

ÖZEL SAYI / SPECIAL ISSUE:
Çarlık Rusyası ve Sovyetler Birliği'nde Kırım Tatarları
Crimean Tatars under Tsarist Russia and Soviet Union

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Exposing Dishonest History: The Creation and Propagation of Stalin's False Allegation of 'Mass Treason' against Crimean Tatars during World War II

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BOOK REVIEW

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E-posta: terazi yayincilik@gmail.com

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Yazarlar

Andrew Dale STRAW



Andrew Straw, halen *University of Texas, Austin*'de Tarih (Avrupa) alanında doktora çalışmalarına devam etmektedir. Bir buçuk yıldan bu yana, Kırım Tatarları üzerine hazırladığı *Resisting Ethnic Cleansing: Crimean Tatars, Crimean and the Soviet Union, 1944-1991* başlıklı tezi için Rusya'da araştırmalarına devam etmektedir. 2006 senesinde *University of Texas, Austin*'de Tarih ve Rus, Doğu Avrupa ve Avrasya Çalışmaları'dan mezun olan Straw, 2010 yılında *Stanford University* Rus, Doğu Avrupa ve Avrasya Çalışmaları'ndan yüksek lisans derecesini almıştır. Straw'un çalışma alanları arasında Sovyetler Birliği, İkinci Dünya Savaşı, Sovyet milliyetler politikası, Sovyetler Birliği'nde İslam, göç ve Sovyet turizmi bulunmaktadır.

İletişim: astraw@utexas.edu

J. Otto POHL



J. Otto Pohl, *University of Ghana* Tarih Bölümü'nde Modern Avrupa Tarihi ve Dünya Tarihi dersleri vermektedir. Bundan önce, 2007-2010 tarihlerinde Bişkek'teki *American University of Central Asia*'da Uluslararası ve Karşılaştırmalı Politika alanında Doçent olarak görev yapmıştır. 1992 yılında *Grinnell College* Tarih Bölümü'nde Lisans eğitimini tamamlayan Dr. Pohl, *University of London* Doğu ve Afrika Çalışmaları Okulu Tarih Bölümü'nden yüksek lisans (2002) ve doktora (2004) derecelerini almıştır. *The Stalinist Penal system* ve *Ethnic Cleansing in the USSR, 1937-1949* başlıklı iki kitabın yazarıdır. Bunların yanında, Sovyetler Birliği'nde sürgün edilen etno-ulusal gruplar hakkında daha kısa çalışmaları vardır.

İletişim: j.ottopohl@gmail.com

Martin-Oleksandr KISLY



Martin-Oleksandr Kisly, 2012 yılında *University of Kyiv* Tarih Bölümü'nden mezun olmuş, 2014 yılında, *Childhood of Crimean Tatars in Exile* başlıklı teziyle *Kyiv-Mohyla Academy* Tarih Bölümünden yüksek lisans derecesini almıştır. Kisly, halen aynı bölümde sürgünde Kırım Tatar kimliği konusundaki doktora çalışmalarına devam etmektedir. Kisly'nin akademik ilgi alanları arasında sosyal bellek çalışmaları, sözlü tarih, imgebilim ve kimlik çalışmaları bulunmaktadır.

İletişim: martin.oleksandr@gmail.com

Yazarlar

Onur URAZ

Onur Uraz, *University of Southampton*'da Uluslararası Kamu Hukuku alanında doktora çalışmalarına devam etmektedir. Halen, soykırım hukukunun yorum ve uygulamaları hakkında çalışmalarına devam etmektedir. Uraz, 2011 yılında Gazi Üniversitesi Hukuk Fakültesi'nden mezun olmuş, 2014 yılında *University of Glasgow*'dan Hukuk yüksek lisans derecesini kazanmıştır. Uraz, 2012 senesinde Ankara Barosu'na üye olmuştur. Ayrıca, *University of Southampton*'daki Hukuk, Etik ve Globalleşme Merkezi (LEAG) üyesidir. Uraz'ın akademik ilgi alanları uluslararası ceza hukuku, uluslararası ve Avrupa insan hakları hukuku, uluslararası yargılama ve Türk ceza hukukudur.

İletişim: onururaz215@yahoo.com.tr



Natalia Królikowska-JEDLIŃSKA

Natalia Królikowska-Jedlińska, doktora derecesini 2010 yılında *University of Warsaw* Tarih Bölümü'nden almıştır. Halen, aynı bölümde Doçent olarak görev yapmaktadır. Królikowska-Jedlińska'nın yayınları arasında *Crimean Crime Stories: Cases of Homicide and Bodily Harm during the Reign of Murad Giray (1678-1683)* (The Crimean Khanate between East and West (15th-18th Centuries, ed. Denise Klein, Harrassowitz, Wiesbaden, 2012, ss. 109-124, içinde) ve *The Law Factor in Ottoman-Crimean Tatar Relations* (Early Modern Period in Law and Empire: Ideas, Practices, Actors, ed. Jeroen Duindam, et al., Brill, Leiden-Boston 2013, ss.177-195, içinde) bulunmaktadır. Królikowska-Jedlińska'nın çalışmaları erken-modern dönemde Kırım, Osmanlı ve Kafkasya üzerinde yoğunlaşmaktadır.

İletişim: nkrolikowska@uw.edu.pl



Yuliya BILETSKA

Yuliya Biletska, Yardımcı Doçent olarak görev yaptığı Karabük Üniversitesi Uluslararası İlişkiler Bölümü'nde sosyal bellek, milliyetçilik ve post-Sovyet ülkelerde siyasi ve ekonomik dönüşümler konularında lisans ve yüksek lisans dersleri vermektedir. 2009 yılında, Orta Doğu Teknik Üniversitesi Avrasya Çalışmaları Yüksek Lisans Programı'nı tamamlayan Biletska, 2011 yılında *Taurida National V.I. Vernadsky University*'den Siyaset Bilimi (Etnosiyaset ve Etnik Çalışmalar) doktora derecesini kazanmıştır. Doktora çalışmaları esnasında, Orta Doğu Teknik Üniversitesi'nde misafir araştırmacı olarak bulunan Biletska, burada Kırım'daki Kırım Tatarlarının etnik kimlik oluşumlarında Türkiye'nin etkisi konusunda araştırmalar yapmıştır. Biletska'nın akademik ilgili alanları arasında etnik kimlikler, azınlık hakları, milliyetçilik, göç, sosyal bellek ve çokkültürcülük bulunmaktadır.

İletişim: yuliyabiletska@karabuk.edu.tr



Contributors

Andrew Dale STRAW

Andrew Straw is an ABD PhD Student in History (European) at the University of Texas, Austin. For the last year and a half, he has been conducting research in Russia for his dissertation on Crimean Tatars titled *Resisting Ethnic Cleansing: Crimean Tatars, Crimean and the Soviet Union, 1944-1991*. In 2010, he completed a M.A. in Russian, East European and Eurasian Studies at Stanford University. He received his B.A. in 2006, majoring in History and Russian, East European and Eurasian at the University of Texas, Austin. Straw's research interests include Soviet Union, World War II, Soviet nationalities policies, Islam in the Soviet Union, migration, and Soviet Tourism.

Contact: astraw@utexas.edu



J. Otto POHL

J. Otto Pohl is a Lecturer in the Department of History at the University of Ghana, where he teaches Modern European and World Histories. From 2007 to 2010, Dr. Pohl served as an Associate Professor of International and Comparative Politics at American University of Central Asia in Bishkek. He earned a B.A. (1992) in History from Grinnell College and an M.A. (2002) and Ph.D. (2004) in History from the School of Oriental and African Studies, University of London. He is the author of two books; *The Stalinist Penal System* and *Ethnic Cleansing in the USSR, 1937-1949*. He has also written a number of shorter pieces on the subject of national deportations in the USSR.

Contact: j.ottopohl@gmail.com



Martin-Oleksandr KISLY

Martin-Oleksandr Kisly graduated from the Department of History at the University of Kyiv in 2012. He earned his Master's Degree in 2014 from the Department of History at Kyiv-Mohyla Academy with his thesis entitled *Childhood of Crimean Tatars in Exile*. Kisly is currently a Ph.D Candidate at the same department. In his doctoral research, he focuses on the Crimean Tatar identity in exile. Kisly's research interests include memory studies, oral history, imagology and identity studies.

