

## **About the Crimes Committed by the Totalitarian Regimes in Estonia**

**Toomas Hiio at the Conference “Crimes of the Communist Regimes. An assessment by historians and legal experts”. Prague, 24 February 2010**

The independence of the Republic of Estonia was proclaimed exactly today 92 years ago. Today is Independence Day in Estonia. Estonia lost its independence in 1940 according to the secret protocol of the non-aggression agreement between the Communist Soviet Union and Nazi Germany and did not regain it after the end of the 2nd World War. The occupation and annexation of the Baltic States was never recognised by the United States of America and other Western countries. Estonian diplomatic representations were active in the United States and the United Kingdom for the duration of the Cold War. Estonian passports issued by these representations were accepted as valid travel documents in many Western countries.

The restoration of the Republic of Estonia was accepted by most countries in 1991 and 1992. Estonian citizens have accepted the legal continuity of Estonian statehood in respect to citizenship policy as well as property issues. So you can understand, ladies and gentlemen, why the celebration of Independence Day is more important for Estonians than the celebration of the anniversary of the collapse of the Soviet Union in August 1991, although it actually finalised the restoration of Estonian independence.

This introduction is necessary only due to the sentence in the description of our panel in the conference programme: “Crimes committed by communist governments against their own citizens in the 20th century”. In the case of the Baltic States, the situation was more complicated, but otherwise also easier. The communist government in Estonia was not our own government. The Baltic States were governed from Moscow. We did not elect our local rulers. They were selected for us.

### **I**

During the long period of German and Soviet occupations, there were a number of Estonian citizens who participated in crimes against humanity against their fellow countrymen. Nobody can deny it. Another aspect here is connected to the circumstance that the two different totalitarian empires occupied Estonia. People who collaborated with the Soviet authorities in

1940–1941 were punished by the German authorities during 1941–1944, and people who collaborated with the Germans were punished by the Soviet authorities after the Soviet Union had taken over Estonia once again in the autumn of 1944. In terms of the legal definitions of crimes against humanity it seems simple – people who committed crimes against humanity were guilty. Yet neither the Soviet Union nor Nazi Germany were regimes based on the rule of law. People were punished for their communist activities or pro-Soviet attitudes by the German authorities, and for collaboration with the German authorities by the Soviets. Of course, an additional reason for punishment during the Soviet occupation was social belonging. People and their family members who were treated as bourgeois nationalists or capitalists or wealthy farmers, not to mention former civil servants, military officers and policemen of the Republic of Estonia, belonged by definition to the category subject to punishment.

Only a small part of both the German and the Soviet political repressions intersected with real justice, but this intersection existed. A number of the people who were punished during the German occupation did actually participate in crimes against humanity committed according to the orders of the Soviet communist authorities during the first year of Soviet occupation in 1940–1941. Similarly, a number of people who participated in Nazi crimes against humanity were among those who were sentenced by the Soviet authorities after 1944. One of the subjects of our historical research has been to establish the real perpetrators regardless of whether or not they have already been punished by one or another occupying power. One of the tasks of the Estonian Security Police has been to find perpetrators who were still alive and bring them to justice. The only common ground here could be the definitions of international law concerning crimes against humanity, war crimes and genocide. Historians use them as a framework and courts use them because these articles are part of Estonian legislation.

## II

Usually human losses are used in measuring the crimes committed by totalitarian regimes. Politicians often argue using different figures concerning victims. Often these figures are uncorroborated. Why this is so could be the topic of a special conference. Ladies and gentlemen, the purpose of this table [SEE APPENDIX] is to present the state of research concerning Estonian human losses and suffering caused by the political repressions but also the aggressive politics of the totalitarian regimes. We should, however, bear in mind that human losses and

suffering are only part of the negative consequences of totalitarian rule. Economic and social backwardness, the moral deterioration of society, and so on also belong to this category.

### III

Speaking about communist crimes in general, the question of who was responsible arises. (I would like to be more precise here and use the term “crimes committed by communist regimes” because there are no specific communist crimes defined outside of crimes against humanity, war crimes and genocide.)

The legal position is clear: the perpetrators and their superiors who gave the orders are guilty. Many criminal cases in this respect have already been considered in national courts as well as in the European Court of Human Rights. Yet how should at least the moral responsibility be defined of persons in the governing bodies, for example members of the central committees of the ruling communist parties or various local committees? How should the moral responsibility of the members of communist parties be defined in general? In terms of the crimes of the communist regimes, did these people also have any connection to these crimes?

There are no statutory limitations for crimes against humanity in international law. In the case of Estonia, the last crimes against humanity were committed in the 1950s. After the death of Stalin, most of the survivors of political repressions were released and allowed to return to Estonia from Soviet prison camps or from places of deportation and banishment.

