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**LEGAL STATUS OF SPECIAL SETTLERS: SPECIAL
SETTLEMENT REGIME IMPROVEMENT**

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Abstract

The author of the paper studies the process of political and legal rehabilitation of illegally deported USSR peoples during the Great Patriotic War. The rehabilitation, which began in the middle of 1950s, was very uneasy and time-consuming process. It implied great investments of money and attention of politics. The main source of the beginning of rehabilitation period of the deported USSR peoples is represented by official documents and materials. Since 1953, a number of official acts of the highest state bodies of the USSR were adopted to improve the legal regime of deported peoples. It should be noted that none of these legal acts had mentioned anything about political or national rehabilitation. Such cautiousness in relation to this policy could be explained by the fact that the top leadership of the USSR had just started shaping the migrant policy. Later on the idea presented in the documents by the Party and the State was a bit changed. The year of 1956 is characterized by the authorities' desire to completely remove all restrictions in the legal status of deported peoples. During the 20th Party Congress, held in February 1956, it was decided to improve the situation connected with injustices committed against the repressed peoples, to restore their national statehood and thereby provide the necessary conditions for their national and cultural revival. It was not possible to fully restore law and justice in this matter although many important steps had been made in this direction.

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Keywords: Deportation, special settlers, state acts, regime, rehabilitation.



1. Introduction

During the Great Patriotic War a new stage of political repression began against some ethnic groups and the entire nations. According to official data of the Department of Special Settlements of the GULAG of the NKVD of the USSR, as of 5 September 1944, 1,514,000 people, including 496,000 Chechens and Ingushs out of six autonomous republics and regions were resettled in the eastern regions of the country. Special settlers who were Chechens were mainly settled in the territory of the Kazakh and Kyrgyz SSR. All the deported peoples of the Soviet Union in the places of special settlements were registered and were under administrative supervision. Besides, they were deprived of almost all civil rights and were obliged to be show up in the special committee on a monthly basis.

The Chechens unjustly deracinated found themselves in a foreign land. As a result of the absence of normal living conditions, inanition, severe climate change, and spread of epidemic diseases in Kazakhstan and Kyrgyzstan, the Chechens lost more than half of their population. Like other repressed peoples the Chechens managed to survive and preserve their ethnic group only due to their diligence and courage.

2. Problem Statement

A number of researchers have been studying the issue of deportation and rehabilitation of the peoples of the USSR. One of the first who began to study this issue was Professor Ubushaev (Ubushaev & Ubushaev, 2007; Ubushaev, 2014). The author has published a number of works on the history of the deportation and rehabilitation of the Kalmyk people (Ubushaev & Ubushaev, 2007; Ubushaev, 2014). The issues of deportation and rehabilitation of the Chechen people were discussed in the works of A.M. Bugaev (Restoration of the Chechen-Ingush Autonomous Soviet Socialist Republic (1953-1962), 2013, 2016), Ibragimov (2015) and Tsutsulaeva (2007). The deportation and rehabilitation of the Balkar people is shown in studies Sabanchiev (2001, 2004) and Zumakulov (1998). Some issues of this topic are investigated in the works of Aliyev (1993), Milova (1992), Maksimov and Lidzhiyeva (Maksimov & Lidzhiyeva, 2014; Lidzhiyeva, 2018), Patiev (2004), Guboglo (1993) and others. Thus, in recent years, starting from 1980s, quite a bit of research has been published on the history of the deportation of the peoples of the USSR; nevertheless, many issues of this topic have not been fully analyzed. In addition, the lack of a complete source base, like the influence of ideology, does not make it possible to objectively consider these issues.

3. Research Questions

The rehabilitation of repressed peoples must be considered in the general context of political development of the USSR after the death of Stalin, when a change in both social and political situation was observed in the country. The Khrushchev Thaw, which began in the 1950s, contributed to the restoration of justice in relation to the “punished” nations. The subject of the research was the state acts of the 1950s concerning the rehabilitation of the deported peoples of the USSR.

4. Purpose of the Study

The purpose of this article is to study the initial stage of the legal and political rehabilitation of the deported peoples of the USSR during the Great Patriotic War.

5. Research Methods

The methodological basis were the principles of objectivity, science and historicism, involving the study of facts and phenomena in all their diversity, in the specific historical conditions of their origin and development, allowing to highlight both positive and negative aspects of the issue under study. On the basis of the principle of historicism we have considered the adopted documents regarding the deported peoples in a specific historical situation and in chronological order. The author applied the methods of source analysis.

