

CRIMES OF COMMUNISM IN LATVIA

Valters Nollendorfs

Museum of the Occupation of Latvia

My mother had three wishes: returning to Latvia, seeing her brothers and our family and having a flat. All of these wishes have been fulfilled. But even today my mother wakes from a dreadful dream. Again it is night and someone is knocking at the door. Strange men enter and order her to get ready. The deportation nightmare begins, and my mother in despair thinks: "The last time it was a dream. Now it's real." On waking she gazes long into the empty night until she calms down and understands: she is home again. In Latvia.¹

I have chosen these last lines in Sandra Kalniete's book *With Dance Shoes in Siberian Snows*, a book that has been translated into 11 languages, to remind ourselves that the term "crimes against humanity" as a legal abstraction, last defined in Article 7 of the 1998 Rome Statute, is woefully inadequate in terms of fully grasping the human tragedy and its lingering aftermath for which the original crime is only a starting point. The statute concentrates on the perpetrators and their culpability. Any culture of memory must be much more inclusive and never leave sight of the victims and survivors as the direct carriers and inheritors of the memory. It must not only deal with the crime but the entire context in which the crime was perpetrated and even more – the lingering political, social, moral and psychological after-effects. The crime is with us as long as the nightmare persists in the psyches of its victims.

Sandra Kalniete's book deals with the family that she never had and that was long hidden from her. She never knew her grandfathers, both of whom died in GULAG prison camps and whose deaths were concealed from their families for a long time. She never knew her maternal grandmother, who died a forcibly resettled person in Siberia, some 6000 kilometres from her native Latvia. Her mother, arrested by the Soviet regime on 14 June 1941 at the age of fourteen, was deported to Siberia on the night of a school dance in her dance shoes. Sandra was born of parents who were

¹ Sandra Kalniete, *With Dance Shoes in Siberian Snows*, transl. Margita Gailīte (Riga, Latvijas Okupācijas muzeja biedrība, 2006) 319.

banished for life from their native country. Thus she, too, was destined not to be free. Even after the family was allowed to return to Latvia in 1957, it was discriminated against as were thousands of other families. Escaping from arrest in 1941, Sandra's uncles, the brothers of her mother, fled to the West at war's end. She was born and grew up in a family truncated and terrorised by the Soviet regime.

Sandra Kalniete signed the last lines of her book in Paris on 23 August 2001, the 62nd anniversary of the infamous Hitler–Stalin Pact of 1939, clearly a crime against peace. The book's narrative opens on that day in August 1939 still in independent Latvia. Thus Kalniete sets the international political scene and context for Latvia, whose nightmare included three foreign occupations and three occupation regime changes within five years 1940–1945, as well as a devastating war, which involved some 200,000 young Latvian men on both warring sides, neither of which wanted to see a free Latvia. The crimes committed on Latvian soil and against citizens of the Republic of Latvia were committed by both Soviet and Nazi regimes under conditions of military occupation and jurisdiction, or – the presence of substantial foreign military forces that could have established full control at any time. There was no sovereign Latvian government, only proxies of the occupying regimes, that could have either ordered or prevented these crimes, which include crimes against humanity and genocide. Both regimes used persuasion, coercion, blackmail, and other means to exact collaboration from the local population and, what is worse – involve members of the local population in their crimes against other members. Mass deportations to Siberia, executions and the Holocaust would not have been possible without such involvement. The existing social value system was brutally destroyed. Violations of human rights under these circumstances were almost negligible offenses. After war's end, the victorious Communist regime persisted for forty five years.

The presence of Soviet military forces in Latvia was all-pervasive and constituted a threat until the re-establishment of independence in 1991. Therefore, certain Communist crimes in Latvia can be classified as war crimes, especially taking into

account the fact that Soviet military forces were involved in many of the crimes, such as deportations and military actions against resistance fighters.²

Although there is some scholarly difference of opinion about the applicability of the term "occupation" to the extended period of Soviet rule after the defeat of Nazi Germany in 1945, in two declarations the Saeima (Parliament) of the Republic of Latvia has defined Latvia as an occupied country from 17 June 1940 to 21 August 1991 and accused the Soviet Union of various crimes.³

Soon after regaining independence, the Republic of Latvia established a Centre for the Documentation of the Consequences of Totalitarianism charged with historical research and a special Prosecutor General's Office for Investigation of the Crimes of Totalitarian Regimes.