Contact: martin.oleksandr@gmail.com



Contributors

Onur URAZ

Onur Uraz is a PhD fellow in Public International Law at the University of Southampton. His current research focuses on interpretation and application of the genocide law. Uraz gained his LL.B. Degree from Gazi University in 2011, and completed his LL.M. Degree in 2014 at the University of Glasgow. Uraz was qualified as an attorney at the Ankara Bar Association in 2012. He is a member of the Centre for Law, Ethics and Globalisation (LEAG) at the University of Southampton. His research interests are international criminal law, international and European human rights law, international adjudication and Turkish criminal law.

Contact: onururaz215@yahoo.com.tr



Natalia Królikowska-JEDLIŃSKA

Natalia Królikowska-Jedlińska (PhD in History at the University of Warsaw, 2010) is an Assistant Professor in the Institute of History of the University of Warsaw. Królikowska-Jedlińska's publications include *Crimean Crime Stories: Cases of Homicide and Bodily Harm during the Reign of Murad Giray (1678-1683)* (in *The Crimean Khanate between East and West (15th-18th Centuries)*, ed. Denise Klein, Harrassowitz, Wiesbaden 2012, pp. 109–124) and *The Law Factor in Ottoman-Crimean Tatar Relations in Early Modern Period* (in *Law and Empire: Ideas, Practices, Actors*, ed. Jeroen Duindam, et al., Brill, Leiden-Boston 2013, pp.177–195). Her research focuses on Crimean, Ottoman and Caucasian histories in the Early Modern Period.

Contact: nkrolikowska@uw.edu.pl



Yuliya BILETSKA

Yuliya Biletska is an Assistant Professor in International Relations Department at Karabuk University, where she teaches undergraduate and graduate courses on collective memory, nationalism and political and economic transitions in Post-Soviet countries. She completed her MA in Eurasian Studies at Middle East Technical University and Ph.D. studies in Political Science (Ethnopolitics and Ethnic Studies) at Taurida National V.I. Vernadsky University. During her doctoral studies, she had been a research fellow at Middle East Technical University, where she studied the impact of Turkey on the ethnic identification of the Crimean Tatars in Crimea. Her research interests include ethnic identities, minority rights, nationalism, migration, collective memory, and multiculturalism.

Contact: yuliyabiletska@karabuk.edu.tr



Editörün Notu

Rusya'nın Mart 2014'de Kırım'ı ilhakına en kararlı ve açık itiraz, Kırım'ın yerli halkı ve Türk kökenli bir grup olan Kırım Tatarlarından geldi. Bu nedenle, Rus otoriteleri de Kırım Tatar muhalefetine ve Kırım Tatarlarının ulusal önderlerine karşı sert önlemler almaya başladı. Yalnız Kırım'da değil, dünyanın farklı yerlerindeki Kırım Tatarlarının kudretli Rusya'nın Kırım'ı ilhakına karşı gösterdikleri direnişin sebebi nedir? Neticede, ilhak öncesinde Kırım Tatarları, Ukrayna toplumdaki bir takım önyargıların hedefi olan ve oldukça olumsuz şartlar altında varlıklarını devam ettirmeye çalışan bir gruptu. Her ne kadar, Ukrayna hükümetleri Kırım Tatarlarının tanınması ve bir takım sosyal ve kültürel haklarının iadesi konularında bazı adımlar atmış olsa da, bunlar oldukça yetersiz girişimler olarak kalmıştır. Aynı şekilde, Rusya'nın Kırım Tatarlarına karşı giriştiği sert ve cezai baskıların altında yatan neden de sorgulanabilir. Her iki sorunun da cevabı, jeopolitik ve tarihte aranmalıdır.

Günümüzde Geniş Karadeniz Bölgesi diye adlandırılan bölgede tarih boyunca hakim olmayı amaçlayan güçler için Karadeniz'in kuzeyindeki Kırım yarımadası büyük bir stratejik öneme sahip olagelmıştır. Bu nedenle, onsekizinci yüzyıldan bu yana güneyin sıcak sularına açılmayı hedefleyen Rusya için Kırım yarımadasına sahip olmak öncelikli bir hedef olmuştur. Ne var ki, Rusya Kırım'a sahip olmayı hiçbir zaman yeterli görmemiş, bunun yanında Kırım'ı 'Tatarsızlaştırma' anlamına da gelen Kırım'ın 'Ruslaştırılması' siyasetini gütmüştür. Aslına bakılırsa, Kırım Tatarlarının günümüzde maruz bırakıldıkları baskılar, yüzyıllardır devam eden bu siyasetin günümüzdeki devamı niteliğindedir.

Kırım'ın 1774 Küçük Kaynarca Antlaşması ile Osmanlı yönetiminden çıkmasını takiben, Rus İmparatorluğu tarafından 1783 senesinde ilhakından sonra, Çarlığın başlattığı Kırım yarımadasının Slavlar tarafından kolonizasyonu ve Kırım Tatarlarının kentsel yaşamdan dışlanmaları, toprakları üzerindeki kontrollerinin ellerin alınması, devlet kurumlarında temsil edilmemeleri ve Kırım Tatarlarının Kırım'dan sürekli göçler gibi sorunlar, Kırım Tatarlarının ilhak sonrası kendilerini içinde buldukları ağır koşulları oluşturan sebeplerdir. Sovyetler Birliği zamanında da Kırım Tatarları Çarlık dönemindekinden daha iyi şartlarla karşılaşmamışlardır. İlk başlarda, Sovyet hükümeti etno-ulusal grupların desteğini kazanabilmek için bu

gruplara kendi kaderlerini tayin hakkı ve bir takım dinsel haklar vermiş, ancak çok geçmeden bu haklar ‘Proletarya Diktatörlüğü’nün tesisi için geri alınmıştır. Bunun sonucunda, Sovyet tarzı ‘Tatarlaştırma’ yerini kitlesel temizliklere bırakmış ve 1944 yılında, Kırım Tatarları toplu halde Orta Asya’ya sürgün edilmişlerdir. Bu sürgün, Kırım yarımadasındaki Kırım Tatar varlığını ortadan kaldırmış, ayrıca binlerce Kırım Tatarı sürgün yolunda ve nihai varış noktalarında hayatını kaybetmiştir. Sürgün’ün sebep olduğu tahrip öyle büyük olmuştur ki, bazı Kırım Tatar aktivistleri ve akademisyenler Sürgün’ü bir soykırım olarak nitelendirmektedirler. Bütününe baktığımızda, Kırım Tatarları için son iki yüzyılın çok uzun bir dışlanma, ayrımcılık, marjinalleştirilme ve sürgün süreci olduğu iddia edilebilir. Bunların bir sonucu olarak, Kırım yarımadasında neredeyse iki yüzyıl süren etno-demografik mühendislik, Kırım Tatarlarının fiziksel varoluşlarında ve toplumsal belleklerinde çok derin yaralar bırakmıştır. Günümüzde yaşanan ilhak, yaşanan insan hakları ihlallerinin yanında, belleklerdeki yaraların bir kez daha kanamasına neden olmuştur. Günümüzde Kırım, Ukrayna ve dünyanın çeşitli yerlerindeki Kırım Tatarlarının 2014 ilhaknya dair korku ve tepkilerini anlamak için bu korku ve tepkiler bu tarihi bağlam içinde değerlendirilmelidir.

Bu tarihsel arka plana dayanarak, *Uluslararası Suçlar ve Tarih* dergisinin bu sayısı esas olarak 1944 Kırım Tatar Sürgünü’nün farklı boyutlarını ele alan çalışmaları içermektedir. Bilindiği üzere, Sürgün’ün bahanesi Kırım Tatarlarının işgalci Naziler ile toplu halde işbirliği yaptıkları iddiası olmuştur. Bu iddia, ‘Sovyet propaganda makinesi’ tarafında o kadar etkili bir şekilde yaygınlaştırılmıştır ki, bugün bile eski Sovyet cumhuriyetlerinin halkları arasında ‘Kırım Tatarlarının toplu ihaneti’ oldukça yaygın bir söylentidir. Andrew Dale Straw, *Exposing Dishonest History: The Creation and Propagation of Stalin’s False Allegation of ‘Mass Treason’ against Crimean Tatars during World War II* (Sahte Bir Tarihin İfşası: Stalin’in Kırım Tatarlarına Karşı Öne Sürdüğü İkinci Dünya Savaşı Esnasında ‘Toplu İhanet’ Sahte Suçlamasının Ortaya Çıkışı ve Yayılması) başlıklı makalesinde, Kırım Tatarların ihaneti iddialarının ortaya çıkışı ve yaygınlaştırılmasını incelemekte ve bu iddialara karşı bir anlatı geliştirmektedir.