6. Findings

Immediately after the death of J. Stalin in 1953 there was a gradual relaxation of the regime related to special settlements. So, in the Note of the Commission of the Central Committee of the CPSU to G.M. Malenkov on the labor and domestic conditions of special settlers (April 1953) it was said that “a great number local Party and Soviet bodies allow contempt for work among special settlers, ignore numerous facts of arbitrariness regarding this part of the population, do not take into account the infringement of legal rights of special settlers, indiscriminate political distrust of them that artificially creates moods of discontent among special settlers”. It turned out that after 9 years the special settlers had legal rights and could be trusted. Then the issue “on the expediency of preserving those legal restrictions regarding special settlers, i.e. Chechens, Ingushes, etc., which were established in due time by the resolution of the Council of People’s Commissars of 8 January 1945 and the resolution of the Council of Ministers of 24 November 1948” arise (Rehabilitation: The Way it Used to Be).

On 7 October 1953, the Order of the USSR Ministry of Internal Affairs mitigated the position of servicemen who were removed from special account and released from special settlers; however, had no right to return to their former place of residence.

Then some statutory acts were issued with many determined provisions of legal rehabilitation of the settlers. Of course, all questions were initially considered by the Presidium of the Central Committee of the CPSU. Thus, on 24 February 1954, in the Note of the Commission of the Central Committee of the CPSU from K.E. Voroshilova to G.M. Malenkov and N.S. Khrushchev it was said that “the majority of special settlers who were evicted mainly during the Great Patriotic War and in the post-war period ... in their overwhelming majority they had never committed any crime against the state, it was impractical to continue to preserve some of the restrictions imposed on special settlers...”. The commission considered the question of abolition of some restrictions in their legal status and mitigating responsibility for the regime violation in places of special settlements”. In particular, it was proposed to provide the following: free movement within the districts, regions, autonomous regions; change of their place of residence within the administrative district; establishment of the appearance in person for registration with the Ministry of Internal Affairs and have it once every three months instead of once a month; prohibit the Ministry of

Internal Affairs bodies to arrest special settlers administratively for violating the regime. On the other hand, it was noted in the Note that it was undesirable for them to return to their former place of residence.

The same proposals were also described in the Note by the Minister of Internal Affairs S.N. Kruglov in the Central Committee of the CPSU on 19 May 1954. S.N. Kruglov made the following proposals: first, to make partial changes to the Decree of the Council of People's Commissars of the USSR of 8 January 1945 "on the legal status of special settlers"; and secondly, to amend the Decree of the Supreme Council of the USSR of 26 November 1948 "on criminal liability for escapes from places of compulsory and permanent settlement of persons evicted to the remote areas of the Soviet Union during the Great Patriotic War". Both of these Notes suggest that it was necessary to change the legal status of special settlers.

Ultimately, on 5 July 1954 the USSR Council of Ministers adopted the Decree "on the removal of certain restrictions in the legal status of special settlers". Starting that time the special settlers were given different official name and could move freely within the district, region and republic where they lived at that moment, and in the case of business trips they could move within the whole country. The procedure for the settlers was also changed, i.e. they had to come for registration once a year (before there was a monthly registration). And most importantly the children under the age of 16 were not obliged to get registered and they could be enrolled into educational institutions anywhere in the country.

On 13 July 1954 there was issued the Decree of the Presidium of the Supreme Soviet of the USSR on the abolition of the Decree of the Presidium of the Supreme Soviet of the USSR of 26 November 1948 "on criminal liability for escaping from places of compulsory and permanent settlement of persons evicted to the remote areas of the Soviet Union during the Great Patriotic War", about which the Minister of Internal Affairs S.N. Kruglov wrote in his Note to the Central Committee of the CPSU.

Within three days, the Decree of the Minister of Internal Affairs of the USSR "on the abolition of certain restrictions in the legal status of special settlers" was published on July 16 (Rehabilitation: The Way it Used to Be, pp. 161-162). In this Decree there were no significant changes compared to the Decree of the Council of Ministers of the USSR "on the abolition of certain restrictions in the legal status of special settlers".

On 20 July 1954 the Directive of the USSR Prosecutor General on the implementation of the Resolution of the Council of Ministers of the USSR of 5 July 1954 "on the abolition of certain restrictions in the legal status of special settlers". The instruction of the Prosecutor General of the USSR consisted of 4 points. It was noted that "at present, the majority of special settlers being employed in the field of agriculture and industry have become involved in economic and cultural life and settled in new places of residence, the application of the current legal restrictions to them is not necessary". In general, the Directive was similar to the Resolution of the Council of Ministers of the USSR of 5 July 1954 "on the abolition of certain restrictions in the legal status of special settlers", no new additions were expected. After that the policy of gradual relaxation of regime of special settlements began.

In 1955, the policy of relaxation of regime of special settlements was changing the direction. In addition, this period is characterized by partial amnesty of certain categories of special settlers, i.e. the work was selective. In particular, in the period from 23 March to 29 June 1955 the Presidium of the CPSU Central Committee had adopted three Decrees. Since 23 March 1955 the Decree of the Presidium of the Central

Committee of the CPSU “on the call for military service of some categories of special settlers” was adopted according to which, since 1955, special settlers should have been called up for active military service in accordance with the Law on Universal Military Duty of Soviet Citizens.