The major crimes committed by the Communist occupation regime in Latvia are:

² It is important to stress that communist crimes against humanity in the territory of Latvia were carried out under conditions of an illegal takeover by threat of military force and massive military occupation of the sovereign Republic of Latvia by the USSR on 17 June 1940. This takeover and the subsequent incorporation into the USSR was as direct a result of the agreements in the Secret Protocols of the Hitler–Stalin Pact of 23 August 1939 in contravention of the Kellogg-Briand Pact of 1928. It also blatantly contravened earlier treaties and agreements between the sovereign Republic of Latvia and the USSR, which specifically recognised the sovereignty of the Republic of Latvia and provided for peaceful settlement of disagreements, in particular, the Peace Treaty between the Republic of Latvia and the Russian Socialist Federative Republic of 11 August 1920, as well as the Non-Aggression Treaty of 5 February 1932 and the Mutual Assistance Treaty of 5 October 1939 between the Republic of Latvia and the USSR, both of which refer to the Peace Treaty and its sovereignty clause in Article II: "[...] Russia recognises without objection the independence and sovereignty of the Latvian State and forever renounces all sovereign rights held by Russia in relation to the Latvian nation and land [...]" Most of the international community never recognised the occupation and the incorporation *de iure*. (Inesis Feldmanis: <http://www.mfa.gov.lv/en/latvia/history/occupation-aspects>, accessed 6 Feb. 2010).

³ The first was the 22 August 1996 Declaration on Latvia's Occupation, referring to the crimes committed by the regime, including mass deportations and other repressions, illegal confiscation of property, suppression of civil rights, cruelly punishing people engaged in armed or unarmed struggle for independence, instituting policies of mass migration into Latvia and threatening the nation with loss of identity (<http://vip.latnet.lv/LPRA/deklaracija.html>, accessed 10 Feb. 2010). The second declaration, on 12 May 2005, reaffirmed and expanded the first, by stating, in part that "the Latvian state condemns the USSR totalitarian communist occupation regime implemented in Latvia; the Latvian state condemns the actions of all those persons who participated in committing the crimes under the said regime; Latvia recognizes members of the national resistance movement as fighters for Latvia's freedom and honours them [...]" (<http://vip.latnet.lv/lpra/dekl2005.htm>, accessed 10 Feb. 2010) The second declaration also provided a basis for establishing a commission to calculate the losses suffered by Latvia as a result of the rule of the occupation regime.

- A mass deportation of at least 15,424 persons on 14 June 1941,⁴ ordered in Moscow, executed in Latvian SSR with the involvement of local cadres. For the sake of comparison Latvia's pre World War II population was in round figures 2,000,000. It was an operation directed against the political, economic, military, social and cultural elites of independent Latvia. Men like Sandra Kalniete's grandfather were separated from their families and sent to GULAG hard labour prison camps to be tried by special tribunals on the basis of Article 58 the Criminal Code of the Russian SFSR for "Counter-Revolutionary Crimes" applied retroactively. Only about 1/5 survived. The families, like that of Sandra Kalniete's grandmother and mother, were sent to forced settlement areas in Siberia under harsh conditions.
- A mass deportation of more than 42,125 persons on 25 March 1949,⁵ ordered in Moscow, executed by local authorities in the Latvian SSR. It was an operation directed specifically against the so-called "kulaks as a class" (9115 families, 29,030 persons) and against "bandit supporters", i.e. families of national resistance fighters, the so-called Forest Brethren, and "nationalists" (4311 families, 13,095 persons). They were sent to forced settlement areas primarily in the Amur, Omsk and Tomsk districts. They had to sign a form notifying them that they had been resettled for life without the right to return to Latvia. Sandra Kalniete's grandmother and father were deported to the Tomsk district as family members of a "bandit."
- During the entire period of Soviet rule in Latvia, including the post-Stalinist period, people were subjected to political arrests and deportations, and their total number far exceeded those of the mass deportations. During the post-war era until Stalin's death in 1953, more than 70,000 were arrested, sentenced to GULAG prison camps or executed – in addition of those deported in 1949.⁶ Adding the close to 25,000 victims of the first Soviet occupation 1940–41, including those deported, the total number of politically persecuted during the Stalin era alone approaches 150,000.⁷

⁴ [Latvijas Valsts arhīvs], *Aizvestie. 1941. gada 14. jūnijs* [The Deportees. 14 June 1941] (Rīga: Latvijas Valsts arhīvs, Nordik, 2001).