Tarih boyunca zorunlu sürgün, istenmeyen ırksal, etnik, ulusal ve dinsel gruplara karşı uygulanan bir toplu cezalandırma yöntemi

olmuştur. Nitekim, Amerika, Afrika, Avustralya ve Orta Doğu'da sömürgeci güçler tarafından yaratılan bu tür trajedilere dair oldukça geniş bir literatür mevcuttur. 1944 Kırım Tatar Sürgünü'nün bu literatür içinde ele alınması, konuyu daha iyi anlamlandırmamıza yarayacak kavramsal araçlar ve karşılaştırmalı bir perspektifin gelişmesine neden olabilirdi. Ne yazık ki, henüz böylesi bir yaklaşım olgunlaşmış değildir. Bu fikirden yola çıkan J. Otto Pohl, *The Deportation of the Crimean Tatars in the Context of Settler Colonialism* (Yerleşimci Sömürgeciliği Bağlamında Kırım Tatar Sürgünü) başlıklı makalesinde, Kırım Tatar Sürgünü'nü 'yerleşimci sömürgeciliği' ile ilişkilendirerek ele almaktadır.

Şimdiye kadar 1944 Kırım Tatar Sürgünü'nü konu edinen bir takım çalışmalar olmuştur. Bu çalışmaların pek çoğu, makro-tarih çalışmalarıdır. Elbette ki, bu tip çalışmaların değeri yadsınamaz ve benzer nitelikte daha fazla çalışmanın yapılması gerekmektedir. Öte yandan, Sürgün'ün mikro-tarihi de halen yazılmayı beklemektedir. Özellikle, tarih yazımına ilişkin yeni yaklaşımları benimseyen çalışmalar, Sürgün'e dair daha derin bir kavrayışa sahip olmamıza yardımcı olacaktır. Bunun yanında, Sürgün'e dair toplumsal belleğin günümüzdeki Kırım Tatar kimliğini oluşturan en önemli öğelerden biri olduğu gerçeğinden yola çıkarak, bu belleğin özel ve kamusal alanlarda Sürgün'e dair anlatılan anlatılar dolayısıyla oluşmasının ve Kırım Tatarlarının sürgündeki öznel deneyimlerinin çalışılması, yalnızca Sürgün hakkında değil, çağdaş Kırım Tatar kimliğinin oluşumu hakkında da kavrayışımızın derinleşmesine hizmet edecektir. Martin-Oleksandr Kisly'in *Post-Traumatic Generation: Childhood of Deported Crimean Tatars in Uzbekistan* (Posttravmatik Kuşak: Sürgün Edilen Kırım Tatarlarının Özbekistan'daki Çocuklukları) başlıklı makalesi çocukluklarını sürgünde geçiren Kırım Tatarlarının bir takım deneyimlerini tanıklıklar dolayısıyla ele alarak bu doğrultuda önemli bir adım atmaktadır.

Yukarıda değinildiği üzere, Sürgün'ün meydana getirdiği yıkım o kadar büyük olmuştur ki günümüzde bazı Kırım Tatarları bu trajediyi soykırım olarak nitelendirmekte, bazı Kırım Tatar aktivistleri dünya kamuoyunun Sürgün'ü soykırım olarak tanınması için çaba sarf etmektedir. Bu doğrultuda, Ukrayna'nın 12 Kasım 2015'de Sürgün'ü soykırım olarak tanınması dikkate değer bir gelişmedir. Onur Uraz, *A Legal Analysis of the Crimean Tatar Deportation of 1944* (1944 Kırım Tatar Sürgünü'nün Hukuki Değerlendirilmesi) başlıklı makalesinde

Sürgün'ün ayrıntılı bir hukuki incelemesini yapmakta ve bir soykırım olarak mı yoksa insanlığa karşı suç olarak mı değerlendirilebileceği sorusuna cevap aramaktadır.

Yine yukarıda değinildiği üzere, son iki yüzyıldır Rus yönetimleri, Kırım'daki Kırım Tatar mirasını ortadan kaldırmak için her yola başvurmuşlardır. Bunun için hem Çarlık Rusyası'nın hem de Sovyetler Birliği'nin uyguladığı yöntemlerden biri Kırım Tatarlarını, Ruslar tarafından medenileştirilmeleri gereken 'gayri medeni barbarlar' olarak tanıtmaktır. Ne var ki, bu takdimin tarihi gerçeklerle uyumlu olduğunu söylemek zordur. 1449'dan 1783'e kadar ayakta kalmış Kırım Hanlığı, yerleşik ve karmaşık bir siyasal ve sosyal yapı üzerine bina olmuş bir devlettir. Ayrıca, 1783'de Çarlık Rusya'sı tarafından ilhakından sonra da Kırım kültürel ve entelektüel bir merkez olmaya devam etmiş, Kırmımlı aydınlar Batı'nın modern düşünce ve ideallerini Osmanlı İmparatorluğu ve İslam coğrafyasına taşıyan araçlar olmuştur. Natalia Krolikowska-Jedlinska, *Foreigners in front of the Crimean Khan's Courts in the Seventeenth and Eighteenth Centuries* (Onyedinci ve Onsekizinci Yüzyıllarda Kırım Hanlarının Mahkemelerinde Yabancılar) başlıklı makalesinde onyedinci ve onsekizinci yüzyıllarda Kırım Hanlığı mahkemelerinde yargılanan üç yabancı hakkındaki kayıtları incelemektedir. Bu inceleme, Kırım Hanlığı'nda o günkü standartlara göre göre oldukça oturmuş ve işleyen bir hukuk düzeninin olduğunu göstermektedir.

Son olarak, Yuliya Biletska, Ukrayna tarihi hakkında tanınmış bir akademisyen olan Prof. Paul Robert Magocsi'nin 2014 yılında Toronto Üniversitesi Yayınevi tarafından yayınlanan son kitabı olan *This Blessed Land: Crimea and the Crimean Tatars*'ın (Bu Kutsanmış Toprak: Kırım ve Kırım Tatarları) bir tahlilini sunmaktadır.

Burada son olarak değinmek istediğimiz bir konu da şudur: *Uluslararası Suçlar ve Tarih*, İngilizce ve Türkçe makalelerin yayınlandığı çift-dilli bir dergidir. Çarlık Rusyası ve Sovyetler Birliği yönetimleri altında Kırım ve Kırım Tatarları konusuna odaklanan bu sayı için yayınlanması üzere bize sunulan çalışmaların çok büyük bir kısmı farklı ülkelerden ve Türk olmayan akademisyenler tarafından gönderilmiştir. Bu, büyük olasılıkla, Ukrayna ve Kırım'da yaşanan güncel olayların da etkisiyle, toplumsal ve akademik alanlarda Kırım Tatarlarına karşı artan bir ilginin yansımasıdır. Bu durum şimdiye kadar üzerinde çok da fazla çalışma yapılmamış Avrasya bölgesinde

yaşayan bir etno-ulusal topluluk hakkında kavrayışımızı derinleştirecek olumlu bir gelişmedir. Benzer bir ilginin, Avrasya bölgesinde yaşayan ve şimdiye kadar araştırmacıların ilgisini çok fazla mazhar olmamış diğer etnik, ulusal ve dinsel gruplar için de ortaya çıkmasını ümit etmekteyiz. *Uluslararası Suçlar ve Tarih*, bu tür çalışmaların yaygınlaştırılması için akademik bir platform olmaktan mutluluk duyacaktır.

Editorial Note

One of the most determined and loudest-voiced opposition to the Russian annexation of Crimea in March 2014 came from the Crimean Tatars, a Turkic people indigenous to Crimean peninsula. At the same time, the Russian authorities took rigorous measures to crack down the Crimean Tatar opposition and its leadership. What is the reason of the resistance of the Crimean Tatars not only in Crimea but around the world to the annexation of Crimea by the mighty Russia? After all, in Ukraine, before the annexation, Crimean Tatars were an underprivileged group and the target of prejudices in the societal domain. Although Ukrainian governments took some steps for the recognition of the Crimean Tatars and their rehabilitation, these were attempts far from being satisfactory. Likewise, one may ask what rationale Russia follows in its punitive oppression of the Crimean Tatars. The answers should be found in geopolitics and history.

