retained the status of full citizens but could not leave their place of residence established by the state. That circumstance made the "full rights" of the special settlers formal and declarative. In the documents, the terms "special settlers" and "deportees" were used synonymously.

The essential aspects of special settlers' conditions and situation with their residence in places of forced settlement were studied in the works of Polyak (2001), Patiev (2004), Ubushaev and Ubushaev (2007), Sabanchiev (2001, 2005), Lidzhiyeva (2003, 2013), Isakieva (2016), Tsutsulaeva (2019) and others.

4. Purpose of the Study

The purpose of the present article is to show the legal status of special settlers in the USSR in the 1940–1950s.

5. Research Methods

The methodological basis of the research is the scientific principles of historicism, based on the recognition of the objectivity of the historical process and its variability as well as the principles of consistency and alternativeness. In the course of work, these principles have been implemented in the assessment and explanation of historical facts in close connection with the specific historical conditions of the problem under consideration.

6. Findings

In order to regulate and strengthen the regime of special settlements, the Council of People's Commissars of the USSR adopted Resolution No. 35 of January 8, 1945 "On the legal status of special settlers" (Patiev, 2004).

The main duty of the special settlers was socially useful labor. The decree established a ban on moving outside the settlement area. For the infringement of public order in the places of settlement, the special settlers were subjected to an administrative penalty being a fine of up to 100 rubles or arrest for up to 5 days. Special settlers being heads of families or persons replacing them were obliged to inform the special commandant's office of the NKVD about all changes in family membership within three days.

The document also contained the following paragraph on the rights of special settlers: they "exercise all the rights of the USSR citizens with the exception of the restrictions provided for by this decree." However, these rights were rather declared than guaranteed since the document itself contradicted humanism. On January 8, 1945, the Council of People's Commissars of the USSR approved the "Regulations on the NKVD special commandants". The purpose of this office was to "ensure state security, protect public order and prevent the escape of special settlers from their places of settlement,

control over their economic and labor organization” (Patiev, 2004, p. 73). It is obvious that a cruel regime was established for the special settlers in their places of residence. In addition, this document opened up a wide scope for arbitrariness of the commandants over special settlers.

The further stay of the special settlers in special settlements was regulated by other documents. In particular, on July 28, 1945, the Council of People’s Commissars Decree No. 1927 “On benefits for special settlers” was issued. It mainly concerned agricultural taxation. The document indicated that in 1945 and 1946 all special settlers were exempted from the obligatory supply of agricultural products to the state and from paying the agricultural tax, income tax on income from agriculture in urban settlements.

In subsequent years, almost until the very death of Stalin, the commandant’s supervision and repressive measures were increasingly tightened. Thus, on February 14, 1947, the USSR Ministry of Internal Affairs and the USSR General Prosecutor’s Office issued a circular order “On the procedure for bringing special settlers to criminal responsibility for escaping from their places of settlement.” The order implied severe penalties of up to 10–15 years imprisonment. Investigation cases of the escapees of the special settlers were sent to the place of fugitives’ detention and, at the end of the investigation, were sent for consideration to a Special Meeting under the USSR Ministry of Internal Affairs. The resolutions of the Special Meeting on the special settlers convicted of escaping were sent to the Ministry of Internal Affairs UVD that arrested a fugitive and to the Ministry of Internal Affairs UVD of the region which the escape was made from. Unemployable special settlers (under-ages, multi-family) were not brought to justice for their escape at the place of detention.

Resolution of the Council of People’s Commissars “On the evicted” (Patiev, 2004) dated November 24, 1948 significantly stiffened the penalties for escape. In particular, the Decree of the Presidium of the Supreme Soviet of the USSR dated June 2, 1948 “On the eviction to remote areas of persons who maliciously evade work in agriculture and lead an antisocial parasitic lifestyle” regarded them. It prescribed up to 8 years of eviction from the territory of the region to remote places, the list of which was established by the Council of Ministers of the USSR. This document confirmed the complete lack of rights of the deported peoples.

Decree of the Presidium of the Supreme Soviet of the USSR dated November 26, 1948 “On criminal liability for the escape from the place of compulsory and permanent settlement of persons deported to remote regions of the Soviet Union during the Patriotic War” severely stiffened the regime of staying in places of settlement of deported peoples (Patiev, 2004). The decree provided for severe punishment of 20 years of hard labor for the unauthorized departure of special settlers from the places of settlement. Citizens of the USSR who contributed to the escape of the special settler were also subjected to 5 years imprisonment for complicity in committing crime. Applying the provisions of this decree, tens of thousands of immigrants from various nations deported from their homeland were convicted. They were prosecuted even for visiting their relatives in another settlement without the permission of the commandant or for having a date in a neighboring village, etc.

On December 22, 1948, another secret joint Order No. 001475/279 ss of the USSR Ministry of Internal Affairs and the USSR General Prosecutor’s Office “On the procedure for bringing the evicted persons to criminal responsibility for escaping from the place of settlement and evading community

service was issued (Patiev, 2004). The order was signed by S. Kruglov and G. Safonov. It obliged the organs of the Special Conferences under the USSR Ministry of Internal Affairs to consider a criminal case on the escape of special settlers within 10 days. This Order obliged all law enforcement agencies to prosecute deported people for unauthorized departure from their places of compulsory settlement rather strictly.