⁵ [Latvijas Valsts arhīvs], *Aizvestie. 1949. gada 25.marts* [The Deportees. 25 March 1949] (Rīga: Latvijas Valsts arhīvs, Nordik, 2007). Actually, the deportation took more than one day to complete. These are the numbers on record and do not include 211 children born on the way, 513 people on the lists but deported later and 1422 GULAG inmates who were later reunited with their deported families.

⁶ *Aizvestie. 1949. gada 25.marts* 12.

⁷ In 1999 a book was published listing 49 321 persons, whose names had been found in the card files of the KGB of the Latvian SSR after they had been taken over by Latvian authorities in 1991: Rudīte Vīksne and Kārlis Kangeris, eds., *No NKVD līdz KGB: politiskās prāvas Latvijā 1940–1986* [From the NKVD to the KGB: Political Court Cases in Latvia 1940–1986] (Rīga: Latvijas Vēstures institūta apgāds, 1999). It does not claim to be a complete listing of those persecuted by the regime. Thus

The indirect consequences of these crimes are of a much longer and persistent nature. The terror and brutality of the first Soviet occupation made possible if not inevitable cooperation with the Latvians' historical enemies, the Germans. The cooperation with the Germans in turn made possible the accusation during the long Soviet occupation that non-Communist Latvians are fascists. The experiences during the first Soviet occupation were also directly responsible for about 120,000 Latvian wartime refugees, including a disproportional number of the educated elites, who stayed in the West. The three brothers of Sandra Kalniete's mother were among them. The large-scale enforced population shifts, including massive in-migration from Soviet Russia and other Soviet Republics were threatening to erase the titular Latvian nation's identity; even after regaining independence, they have left a deep imprint on social relationships and structures.⁸ The involvement of Latvian nationals by both totalitarian occupation regimes in their crimes and co-optation in their governing and surveillance structures has left many unhealed contradictions and scars in the society.

Because the major crimes against humanity in the territory of Latvia were committed in the 1940s and 1950s, prosecution of these crimes has been rendered difficult, if not impossible. One of the major difficulties – in contrast to similar crimes committed by Nazi Germany – has been the lack of prosecution of these crimes at the highest level. There has been no equivalent of a Nuremberg Tribunal and only sporadic and reluctant admission of the Communist regime's criminal nature. Thus only the local executors could be charged and tried some fifty years later when many of the accused and potential witnesses were old, no longer accountable or had died. Documentary evidence was scant. Many KGB documents were transported to Russia and were not accessible to Latvian prosecutors.⁹ For all intents and purposes, prosecutions against perpetrators of crimes against humanity have ceased.¹⁰

Sandra Kalniete's paternal grandfather is included in the list; her maternal grandfather is not. It also does not account for countless cases of illegal surveillance, searches, interrogations and intimidation. The list also shows clearly that the regime continued political persecutions after Stalin's death, albeit at a reduced rate.

⁸ Jānis Riekstiņš, "Colonization and Russification of Latvia 1944–1953," *The Hidden and Forbidden History of Latvia under Soviet and Nazi Occupations 1940–1991*, ed. by Valters Nollendorfs and Erwin Oberländer, Symposium of the Commission of the Historians of Latvia 14 (Rīga: Institute of the History of Latvia, 2005) 228–241.

⁹ Despite the difficulties, several persons were charged. The most notorious successful case was tried against Alfons Noviks, former Minister of State Security of the Latvian SSR, for signing most of the deportation orders of the 1949 mass deportation of over 42,000 persons. He was convicted for genocide in 1995 to life imprisonment and died in prison in 1996. A second case, against the former Commissar

While the prosecution has lagged and is obviously flagging in Latvia, historical research in the last ten years has made substantial progress toward illuminating the true nature of the Communist regime and its secrets.¹¹ The Latvian Historical Commission was established at the President's office in 1998.¹² Its original charge was to investigate "Crimes against Humanity Committed in the Territory of Latvia under Two Occupations, 1940–1956."¹³ Later the charge was expanded to include the entire occupation period. The Commission concentrated, instead, on organising international conferences and sponsoring research projects, publishing conference proceedings and research reports, as well as collections of documents. To date, 25 volumes have been published, including the research of both Latvian and foreign historians.¹⁴ A reasonable factual basis has been created and a historical consensus on many aspects of crimes committed under the occupation regimes has been reached.¹⁵