For the powers that seek to establish their hegemony on what is today referred to as the Wider Black Sea Region, Crimea is a strategically important spot in the north of the Black Sea. For this reason, since the eighteenth century, Russia has sought to take hold of the Crimean peninsula to establish a base to open up to warm waters of the south. Yet, the mere control the Crimean peninsula was never seen sufficient. What Russia sought in Crimea has been the Russification of the peninsula, which, at the same time, meant its de-Tatarization. In fact, the recent oppression of the Crimean Tatars should be viewed as a continuation of this centuries-long policy.

With the detachment of Crimea from the Ottoman Empire by the *Treaty of Küçük Kaynarca* in 1774 and the following annexation of Crimea in 1783 by the Russian Empire, a state-led colonization of the Crimean Peninsula by the Slavs, and other troubles such as gradual exclusion from the urban life, loss of control over the land, denial of the opportunity to be represented in governmental offices, and the continual exodus from the Crimean Peninsula had been the burdensome circumstances that the Crimean Tatars found themselves trapped in. The experiences of the Crimean Tatars under Soviet rule were no less difficult. Initially, the Soviets gave assurances for national self-determination and protection of Muslim religious rights to gain support of the masses. However, before long, protection of national and religious life and the principle of self-determination were

exchanged with the primacy of the establishment of the ‘Proletariat Dictatorship’. Accordingly, Soviet-style ‘Tatarization’ policies were renounced that was followed by the purges. In 1944, Crimean Tatars were deported *en masse* to Central Asia. This deportation (*Sürgün* [exile], in the Crimean Tatar lexicon) destroyed the Crimean Tatar life in the Crimean Peninsula, while leaving thousands perished on the way and after arrival to locations of exile. The devastation was so enormous that some Crimean Tatar activists, as well as some scholars, interpret the *Sürgün* as a genocide. On the whole, for the Crimean Tatars the last two-centuries meant a long period of exclusion, discrimination, marginalization, and exile. The almost 200-year long ethno-demographic engineering in the Crimean peninsula left deep wounds both in the body and the memory of the Crimean Tatars. The recent annexation, besides the very real human rights violations, has made the wounds in the memory of the Crimean Tatars bleed again. In order to gain a better grasp of the fears and the reactions of the Crimean Tatars in Crimea, other parts of Ukraine, and diaspora to the Russian annexation of Crimea in March 2014, these fears and reactions should be contextualized within this history.

Upon this background, the present issue of *International Crimes and History* is mainly dedicated to studies that examine various aspects of the *Sürgün* of the Crimean Tatars in 1944. As is well-known, the pretext of the *Sürgün* was the alleged mass collaboration of the Crimean Tatars with the Nazi invaders. This allegation was propagated by the Soviet propaganda machine in such an effective way that even today the myth of the mass Crimean Tatar treason is widespread among the post-Soviet nations. Andrew Dale Straw, in his article titled *Exposing Dishonest History: The Creation and Propagation of Stalin’s False Allegation of ‘Mass Treason’ against Crimean Tatars during World War II* examines the formation and propagation of this allegation and presents a counter-narrative.

There have been numerous cases of forced deportations as a collective punishment of the unwanted racial, ethnic, national or religious groups throughout the history. In fact, there is a huge literature on this kind of tragedies that were affected by the colonial powers in the Americas, Africa, Australia and the Middle East. However, the 1944 Crimean Tatar Deportation has not yet become a part of this literature, which could have provided the research community with better conceptual tools and a comparative perspective. J. Otto Pohl in his article titled

The Deportation of the Crimean Tatars in the Context of Settler Colonialism analyzes the Crimean Tatar case in reference to “settler colonialism” in different parts of the world with this perspective.

Until now, the 1944 Crimean Tatar Deportation has been the subject of a number of studies. Many of these studies provided ‘macro-histories’ of the *Sürgün*. Although the importance of these studies cannot be overlooked and similar studies shall continue, the micro-history of the *Sürgün* also awaits to be written. Particularly, studies employing new historiographical approaches would contribute to a deeper understanding of the experience of the *Sürgün*. Moreover, given that the social memory of the *Sürgün* is one of the building blocks of the contemporary Crimean Tatar identity, studies on the formation of the social memory of the *Sürgün* through the stories told in public and private spaces, as well as the subjective experiences of the Crimean Tatars as they went through the deportation and life in exile would open new ways for a deeper understanding of not only the *Sürgün*, but also its effect on the formation of the Crimean Tatar identity. Martin-Oleksandr Kisly in his article titled *Post-Traumatic Generation: Childhood of Deported Crimean Tatars in Uzbekistan*, which aims to comprehend some aspects of the experiences of the Crimean Tatars who lived their childhood in exile through the testimonies he collected is an important step in this direction.

As stated above, the devastation of the *Sürgün* was so big that today some Crimean Tatars and scholars regard it as a genocide and some Crimean Tatar activists seek the recognition of the *Sürgün* as such by the global public. As regards to that, on November 12th, 2015, the Ukrainian parliament recognized the devastation of the Crimean Tatars by the 1944 *Sürgün* as genocide. Onur Uraz’s article titled *A Legal Analysis of the Crimean Tatar Deportation of 1944* provides a detailed legal analysis of the *Sürgün* that seeks to answer whether 1944 Crimean Tatar Deportation could legally be characterized as genocide or crime against humanity.

Again, as stated above, since the last two centuries or so, Russian authorities have been trying to erase the traces of the Crimean Tatar heritage in Crimea. One of the ways that both the Tsarist Russia and the Soviet Union employed to achieve this goal had been to present the Crimean Tatars as ‘uncivilized barbarians’ who needed to be civilized by the ‘enlightened Russians’. However, this representation is at odds

with historical realities. The Crimean Khanate that lasted from 1449 to 1779 was based on an established and complicated polity and social system. Moreover, after its annexation by the Tsarist Russian in 1983, Crimea continued to be a cultural and intellectual center and produced a number of intelligentsia, who transmitted modern Western ideas and ideals to the Ottoman Empire and the Islamic world. Natalia Krolikowska-Jedlinska in her article titled *Foreigners in front of the Crimean Khan's Courts in the Seventeenth and Eighteenth Centuries* examines three cases in which foreigners appeared in the Crimean Khanate courts, which reveals that, in the seventeenth and eighteenth centuries, there was an established and functioning legal system in the Crimean Khanate in the standards of those times.

Finally, Yuliya Biletska provides an instructive review of the latest book of Prof. Paul Robert Magocsi, a renowned specialist in the history of Ukraine, titled *This Blessed Land: Crimea and the Crimean Tatars* published in 2014 by the University of Toronto Press.

One last thing to mention in this editorial note is that *International Crimes and History* is a bilingual journal that publishes articles and book reviews in English and Turkish. However, most of the manuscripts that were submitted for this issue on Crimea and Crimean Tatars under Imperial Russian and Soviet rules came from non-Turkish scholars from different countries. This is most probably a reflection of the increasing interest in the Crimean Tatars both in the social and academic spheres due the recent events taking place in Ukraine and Crimea. This is a promising development that may result in an increase in academic interest on one of the understudied ethno-national groups in the Eurasian region. We hope for a similar increase of interest in other understudied ethnic, national and religious groups in Eurasia. *International Crimes and History* will be happy to serve as a scholarly platform for such studies.

EXPOSING DISHONEST HISTORY: THE CREATION AND PROPAGATION OF STALIN'S FALSE ALLEGATION OF 'MASS TREASON' AGAINST CRIMEAN TATARS DURING WORLD WAR II

Andrew Dale STRAW

PhD Student,
Department of History
University of Texas, Austin

Abstract: *On May 18th, 1944, the Soviet Union deported all Crimean Tatars from the Crimean Peninsula on the Black Sea to Central Asia in what was one of the quickest and most total ethnic cleansings of the twentieth century. Joseph Stalin justified this crime by alleging the "mass collaboration" of Crimean Tatars with the Axis during World War II. While Crimean Tatar activists have correctly argued for decades that far more Crimean Tatars fought for the Soviet Union than collaborated, the myth of Crimean Tatar mass treason remains alive in the former Soviet Union. Through an extensive research at Soviet archives, this paper first presents a wartime counter-narrative to Stalin's charges by exploring Crimean Tatar service in the regular Soviet armed forces and in partisan units, and the reality of the Nazi occupation of Crimea. Next, this paper interrogates how deceit and censorship helped in writing the "mass collaboration" charge into Soviet popular history, giving it a staying power more impressive than many of Stalin's other false charges against political and ethnic 'enemies.'*