Nevertheless, the death of Stalin did not mean that the violation of general human rights also ceased. The Soviet regime as such was a repressive system and human rights were violated at each level of society.

Violation of human rights 20 years ago is not an issue that can be treated by the justice system today. Thus it can only be an object of moral condemnation. Some people benefited from membership in the communist party or simply from sincere cooperation with the communist authorities at the expense of people who did not do so. Some people used the human rights violations committed by the authorities for their own good. However, even this explanation is too simplified. The Soviet occupation lasted 50 years and during this time, new generations grew up that had never seen any other way of living. We cannot expect ordinary workers and peasants living in a repressive system with censorship and limited foreign contacts to make correct

decisions on historical, moral and philosophical grounds. This is the task of elites. This was the reason why Soviet repressions were always directed against the national elites.

The communist party embodied a component of a secret society or brotherhood throughout its existence. Members of the governing bodies of the party and of the Central Committees were not elected, but chosen by the tiny leadership of the party and only then formally elected. Indeed, faithfulness and loyalty were required even just to become a regular party member. Thus it is not surprising that out of about 100 000 members in the Estonian branch of the Soviet Communist Party in the 1980s, only less than half were ethnic Estonians. By saying so I hopefully do not come across as being too nationalist. Soviet statistics and therefore party membership statistics as well simply were divided up according to ethnic groups. The Russian-speaking part of the population in the union republics at least was in favour, especially after the Soviet Constitution of 1977 established the conception of the Soviet nation.

#### IV

If we consider possible moral condemnation, we also need to consider public opinion. In the case of Estonia: yes, half of the members of the communist party in Estonia were not Estonian. They or at least their parents came or were brought from the Soviet Union to Estonia after World War II to build up a communist society. Yet the other half was composed of our own people. There were few individuals among them who really believed the communist ideas. Joining the party was mostly a much more pragmatic decision. We cannot forget that the Soviet communist party was not a party in the general sense. In the single party system, the party was an integral part of the totalitarian or at least non-democratic regime. Party membership was required even to become a Professor at a university or the principal of a school. Sometimes the decision to join the party was even made under social pressure. For example, there were cases where a school's teachers asked somebody from among themselves to join the party and become the school principal in order to avoid having the authorities appoint somebody to this position.

I also have a personal experience in this respect. In the autumn of 1987 when faculty party committee members recruited new members for the party, the argument was used that young Estonian students were needed, otherwise the party in Estonia would ultimately be taken over by the Russians. In 1987, it was already simple to just refuse such an offer. Several years earlier, however, declining an offer to join the party could lead to unpleasant consequences. At least the refusal was noted in the person's file. There was a file on everybody. Everybody knew it.

So, the general condemnation of all former members of the communist party could not be a very popular idea in Estonia today. Practically everybody has a relative or friend, or simply someone they respect who is a former party member. The usual way of thinking is that yes, all the communists were bad but my uncle—although he was also a party member—he is a good man, he did not anything bad.

## V

Yes, it is funny, but the ultimate purpose of overcoming the past is a better future. It is simple in this respect concerning the victims and perpetrators. We have to commemorate the victims of totalitarian regimes who were killed or who are dead. We have to tell our people and especially our children about their sufferings. We have to support the survivors who lost their best years in the prison camps, in deportations or even those who due to their political beliefs were hampered in their working life.

The judicial system has to bring the perpetrators to justice.

Civilised societies do not fight against monuments, but civilised societies also do not commemorate dead perpetrators on public expense. And so on.

The more difficult task is overcoming the consequences of the communist past in everyday life, in politics, in governments and local governments, in business life, in universities, schools and so on. It is no secret that there are problems in this respect in all countries, which were previously under communist rule. Unjust and immoral regimes influenced everyone who lived in that period, even the best of them. We see the undemocratic way of thinking, we see the toadyism, lying, use of unfair methods, particularly corruption, etc. Of course, such things are also not unknown in the old democracies. Social scientists, for example, say that corruption is connected to the habits and traditions of a nation and there is a correlation with the religion of the majority of the population. Yet all these things were amplified during totalitarian and undemocratic communist reign. Such methods were an integral part of procedures in our countries only 25 years ago.

It has been used to say, that nobody has not seen the dead body of communism.

Even when considering the membership of the contemporary political elites of former communist countries, member states of the European Union, both on the national level as well as on the local government level, we can see many Sauls who became Pauls years ago already, and

a number of individuals who are still on their way to Damascus. Yet there are also many whose values have remained unchanged, and some of them have devoted followers even among people who were still in kindergarten when the communist system collapsed.