On 9 May 1955 the Decree of the Presidium of the Central Committee of the CPSU “on the removal of restrictions in the legal status of members and candidates for members of the CPSU and their families in special settlement” was published. It underlined “that the existing restrictions on the legal status of special settlers, i.e. communists and their family members, from among Germans, Chechens, Kalmyks, Crimean Tatars and other people who were evicted to the remote areas of the country, are no longer necessary ... They should also be released from the administrative supervision of the Ministry of Internal Affairs. Finally, on 29 June 1955, the Resolution of the Presidium of the Central Committee of the CPSU “on measures to strengthen mass-political work among special settlers” was adopted. A draft decree on measures to strengthen the mass political work among special settlers was attached. It demonstrated the shortcomings and mistakes that were made after the adoption of the Resolution of the Central Committee of the CPSU “on the lifting of certain restrictions in the legal status of special settlers” in July 1954. The adoption of state acts aimed at the improvement of position of special settlers was not the only measure taken.

In November 1955, the Central Committee of the CPSU received a Note from the commission of the Central Committee of the CPSU on deregistration of participants of the Great Patriotic War and other categories of special settlers. According to the USSR Ministry of Internal Affairs at the special settlements of that time there were participants of the Great Patriotic War and persons awarded with orders and medals of the Soviet Union, among them were 54,176 people, including Germans - 39,724 people, Crimean Tatars -10,177 people, Kalmyks - 3,841 people, Chechens – 7,008 people, Ingush – 3,825 people. In addition, it was possible to deregister them and release from the administrative supervision of the bodies of the Ministry of Internal Affairs without any right to return to their former place of residence and the requirements of residential and other premises that belonged to them prior to eviction.

The deregistration and exemption of certain categories of special settlers from the administrative supervision of the Ministry of Internal Affairs took place on 24 November 1955 in connection with the issuing of the Resolution of the Council of Ministers of the USSR “on deregistration of certain categories of special settlers”. Thus, another category, from among the settlers, was exempt from administrative supervision.

The Decree of the Presidium of the Supreme Soviet of the USSR of 13 December 1955 “on the relaxation of restrictions regarding the legal status of the Germans and their family members in special settlement” was the first Decree related to “punished people”. It was followed by decrees in relation to other repressed peoples.

However, the defining point, after which the process of rehabilitation of repressed peoples became irreversible, was the 20th Congress of the Communist Party held in February 1956. On 25 February N.S. Khrushchev delivered a closed report on the cult of personality and its consequences, which was dedicated to condemning the cult of personality of Joseph Stalin.

The following abstract from this report deserves attention: Not only Marxist-Leninist, but also every man of sense finds it ridiculous how can the responsibility for the hostile actions of individuals or groups

be placed on the entire nations, including women, children, old people, communists and Komsomol members, and how they can be subject to massive repression, hardship and suffering.

The Party recognized and condemned the arbitrariness and lawlessness regarding the repressed peoples. The defined direction was aimed at political rehabilitation, the main result of which would be the return of the deported peoples of the North Caucasus and Kalmykia to their former residence and the restoration of their national and state autonomy in 1957. So, on 16 June 1956, the Decree of the Presidium of the Supreme Soviet of the USSR was adopted “on the lifting of restrictions on special settlement from Chechens, Ingush, Karachay and their families evicted during the Great Patriotic War”. It was underlined that the lifting of restrictions did not entail the return of property confiscated during the eviction. Besides, it was stated that they had no right to return to the places from which they were evicted.

On 24 November 1956 a historic event occurred. On that day an important Decree of the Presidium of the Central Committee of the CPSU “on the restoration of the national autonomy of the Kalmyk, Karachay, Balkarian, Chechen and Ingush peoples” was adopted. The Central Committee of the CPSU made decision to restore national autonomy of the Kalmyk, Karachay, Balkarian, Chechen-Ingush peoples.

7. Conclusion

Despite continuous tightening of conditions for the deported peoples in special settlement places, the first signs of Thaw in both public and political life of the country began to emerge after the death of J. Stalin and led to a gradual relaxation of special settlers’ regime without withdrawing false charges. Initially, the rehabilitation did not even imply the return of the deportees to their homeland (in particular, the potential of establishing Chechen-Ingush autonomy within Kazakhstan was discussed, in fact, in the areas of exile). However, the departure of deported peoples from the areas of exile to their homeland forced the authorities to initiate restoration of abandoned autonomies by autumn 1956. On 9 January 1957 the Chechen-Ingush Autonomous Soviet Socialist Republic and the Kalmyk autonomy (in 1958 renamed to the Autonomous Soviet Socialist Republic) were restored by the Decrees of the Presidium of the Supreme Soviet of the USSR. The Kabardian Autonomous Soviet Socialist Republic was transformed into the Kabardino-Balkar Autonomous Soviet Socialist Republic, and the Circassian Autonomous Region was transformed into the Karachay-Cherkess Autonomous Region.

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