Key Words: *Crimean Tatar deportation, Censorship, Ethnic cleansing, Partisan warfare, Red Army, Soviet propaganda, Soviet Union*

SAHTE BİR TARİHİN İFŞASI: STALIN'İN KIRIM TATARLARINA KARŞI ÖNE SÜRDÜĞÜ İKİNCİ DÜNYA SAVAŞI ESNASINDA 'TOPLU İHANET' SAHTE SUÇLAMASININ ORTAYA ÇIKIŞI VE YAYILMASI

Öz: *18 Mayıs 1944'de, Sovyetler Birliği'nin, Karadeniz'deki Kırım Yarımadası'ndaki tüm Kırım Tatarlarını Orta Asya'ya sürgün etmesi, yirminci yüzyılda yaşanan en hızlı ve en topyekun etnik temizlik*

hareketlerinden bir tanesidir. Joseph Stalin, bu suçu İkinci Dünya Savaşı'nda Kırım Tatarlarının mihver güçleri ile toplu olarak işbirliği yaptığı iddiası ile gerekçelendirmiştir. Her ne kadar, Kırım Tatar aktivistleri on yıllardan beri mihver güçleri ile işbirliği yapanlardan çok daha fazla Kırım Tatarının Sovyetler Birliği'nin yanında savaştıklarını haklı olarak iddia edegelseler de, Kırım Tatarlarının 'toplu ihaneti' söylentisi post-Sovyet coğrafyada halen canlılığını korumaktadır. Sovyet arşivlerinde gerçekleştirilen geniş kapsamlı bir araştırmaya dayanan bu çalışmada ilk olarak, düzenli Sovyet ordusu ve partizan birliklerindeki Kırım Tatarları ve Kırım'ın Naziler tarafından işgaline dair gerçeği irdelenerek, savaş zamanına dair, Stalin'in suçlamalarına karşı bir karşı-anlatı geliştirilmektedir. Bunu takiben, Sovyet popüler tarihi içine 'toplu ihanet' suçlamasının, Stalin'in diğer siyasi ve etnik 'düşman'larına karşı öne sürdüğü başka pek çok asılsız ithamından daha çarpıcı ve kalıcı olmasında aldatmaca ve sansürün nasıl bir rol oynadığı tartışılmaktadır.

Anahtar Kelimeler: *Kırım Tatar sürgünü, Sansür, Etnik temizlik, Partizan savaşı, Kızıl Ordu, Sovyet propagandası, Sovyetler Birliği*

Introduction

In May 1944 Joseph Stalin lied and said that Crimean Tatars and other Crimean minorities were guilty of 'mass treason.' Using this excuse, Stalin began a project of ethnically cleansing Crimea.¹ These victims included over 180,000 Crimean Tatars and over 40,000 Greeks, Armenians, Bulgars, and other nationalities that the Soviet State deported to Central Asia, and other Soviet regions.² With encouragement from the Soviet Minister of Foreign Affairs, Vyacheslav Molotov, Stalin believed that eliminating ethnic minorities in strategic regions was necessary in the context of the developing Cold War situation. The Soviet state confined the deportees to "special settlements," which from 1944 to 1956 acted as slave labor camps where tens of thousands of Crimean Tatars and other deportees died from intentional starvation, disease and exposure.³

Many Western scholars writing on the Crimean Tatars have analyzed the mass deportation, but they have avoided examining World War Two for two reasons. First, many of the relevant documents were sealed for decades. But most importantly, by arguing in detail over the exact number of collaborators, one engages in a discussion in which there seems to be some magic number or percentage of an ethnic group whose disloyalty to a state justifies ethnic cleansing. This is why scholars such as Greta Lynn Uehling simply (and correctly) argue that Crimean Tatar collaboration was no more extraordinary than that of other Soviet nationalities.⁴ Moreover, the Soviet Union itself on September 5, 1967 acknowledged that the "groundless charge" of mass collaboration was a lie.⁵

- 1 See State Archive of the Russian Federation (hereafter GARF), f. 10026, op. 4, d. 1025, l.l. 88-93. Gosudarstvennyi komitet oborony postanovleniia GOKO No. 5859ss ot 11 maia 1944 "O Krymskikh Tatarakh."
- 2 By June 11, 1945 the official number of deported Crimean Tatars to the Uzbek SSR was 151,604 people. GARF, f. 9479, op. 1, d. 180, l.l. 5-9. Tashkent NKVD, Polkovnik Gosbezopasnosti Mal'ytsev i Podpolkovnik Gosbezopasnosti Maslennikov - V. V. Chernyshov. (sekretno), June 25, 1944. According to the NKVD, by the end of June 1944 they had deported 15,040 Greeks, 12,422 Bulgars, and 9,621 Armenians from Crimea. See GARF, f. 9479s, op. 1s, d.179, l. 227. Serov-Beria, June 28, 1944.
- 3 Over 40,000 Crimean Tatars would die within the first year, and around 10,000 more in the subsequent years. GARF, f. 9479, op. 1, d. 246, l.l. 44-45. "Dokladnaia Zapiska o khoziastvenno-trudovom ustroistve spetspereselentsev iz Kryma, rasselennykh v Uzbekskoi SSR, za vremia 1.7-44 g. po 1.7-1945 g." NKVD General-Maior Babadzhonov and Nachal'nik NKVD UzSSR Polkovnik Kirillov in Tashkent to Chernyshev (No. 5/6451). September 15, 1945.
- 4 Greta Lynn Uehling, *Beyond Memory: The Crimean Tatars' Deportation and Return*, (New York: Palgrave Macmillan, 2004), 1-3.
- 5 Document 2, "Edict of the Presidium of the Supreme Council of the Soviet Union." September 5, 1967. In Edward A. Allworth (ed.) *The Tatars of Crimea: Return to the Homeland* (Duke University Press: Durham, 1998), 245-247.

So, why do the war and the lie need to be reexamined? First off, venturing into the messy wartime reality is fruitful because it supports the arguments of Crimean Tatar activists and historians. This study combines individual biographies and other archival evidence with secondary sources to explore wartime sacrifices and present a counter-narrative to Stalin's mass collaboration charges. As such, this paper first reviews Crimean Tatars in regular service in the Soviet armed forces, and then turns to occupied Crimea.

The second goal of studying these sources is to re-evaluate the evidence surrounding collaboration in Crimea. This effort is critical because some current historians such as O. V. Roman'ko still commit to the idea that collaboration both caused and justified the deportations. To make this argument, scholars such as Roman'ko wildly underestimate the number of Crimean Tatars that served in the Soviet Armed Forces and partisans and exaggerate collaboration numbers. By doing so, they argue that more male Crimean Tatars collaborated than fought against the Nazis. Furthermore, Roman'ko dubiously asserts that the willingness to honestly discuss collaboration by Crimean Tatar activists and historians such as Gulnara Bekirova somehow absolves Soviet authorities of the crime.⁶

I assert that Roman'ko's argument not only conflicts with Crimean Tatar accounts, but also can be discredited with Soviet archival material. The most important revelation of this study is that Soviet archival documents from the NKVD (secret police), MVD (Interior Ministry), KPSS (Communist Party of the Soviet Union), and Supreme Soviet actually corroborate Crimean Tatar claims that the majority of work-age Crimean Tatar males fought for the Soviet Union, and did not collaborate. For example, documents such as censuses, investigations, background checks, and surveillance on Crimea and the Uzbek SSR reveal that the police and military, from NKVD head Lavtreni Beria downwards, knew the charge was a lie. The NKVD was not alone. Knowledge of Stalin's lie was important in determining how the Communist Party and other Soviet organs functioned during and after the deportation. Soviet government and party documents display how, despite Stalin's atrocity against Crimean Tatars, the war experience served as a shared experience for Crimean Tatars and other Soviet citizens.

6 See O. V. Roman'ko, *Krym pod piatkoi Gitlera. Nemetskaia okkupatsionnaia politika v Krymu 1941-1944*, (Moskva: Veche, 2011), 50, 392-330; Gulnara T. Bekirova, *Krymskie Tatarsy, 1941-1991: Opyt politicheskoi istorii* (Simferopol', 2008), 73-74.

Exposing Dishonest History: The Creation and Propagation of Stalin's False Allegation of 'Mass Treason' against Crimean Tatars during World War II

The third and final goal of this study is tracing the lineage of the propaganda that the Soviet state used to justify the crime of ethnic cleansing against Crimean Tatars. In the years after the deportation, Soviet officials began a concerted effort to conceal Crimean Tatar participation in the partisan effort and the Soviet armed forces, while at the same time exaggerating Crimean Tatar collaboration with the Nazis. Through the examination of books, tour guides, and other Soviet publications, the final section of this paper exposes the individuals who became accomplices to Stalin's policies by providing false evidence, and what methods they used to create a false historical record.

