

Lustration in Estonia



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Occupation and succession of the states



- Establishment of the Republic of Estonia
24.02.1918
- 1940-1941 – 1st Soviet Occupation
- 1941-1944 – German Occupation
- 1944-1991 – 2nd Soviet Occupation
- Declared independence: 20.08.1991

Legal basis of lustration



- Bill on regulation of registration and public information about people working for Security Services or Intelligence of Military Forces of the occupying states or people co-operating with them (Bill on lustration 1995).
- Bill on asseveration- Oath of Conscience (1992) – valid will 31.12.2000 and based on the Constitution

Bill of 1995 holds in regard:

Military Intelligence and Counter-Intelligence of the Nazi Germany and their subordinate structures:

- Sicherheitspolizei (Sipo)
- Sicherheitsdienst (SD)
- Geheime Staatspolizei (gestapo)

Security Departments, Military Intelligence and Counter-Intelligence of the Soviet Union and their subordinate structures:

- Main Directorate of State Security– ГУГБ
- People's Commissariat for State Security - НКГБ

Bill of 1995 holds in regard:



- Intelligence Department of the General Staff of the Nazi Germany (Abwehr)
- III, IV, VI Department of Reichs Sicherheits Hauptamt (RSHA)
- State Directorate of Counter-Intelligence – «Смерш»
- Ministry of State Security of Soviet Union – МГБ
- Committee of State Security of Soviet Union – КГБ
- Main Intelligence Directorate of the General Staff of the Soviet Union - ГРУ
- Selected departments of the army, fleet and border security forces of the Soviet Union

Citizens of the republic of Esthonia, foreigners and stateless,

On duty or co-operating with the above mentioned institutions between c 17.06.1940 по 31.12.1991 г.

And residing on the territory under jurisdiction of the Republic of Esthonia.

Who was subjected to lustration? Drag picture to placeholder or



What comes under “lustration”?



- Acting as an agent, resident, holder of a safe house of the security service or intelligence service or any other conscious and voluntary form of cooperation with said bodies.
- Any secret and informal cooperation without legal employment at said bodies.
- Cooperation is considered proven if the person put signature under a corresponding obligation (consent) or addressed memo confirming the partnership for cooperation with the said bodies or was given money or other remuneration, as well as other evidence, evaluated in accordance with the law.

Basis for the inclusion into the register



The register is administered by the Security Police (KAPO)

- Declaration confirming or denying cooperation with the said bodies (lustration declaration) should be submitted to KAPO within a year.
- Written declaration of coworkers of the subjected person confirming employment or cooperation with the said bodies.
- Any other material evidence confirming cooperation

Lustration declaration should include:

- Last name, First name, Father's name (otchestvo) and all other given names.
- Date of birth
- Place of birth
- Address of residence during employment or cooperation with the said bodies and address of residence during the moment of submitting

Basis for the inclusion into the register



- Full name of the agency where the subjected person worked or cooperated with
- The details of work
- Duration of work
- Place of work during submitting the lustration declaration
- All of the other information regarding cooperation with the said institutions excluding sensitive information that can do personal harm to the subjected person or

What happens if one does not submit voluntary?

- Public announcement in the state official journal

24.04.2009. a teadaanne nr 883

LIVIKA SAARVA (sünd 12.03.1953 Eesti Tartu) – Ropka 22a korteriühistu – koristaja

1.	Eesti NSV Riikliku Julgeoleku Komitee	Tartu osakond – kirjavahetuse perlustratsioon	09.1985– 11.1991
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- Before the announcement – a written statement issued to the person by KAPO
- Opportunity to access documents for a period of 1 month
- Opportunity to challenge the evidence at KAPO or in the court of law – burden of proof on the KAPO

Statistics of announcements



- Lists of those who did not voluntarily admit were published 13 times since 1997
- Total number countered 647 (only «Soviet»)
- 501 men (77%), 146 women (23%)
- Born between 1911 - 1972
- Average duration of work in the said institutions – 14 years, 2 worked below 1 year, and one – 46 years
- 60% were tied to KGB till 1990/1991
- More information: www.kapo.ee/eng/areas-of-activity/disclosure-of-employees-of-security-organisations-of-occupi

The most famous spy of the KGB

- Vladimir Veitman
- Born 19.02.1955 in Talinn
- 1980-1991 led a unit in KGB
- 09.1991-05.2011 worked in KAPO
- In 2013 sentenced to 15 years in jail for espionage for the Russian Federation

Bill on the asseveration – Oath of Conscience (1992) states:

- Agents or cooperatives of the Military Intelligence or Counter-intelligence forces of the states occupying Estonia recruited either as agents, residents, secret or regular holders of houses being regularly employed or consciously and voluntary cooperating (regards the same definition as the bill of 1995).
- And responsible for repressions against citizens for their political activities, unloyalty, class association, or service for the independent Estonian State or it's defense forces. And all mass repressions which took place between 1940- 1950. and all intentional actions that led to conviction or contributed to it's imposition on people who based on the Republic of Estonia Bill on Rehabilitation of Repressed were declared as wrongly convicted or those who are subjects of rehabilitation based on the personal petition to the court of law.

Responsible for repressions are people:



- Planning mass non-judicial repressions (including deportations), allowing for or supervising its preparations
- Preparing or ordering preparation of deportation lists, controlling preparation of deportation lists or having mandate for its organization
- Voluntarily and consciously reporting without authorization or order facts that led others to be placed on deportation lists or being deported
- Directly organizing and performing deportations, giving orders and authorizing them, having mandate to perform such actions or deciding about status of the deportees, or those doing such actions voluntarily consciously without mandate
- Members of the People's Self Defense or Battalions of People's Defense or Destruction Battalions consciously ordering or implementing orders to perform crimes or repressions
- Judicial experts, researchers, judges, prosecutors and other people involved in preparatory proceedings or court trials proven to be judicial repressions

Asseveration- Oath of Conscience



- *"I swear that I have not served at Military Intelligence or Counter-intelligence units of the states occupying Estonia, nor have I been their agent or participated in repressions of citizens political beliefs, unloyalty, class association or their service for the state or defense forces of the Republic of Estonia."*
- Was valid till 31.12.2000

Obligatory for candidates for the following positions:

- President of the Republic
- Member of Riigikogu (parliament)
- Deputy to the local council
- Prime Minister and Ministers
- Judges
- Chancellor of Justice
- National Controller
- President of the National Bank of Estonia
- Chiefs of Staff of Defense Forces
- Any other position in the state or local authority bodies got by election

Consequences of false oaths

- If the court proves that the oath had been false such candidate is removed from the electoral list, forced to resign from his post, he cannot be designated for the post or will be removed from the post
- Court proceedings can be issued by each citizen upon suspicion or by the Prosecutor's Office
- Prosecutor's Office is obliged to start legal proceedings if it possesses possible burden of proof
- KAPO has to transfer all information to the Prosecutor's Office including information voluntarily submitted in accordance with the Bill on lustration of 1995.

And yet...



- Ain Seppik
- Prosecutor 1976-1992
- In 1985 sentenced young people to different terms of prison who attempted to escape from Soviet Union or burned or done graffiti on Soviet monuments.
- In 2003 under public pressure resigned from position of the Minister of Interior...

And yet...



- Iuri Paal, judge
- Awarded in 2007 order of “White Star” 4th class
- The President took order away after he received a note from a former political prisoner Mart Niklus whom Paal put for 13 nights of arrest in March 1980 after his return from Moscow where he met with Andrei Sakharov.



Thank you for your attention!

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