On October 9, 1951, the Decree of the Presidium of the Supreme Soviet of the USSR “On the permanent settlement of persons expelled during the Great Patriotic War” was adopted (Lidzhieva, 2003). That Decree confirmed that the deported peoples were resettled forever because during their resettlement the dates of eviction were not determined. In addition, their departure from their places of settlement without special permission from the USSR Ministry of Internal Affairs was punishable by hard labor for up to 20 years.

After the establishment of these Decrees, the special settlers received a new status name being “evicted” and the Ministry of Internal Affairs took a warranty from each evict to prove their familiarization with the documents. At that time even the officers of the Soviet Army registered in military commissariat got a special status of immigrants.

The specified legislative acts of 1940–1950 blatantly contradicted the Constitution of the USSR (1936) and were a violation of international documents guaranteeing human rights and freedoms, and also contradicted the principles of national policy officially proclaimed by the Soviet state.

The special settlements regime was softened only after the death of I. Stalin. The first government act in this regard was the Resolution of the Council of Ministers of the USSR “On the removing certain restrictions in the legal status of special settlers” dated July 5, 1954 (Lidzhieva, 2003). Children under 16, war veteran and the terminally ill were crossed off the register of special commandants. The fine and arrest as a punishment for violating the regime in the places of settlement were canceled. However, moving to their homeland was still prohibited.

The decree of the Presidium of the Supreme Soviet dated July 13, 1954 abolished the Decree of the Presidium of the Supreme Soviet of the USSR “On criminal liability for the escape from the places of compulsory and permanent settlement of persons evicted to remote areas of the Soviet Union during the Great Patriotic War” dated November 26, 1948 (IF Democracy, 2003). It changed the attitude towards the escapes of the special settlers, and thereafter, in case of escape, they were subject to criminal prosecution in accordance with general practices.

The Soviet state represented by the deported peoples recognized its citizens by the adoption of the Resolution “On Issuing Passports to Special Settlers” dated March 10, 1955 (Milova, 1992). However, they remained infringed on their civil and political rights.

In accordance with the Decree of the Presidium of the Central Committee of the CPSU of March 23, 1955 “On active duty recall of certain categories of special settlers” (IF Democracy, 2003), in 1955, special settlers born in 1936 were subject to the active duty call. Subsequently, in accordance with the Law on the Universal Military Obligation of Citizens of the USSR, the special settlers were subject to active duty recall on a general basis.

On May 9, 1955, the Resolution of the Presidium of the Central Committee of the CPSU “On the removal of restrictions in the legal status of members and candidates of the CPSU and their families in

special settlement” was adopted (IF Democracy, 2003). It noted that the existing restrictions regarding the legal status of the special settlers-communists and members of their families regarding the Germans, Chechens, Kalmyks, Crimean Tatars and other persons evicted to remote areas of the country were not necessary. Thus, these categories were released from the administrative supervision of the Ministry of Internal Affairs (IF Democracy, 2003).

The next act to release from the administrative supervision of the Ministry of Internal Affairs and to deregister the special settlement was the Resolution of the Presidium of the CPSU Central Committee “On the deregistration of certain categories of special settlers” dated November 24, 1955. It concerned the participants in the Great Patriotic War, members of the victims’ families, teachers of educational institutions, women legally married with local residents not being special settlers after the eviction, women of Russian, Ukrainian and other nationalities expelled together with their husbands but not married to the special settlers at the time the decree was issued, lonely disabled people and persons suffering from an incurable illness who could not independently make their living.

The 20th Congress of the CPSU held in February 1956 was a breakthrough. N.S. Khrushchev gave a report exposing the personality cult of Stalin at a closed session of the congress (Khrushchev, 1989). He called the eviction of Karachais, Kalmyks, Chechens, Ingush and other repressed peoples “a gross violation of the national policy of the Soviet state”. The 20th party congress proposed to revive the illegally abolished national autonomies of some repressed peoples.

The Decree of the Presidium of the Supreme Soviet of the USSR “On the lifting of restrictions on special settlement from Chechens, Ingush, Karachais, and members of their families evicted during the Great Patriotic War” dated July 16, 1956 (IF Democracy, 2004) concerned the changes in their legal status. However, this decree did not give the peoples the right to return to their homeland. On November 24 of the same year, the Central Committee of the CPSU adopted a Resolution “On the restoration of the national autonomy of the Kalmyk, Karachai, Balkarian, Chechen and Ingush peoples” (IF Democracy, 2004). It condemned the expulsion itself as an act of arbitrariness and lawlessness, and considered necessary to restore the national autonomy of these peoples, to allow them return to their native lands. Thus, these documents today are the source of the most versatile, extremely valuable information on the establishment and implementation of the legal regime of special settlement, in other words, the life of special settlers in conditions of complete lack of rights (Tsutsulaeva, 2019).

7. Conclusion

In general, the legislative acts and normative documents of the 1940s and early 1950s should be assessed as illegal, contradicting both the Constitution of the USSR (1936) and the principles of national policy proclaimed by the Soviet state. Most importantly, they contradicted humanism. The current legislation of the Russian Federation recognizes that if a punitive measure was applied for political reasons, then it was illegal, and the victims of political repression were subject to rehabilitation.

In addition, researchers’ access to state archives containing documents kept for many years under the heading “top secret”, “not subjected to disclosure” provided scientists with the opportunity to turn to the study of this previously forbidden topic. Analysis of the published documents, identification and study of archival sources enable to reproduce true historical events, show the essence of the deportation policy,

course of the operation for the forced eviction of the Chechen people and their consequences, the impact of this policy on the development of society (Tsutsulaeva, 2019).

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