Crimean Tatars in the Soviet Armed Forces

All Crimean Tatars officially became traitors on May 17-18, 1944 when the NKVD made Stalin's justification for deportation public. Before that date, Crimean Tatars were one of the dozens of Soviet ethnic groups under occupation. Similar to all Soviet citizens, for Crimean Tatars the war meant service in the Red Army, partisan resistance and, for a smaller number, collaboration. But above all the war brought suffering and death. Germany and Axis allies invaded and occupied most of Crimea between September and November 30, 1941, with the exception of Sevastopol that held out until July 1942. Many Crimean Tatars began fighting as soon as the war began.

Drafted into the army in 1939, Izet Memetov served on the front lines in Ukraine, where he was shot in the left leg. Despite the injury, he kept fighting until he was again wounded fighting on the Dnepr River. When the Soviet front completely collapsed he went back on active duty and was wounded a third time near Kirovgrad and spent several months in the hospital. Finally, in 1945 he was seriously wounded a fourth time during the battle for Konigsburg (Kalinigrad) and remained hospitalized until early 1946.⁷

Party member M. Osmanov left his hometown of Simferopol on June 23, 1941 (the day after the war began) and joined the Soviet army, becoming an officer. He received commendations for defending Stalingrad, and fought in the campaigns to liberate Kiev, Lublino, and Warsaw, and in the storming of Berlin.⁸ Other Crimean Tatars such as I. U. Ablaev

7 GARF, f. 7523, op. 101, d. 640, l.l. 113-114. Perechen- "Voprosov, postavlennykh hekotorymi grazhdanami Tatarskoi natsional'nosti v pis'makh I zaiavleniiaakh, postupivshikh v 1966 godu v adres Ver. Sov. SSSR." 1966. (hereafter "Perechen").

8 *Perechen*, l. 109.

served at sea. After working at the Sevastopol Shipbuilding Factory for 15 years, he began repairing damaged ships in the Black Sea Fleet during the battle for Sevastopol. On March 15, 1942 his repair unit evacuated to the city of Tuaps. Shortly afterwards, the Luftwaffe bombed Ablaev and his comrades while they were repairing the “Ostrovskii” transport ship. Hospitalized with head trauma, he and other patients were evacuated to the Kazak ASSR.⁹

Experiences such as these became a point of pride and thousands of these Crimean Tatar veterans would become a leading voice of the protest movement demanding the nation’s return to Crimea. A 1967 protest letter from 20 Crimean Tatars underlines this fact. Six of the signees, Enver Ablijev, Asan Kadyev, Minure Kadyeva, Femi Ametov, Osman Kasabov, and Abduraman Molla, identified themselves as “decorated World War Two veterans.” Five others including Seitumer Chalbash, Ismail Kenzhe, Settar Ipek-Ogly, Osman Ametov and Khodzhai Kendzhedmetov identified themselves as “World War Two veterans.”¹⁰ Often, veterans participating in letter-writing campaigns also indicated where they fought. In an April 27, 1990 letter to Moscow, Crimean Tatar veteran Z. A. Chekhalaeva specified that he was a veteran of the Black Sea Fleet and had fought during the liberation of Odessa and Sevastopol. In the same letter, N. A. Salidzhanov stressed his service in the liberation of Briansk and Voronezh, while A. U. Bekirov highlighted that he had defended Stalingrad and later fought in Kursk and Briansk.¹¹

Like all Soviet families during World War Two, most Crimean Tatar families lost members to combat and family members pointed out that fact in letter writing campaigns. While the Nazis forced A. A. Umerov into labor, his brother, Seit Bekir Umerov, served in the Red Army as a political commissar and was killed in the defense of Moscow.¹² In a 1966 letter to the Supreme Soviet of the USSR, G. S. Suleimanova demanded to know how she was from a family of traitors when her sister was killed fighting in the siege of Sevastopol and her husband had received commendations for his participation in the same battle.¹³ Thousands of more such accounts reside in Soviet documents, collections of *samizdat*,

9 Ibid, l. 109.

10 GARF, f. 7523, op. 101, d. 447, l.l. 21-26. Krymski Tatary iz goroda Sukhumi. January 17, 1968.

11 GARF, f. 9654, op. 6, d. 209, l.l. 28-29. Letter to Sov. Nats. Ver. Sov. SSSR Nishanov from Crimean Tatar Veterans. April 27, 1990.

12 *Perechen*, l. 110.

13 Ibid, l. 109.

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collections of human rights organizations, and the recent work of scholars such as Bekirova.¹⁴

Police documents echo the preponderance of such stories among those Crimean Tatars they deported. In fact, the reports of NKVD and MVD agents compliment the arguments of Crimean Tatar activists, providing both individual accounts and general trends. For example, the NKVD found that Zeidula Asanovich Stil'skii defended Sevastopol until he was wounded on February 21, 1942.¹⁵ Other reports show that Meva Believa, Khaztizhat Khalilova and Malira Urachnieva were all widowed with children after their husbands died in combat, a fate shared by thousands of Crimean Tatar mothers and millions of other Soviet mothers.¹⁶ Many reports are incredibly detailed. The NKDV report on Crimean Tatar Khatiszhe Alieva-Shibanova found that her two sons, Shanasi and Shevkem, served in the Red Army and Shevkem was wounded in combat. Her daughter, who was in Moscow when the war began, joined a defense unit, and received an "In Defense of Moscow" medal.¹⁷ Another report describes how Iach'ia Abdurefa Ibrahimov had served in the Red Army since 1937, was awarded a "Red Star" for his actions early in the war, and received medals for the battles of Warsaw and Berlin.¹⁸

As the accounts above display, from 1941 to 1944, the Soviet Union awarded loyal Crimean Tatars with medals and other commendations. Some such as Uzeir Abduramanov became "Heroes of the Soviet Union."¹⁹ Emir Usinovich Chalbash had one of the most impressive Crimean Tatar wartime careers. The NKVD reported that as a fighter pilot in the Soviet air force, he flew 345 sorties, fought in more than 50 dogfights, shot down 11 enemy planes, and assisted in shooting down 6 more aircraft. He received numerous medals and became a flight instructor. His brother, Kurt-Molla Khalul' Chalbash also served with distinction in a Red Army tank unit.²⁰

The actual numbers of Crimean Tatars who served and died is a victim of chaos, but both Soviet and Crimean Tatar figures are much higher

14 See, Gulnara Bekirova, *Krym i Krymskie Tatary*, accessed on December 4, 2015, <http://kirimtatar.com>.

15 GARF, f. 9479, op. 1, d. 204, l. 89. Zakliuchenie 28 avgusta, 1945.

16 GARF, f. 9479, op. 1, d. 180, l. 138-139. "Spisok Krymskikh Tatar, prozhivaiushchikh na territorii Dagestanskoi ASSR." NKVD DASSR Kom. Gosbez R. Markaian. November 3, 1944.

17 GARF, f. 9479, op. 1, d. 204, l.l 20-20ob. Zakliuchenie 28 Iulia, 1945 goda.

18 GARF, f. 9479, op. 1, d. 204, l. 42. Zakliuchenie 31 August, 1945.

19 GARF, f. 9479, op. 1, d. 204, l. 7. Zakliuchenie 12 Sentiabr', 1945

20 GARF, f. 9479, op. 1, d. 204, l.l. 105-105ob. Zakliuchenie 29 noiabria, 1945.

than those given by scholars who believe the mass collaboration charge. On the high end, Crimean Tatar scholar and activist Aishe Seitmuratova claims that approximately 64,640 Crimean Tatars served in the war in some capacity. Of these, the conflict killed nearly 30,000 Crimean Tatars, including Seitmuratova's father.²¹ In letter writing campaigns after de-Stalinization, activists often stated that approximately 28,000 Crimean Tatars served in the Soviet armed forces while more than 4,000 fought as partisans. Furthermore, more than 3,000 received condemnations and 17 became "Heroes of the Soviet Union."²²