of State Security, Semion Shustin, who signed most of the 1941 deportation orders, could not be brought because he had disappeared in Russia and according to information received had died in the meanwhile. One case illustrates how the modern European judicial system can complicate convictions for crimes committed so long ago under very complicated historical circumstances. Latvian courts convicted Soviet partisan combatant Vasilijs Kononovs for a war crime committed in 1944 in German-held Latvian territory, for killing civilians who had allegedly supported Nazi occupation forces (<http://vip.latnet.lv/lpra/konon28sept.htm>, accessed 11 Feb. 2010). Kononovs appealed the case to the European Court of Human Rights, which decided that Kononovs' case had violated Article 7 of the European Convention on Human Rights, namely that the act did not violate laws in force at the time (<http://vlex.com/vid/case-of-kononov-v-latvia-41727537>, accessed 11 Feb. 2010).

¹⁰ Lustration laws have been proposed but never went beyond the initial stage of discussion and are fast losing any significance. Laws opening secret KGB files remaining in Latvia as well did not get past the discussion stage. They were either deemed political or, as the Centre for the Documentation of the Consequences of Totalitarianism pointed out, their incompleteness could lead to miscarriages of justice, since it could not be determined, which parts of the files were left behind by the KGB in August 1991 and why. Therefore only the persons whose files are available are allowed to view them. Also, by law information is released about membership in the KGB, since former KGB operatives are barred from holding political office in Latvia.

¹¹ Research in the 1990s concentrated mainly on aspects of aspects of Latvia's loss of independence, its illegal occupation and the crimes committed under the aegis of the occupation regimes. Various aspects of collaboration, or perceived collaboration, especially during the Nazi German occupation, including the participation of Latvian nationals in the Holocaust, were not among the most important topics of research.

¹² An English-language description: http://www.president.lv/pk/content/?cat_id=7&lng=en, accessed 10 Feb. 2010. At this time, some of the information had not been brought up to date.

¹³ The original charge included "the production of the final report on the theme". An interim report was published in 2001, but a final report never was formulated. See the interim report in English at http://www.president.lv/pk/content/?cat_id=1330, accessed 11 Feb. 2010.

¹⁴ http://www.president.lv/pk/content/?cat_id=2766, accessed 10 Feb. 2010.

¹⁵ . Unfortunately, most of the research is available only in the Latvian language. Only one volume of research articles was published in English. (Nollendorfs, Valters and Erwin Oberländer, eds. *The Hidden and Forbidden History of Latvia during Soviet and Nazi Occupations 1940--1991: Selected Research of the Commission of the Historians of Latvia*. Symposium of the Commission of the Historians of Latvia 14. Riga: Institute of the History of Latvia Publishers, 2005). Although the Commission is international, its foreign members have been only marginally involved in its activities. Latvian historians have in general failed to establish a discourse with and participate in the current debates of western historians, no doubt mainly because of insufficient linguistic proficiency.

The Museum of the Occupation of Latvia, a non-governmental organisation, is the main institution of public history. Founded in 1993, it is only partly subsidised by the state. It attracts over 100,000 visitors a year, many of them foreigners, including many distinguished state guests. Its permanent exhibition is devoted to both Soviet and Nazi German occupations and is accessible in six languages. Its collections hold many unique documents, videotaped testimonials and artefacts. Its Education Programme reaches out to schools all over Latvia with its teacher seminars, travelling exhibitions and student activities. The Research Programme publishes a yearbook, and Museum scholars participate in national and international conferences and publications. With state support the Museum hopes to expand and renovate its present building in the centre of Riga to serve even better as a place of memory and commemoration.¹⁶

Six years ago, in 2004, Sandra Kalniete created a major political *éclat*. It was a month before ten East European states joined the European Union, including Latvia, whose Foreign Minister she was. In a short speech at the Leipzig Book Fair she proposed the task lying ahead for the expanded EU in terms of history and memory and dared to describe the Nazi and the Soviet Communist regimes as "equally criminal." She knew whereof she spoke both in personal and national terms. Her speech was denounced as an attempt to relativise Nazi crimes, which had long dominated West European memory culture. Much has changed in the intervening six years. Sandra Kalniete is a Deputy of the European Parliament and a patron of this conference. Slowly but surely East European memory is emerging from the recesses behind the Iron Curtain and entering the consciousness space of Western Europe. But the nightmare persists. It will fade away only when the historical and memory gaps left by the long separation in Europe will be bridged and healed. Only then will the East be able to wake up and realise we are home again. In Europe.

¹⁶ <http://www.occupationmuseum.lv>, accessed 15 Feb. 2010.