NKVD documents agree that the number of Crimean Tatar soldiers was large. During May 1944, the NKVD deported thousands of active duty Crimean Tatars. Like all Soviet nationalities, Crimean Tatar service men and women were spread across the front and Soviet Union. NKVD officers in the Uzbek SSR noted how some Crimean Tatars deported straight from combat such as Red Army Captain Ussin Suleimanov and infantryman Abdulla-Gani Sattarova arrived in exile still in possession of their service pistols.²³ Several thousand Crimean Tatar soldiers had taken leave immediately after the liberation of Crimea in May to help their families, and were deported. The NKVD in the Tashkent region became frustrated by the situation because they received large groups of "Crimean Tatar officers and regular soldiers" and simply did not know how to handle the influx of soldiers "with military identification papers still in their hands... and still in full military uniform, just without weapons."²⁴ The NKVD separated many of the higher-level Crimean Tatar party officials, military officers, and partisan leaders from the bulk of Crimean Tatars and deported them to Molotov *oblast*. Rather than receiving the traitors described in Stalin's decree, the head of the Molotov region NKVD, Major Natarov, reported that many of deportees were "party members with party tickets in their hands, partisans, and military medal winners."²⁵

21 Hoover Institution Archives, Aishe Seitmuratova 8/3/1979, Box 47, Folder 2, pg . 2, A. M. Nekrich Collection.

22 GARF, f. 7523, op. 101, d. 447, l.l. 21-26. Krymski Tatory iz goroda Sukhumi. January 17, 1968.

23 GARF, f. 9479, op. 1, d. 180, l 19. Kapitan Gosbezopastnosti Romashov- Upolnomochennomy NKVD SSSR po Uzbekskoi SSR Mal'tsevu. "Dokladnaia Zapiska o rezul'tatakh priema i rasseleniia spetspereselentsev (K.T.) po Andizhanskoi Obl." June 1944.

24 GARF, f. 9479, op. 1, d. 180, l. 43. "Dokladnaia Zapiska- O prieme i rasselenii spetspereselentsev po Tashkentskoi Oblasti." Nachal'nik UKNVD Podpolkovnik Matveev i Upol. NKVD SSSR Polkovnik Tarkhonov- Kobulov. June 1944.

25 GARF, f. 9479, op. 1, d. 180, l. 137. Kuznetsovu iz Zam. Nachal'nika UKNVD Molotovskoi Oblasti Po Kadram Maior Gosbez Natarov. September 5, 1944.

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Having to support Stalin's false allegations put the NKVD and Soviet Armed forces in the awkward position of deporting thousands of active-duty Crimean Tatars and this caused discontent. NKVD documents show that, while some NKVD and military officers followed the order to disarm Crimean Tatar soldiers and deport them, many refused to disarm and deport their comrades. The refusal was not isolated, but so endemic that the head of the NKVD overseeing Crimean Tatars deportees, Chernyshov, bluntly told Beria in an October 31, 1944 letter that not only were many Crimean Tatar Red Army officers and soldiers still fighting, many soldiers were requesting that their families be released from special settlement. When commanders were criticized for not arresting their own soldiers, they claimed there were "never clear instructions" on how to deport their fighters from active combat zones.²⁶

This situation meant that thousands of Crimean Tatars served the remainder of the war, if not longer, and continued to arrive in special settlement throughout 1944, 1945, and in some cases until 1948. One typical sample form NKVD records is from the fourth quarter of 1945, when the organization reported that many of the 2,200 new arrivals in the Uzbek SSR were Red Army soldiers.²⁷ Officially more than 7,000 demobilized Crimean Tatar soldiers arrived after the initial deportation, but the number was likely higher. There is reason to believe that most of the 16,000 new Crimean Tatars that were added to the special settlement registry between July 1944 and July 1945 were veterans. Also, in some cases Crimean Tatars demobilized from the Red Army were not added to special settler lists as Crimean Tatars.²⁸

A census of Crimean Tatar special settlers in the Uzbek SSR by the MVD in March 1949 counted 477 Red Army officers, 1,154 sergeants, 1,200 invalids, and 5,287 regular soldiers. In addition, 7,065 were still "serving" in some capacity. These numbers do not consider the thousands deported to other regions, the thousands who died in combat, thousands who died in special settlement, and hundreds of officers and soldiers who had already been released from special settlement.²⁹ Rough estimates of Crimean Tatars killed in combat and by German atrocities

26 GARF, f. 9479, op. 1, d. 160, l. 185. Kuznetsov i Chernyshov - Beria. October 31, 1944.

27 GARF f. 9479, op. 1, d. 246, l. 195. January 2, 1946. Zam. NKVD UzSSR General-Maior Zavgorodnii to Kuznetsovu. No. 5/655.

28 GARF, f. 10026, op. 4, d. 1025, l. 76. "Spetsposelentsy iz Kryma/ 1944-1956 gg." V. N. Zemskov. December 9, 1991.

29 GARF, f. 9479, op. 1, d. 483, l.1. Statisticheskie Svedeniia o rezul'tatakh perepisi vyselentsev-spets. na territorii Uzbekskoi SSSR. March 28, 1949.

often cite the figure of 12,000, but go as high as 30,000.³⁰ Considering those numbers and the NKVD and other Soviet documents together, the suggestion that 28,000 or more Crimean Tatars served in the regular Soviet Armed Forces during the war is reasonable, but the actual number is likely higher.

It is important to keep in mind these numbers include Crimean Tatars who served in the regular Soviet armed forces only. The figure of 28,000 does not count around 4,000 partisans and underground communists or the party workers and agricultural specialists that did evacuate. In fact, Crimean Tatar administrators, specialists, and workers who had been evacuated in 1941 to the Dagestan ASSR were not deported.³¹ Nor does it count the able-bodied workers that were evacuated from Crimea to industrial areas of the Soviet Union. For example, 4,000 Crimean Tatar males were mobilized into the Moscow Region Coal administration in late 1941, and continued mining until 1948.³² Considering the service of regular soldiers, party workers, partisans, regular workers, and Crimean Tatars in other capacities, the service of Crimean Tatars in the war effort is at least around 40,000 people, perhaps more. This was out of a prewar population of around 218,000 Crimean Tatars.

The Failed Nazi Occupation of Crimea

Crimean Tatar activists never denied the fact that several thousand Crimean Tatars collaborated with Germans between 1941 and 1944, with the majority in “self-defense units.”³³ However, as Crimean Tatar activists and recent work by Uehling and Bekirova argue, Crimean Tatar treason was simply not any more extraordinary than that of other Soviet Nationalities. All Russians are not condemned for the traitors in Vlasov’s Russian Army and the same goes for Ukrainians and Stepan Bandera’s followers. Similarly, Volga Tatars, Georgians and Kazakhs also had large German units, and none of these groups saw their republics dissolved or were punished with “special settler” status.

Similar to Slavic peasants in the western Soviet Union who initially

30 Alan W. Fisher. *The Crimean Tatars* (Stanford, CA: Hoover Institution Press: 1978), 161.

31 GARF, f. 9479, op. 1, d. 180, l.l. 138-140. “Spisok Krymskikh Tatar, prozhivaiushchikh na territorii Dagestanskoi ASSR.” NKVD DASSR Kom. Gosbez R. Markaian. November 3, 1944.

32 GARF, f. 5446, op. 49a, d. 3343, l. 2. Pis'mo Min. Ugol'noi Promyshlenosti Zapadnykh Raionov SSSR A. Zasiad'ko- Beria. March 8, 1947.

33 Fisher, 155, *Roman'ko*, 50.

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greeted German invaders as liberators from Soviet repression, the devastation of collectivization and Stalin's terror caused many Crimeans to see Nazis in a similar light.³⁴ Furthermore, as the NKVD left Crimea in late 1941, they executed all prisoners in Simfiropol, Yalta, and other cities, including women and children. More importantly, as Fisher underlines, Moscow's scorched-earth policy did little to harm the German occupation and left both Crimean Tatars and Russians on the peninsula desperate and infuriated. Kolkhoz farmers watched as Soviet officials took their farm's livestock to Krasnodarskii *Krai*, Stalingrad *Oblast* and other regions, but left most of the farmers behind.³⁵ The retreating Red Army then destroyed farm equipment, stored grain, and livestock that could not be evacuated. This was also detrimental to the Soviet partisan movement, and one of the reasons Soviet partisan units immediately took to robbing villages where some livestock had escaped the agricultural purge.³⁶

While the detailed plans for the Crimean occupation are far beyond the scope of this study, some general facts need to be established. First, Hitler (like Stalin) believed that Crimean Tatars could be a "fifth column" and he tried to organize armed Crimean Tatar collaboration around the formation of Crimean Tatar SS units, regular army units, and volunteer "self-defense" units. In Crimea, Field Marshall von Manstein ran these military affairs. The General Commissar for the Crimean Peninsula, Alfred Frauenfeld, handled administrative operations. He attempted to govern Crimean Tatars through "Muslim Committees" that encouraged collaboration by bringing in exiled Crimean Tatar political and religious leaders from Turkey and Romania. Russians and Ukrainians were governed through similar committees and were allowed to elect their own Orthodox bishop. While the push to elicit Tatar collaboration was intense in early 1942, Germany still relied on mostly Russians and Ukrainians for the local collaborationist government, and even in helping organize the Muslim committees.³⁷ For instance, after the war the NKVD arrested Elena Aleksandrovna Fedorets for her organizational work with Muslim committee members.³⁸

34 Fisher, 153.

35 Russian State Archive of Socio-Political History (hereafter RGASPI), f. 17, op. 44, 763, l. 140.

36 Fisher, 154-155.

37 Aleksander M. Nekrich, *The Punished Peoples: The Deportation and Tragic Fate of Soviet Minorities at the End of the Second World War* (New York: W. W. Norton & Company, 1978), 16; Fisher, 155-157.

38 RGASPI, f. 17, op. 44, d. 763, l.l. 283-295ob. Protokol No. 61 Zasedaniia Krymskogo Obkoma ot 24 oktiabria 1944g.

Hitler's plan for Crimea was doomed by glaring contradictions. First, the administrative plan of relying on Crimean Tatar and Slavic collaboration in Crimea, while practical, was utterly against Nazi ideology. Second, while occupation authorities demanded collaboration, they simultaneously launched a wave of Gestapo terror to hunt down communists. The fate of thousands of Crimean party members was similar to that of Crimean Tatar and party member Ediiia Memetovna Memetova. The Gestapo arrested her, interrogated her, and executed her.³⁹ Some Crimean Tatars survived in the communist underground longer, coordinating propaganda and partisan activities. Sever Useinov was a member of the party underground in Simferopol from December 1942 until March 1943, when most members were arrested and executed. Useinov avoided arrest until January 1944, when the Gestapo captured, tortured and executed him.⁴⁰

Remaining party and *komsomol* members not concealed in the communist underground formed dozens of partisan units that included Russians, Ukrainians, and Crimean Tatars. Similar to underground party members, Crimean partisans often met a quick and brutal end at the hands of the Gestapo in 1942. For example, Crimean Tatar *komsomol* members Lutfie Ibraimova, Suleiman Tairov, and Abla Ibraimov were among dozens of Soviet partisans that the Gestapo hung in public to set an example for the residents of Bakhchisarai.⁴¹ Some partisans did survive 1942. Crimean Tatar and *Komsomol* member Alim Abdennanova led the "Dzhermai-Kaminskaia" partisans and regularly provided the Red Army intelligence. Still, the Gestapo eventually captured the group in March 1944, torturing and executing the members, including Abdennanova.⁴²

The hunt for communists quickly turned into the hunt for Jewish Crimeans in 1942, thus beginning the Crimean Holocaust operation. All told, German documents record 91,678 murdered Jews, communists, Gypsies, and other "racially impure elements" between October 1944 and April 1942.⁴³ In addition, Nazi authorities kidnapped thousands of Crimeans of all ethnicities, including Crimean Tatars, for slave labor in

39 GARF, f. 9479, op. 1, d. 204, l.l 57-57ob. Zakliuchenie 31 ianvaria, 1945.

40 GARF, f. 9479, op. 1, d. 204, l. 101. Zakliuchenie 12 Sentiabr, 1945.

41 *Perechen*, l. 112.

42 *Ibid*, l. 57.

43 *Nekrich*, 15.

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the Third Reich. For example, A. A. Umerov was just 15 years old in 1942 when occupation authorities took him to Mathauzen in Austria.⁴⁴

It was in 1942 that some Crimean Tatars and other Crimean residents collaborated with the Axis. Nazi occupation plans stated an ideal number of between 10,000-20,000 Crimean Tatar collaborators, and scholars from Fisher to Roman'ko cite these numbers. But those goals were never met. Roman'ko is able to locate the detailed accounts of Crimean Tatar collaboration leaders such as Abdulla Karabash, a former KPSS member who headed the most successful Crimean Tatar collaborationist battalion, nicknamed "Schuma," and edited the Crimean Tatar occupation newspaper *Kirim*. In addition, he found the names of 13 Crimean Tatar officers that led battalions.⁴⁵

However, despite Roman'ko's exploration of Crimean, German, and documents of allied powers, he never presents proof of much more than 5,000 collaborators. When the Nazis evacuated Crimea in early 1944, they took around 2,500 collaborators with them, and this number included *all* nationalities. So, where are all of the proposed traitors that defenders of the collaboration charge allude to? They simply do not exist in any documents, and the only way to claim that the number was higher is by citing the around 5,000 firearms that the NKVD confiscated from Crimean Tatars during the deportation.⁴⁶ The use of this figure as proof of collaboration is absurd because most of these weapons came from the thousands of Crimean Tatar soldiers deported from the peninsula.

In reality, while the Nazis set grand goals for Crimean Tatar collaboration, they failed. Beria and the NKVD recognized this failure and that most Crimean Tatars were not collaborators, and this determined how they handled Crimean Tatars in 1944 and throughout special settlement. To understand the phenomenon, scholars must make a clear distinction between the three different NKVD operations concerning Crimea and Crimean Tatars. The first operation in 1944, from April 11 to May 14, was a sweep of Crimea, in which NKVD units arrested individuals actually suspected of treason. The arrest total of 1,137 Crimean Tatar "anti-Soviet elements" does not indicate 'mass treason.'⁴⁷

44 *Perechen*, l.l. 110-111.

45 *Roman'ko*, 413, 235-236.

46 *Roman'ko*, 230-233.

47 GARF f. 5124, op. 7, d. 207, l. 10. Spravka o dokumentakh, otrazhaiushchikh istoriiu Krymskoi ASSR i ee Tatarskogo naseleniia. B. I. Kaptelov - Glavnogo arkhivnogo upravleniia pri Sovete Ministrov SSSR E. M. Kozhevnikov. August 25, 1987.

The second operation, the deportation, lasted from May 17 until delivering deportees into special settlement by the end of June 1944. They were being deported for treason, but suspected traitors had already been arrested. The third operation began after deportation in special settlement, with the Special Settlement Division of the NKVD. As with the initial sweep of Crimea, it was the job of special settlement authorities to make sure there were no collaborators among the deportees and arrest those suspected of treason. Again, numbers from this period do not support charges of mass treason.⁴⁸

Interestingly, Supreme Soviet documents also show that Roman'ko was not the first historian to defend the mass collaboration charge with the same sources and unimpressive figures. The first serious attempt came from a historian whose name appears in Supreme Soviet records as Vasilov. Throughout the first half of 1967, Vasilov compiled material to support the mass treason charge on behalf of those who did not want Crimean Tatars returning to Crimea. Vasilov based much of his argument on the fact that, at his Nuremburg Trial, Manstein testified that at the height of the battle with Crimean partisans in 1942 he had 6 active Tatar battalions and 4 more comprised of the police volunteers that could be sent to fight if needed. Moreover, he claimed to have 300 to 800 men per battalion. If one assumes an average of 500 men per battalion, the figures indicate around 5,000 people in total. It is no surprise then that when Roman'ko scoured Manstein's paper trail for collaborators he did not uncover more than roughly the same number Vasilov cited and Manstein indicated at Nuremburg.⁴⁹

The Nazis certainly tried to elicit mass collaboration during the first months of occupation, even allowing the "Muslim Committees" to use the Bakchisarai Palace as a functional and symbolic headquarters of collaboration. However, by February 15, 1942, only 1,632 Crimean Tatar volunteers had been recruited in Crimea. In order to find more men, German authorities sent Crimean Tatar collaborators to search Soviet POW camps for "Crimean Tatar volunteers." This effort was essential because most working age Crimean Tatar males were in the Soviet armed forces. However, the effort only produced a few thousand more recruits, and in no way met the goal of over 10,000.⁵⁰ Moreover,

48 GARF, f. 9479, op. 1, d. 180, l. 66. NKVD Chernyshov and M. Kuznetsov to Beria. October 16, 1944.

49 GARF, f. 7523, op. 101, d. 640, l. 24. Spravka "k trebovaniyam nekotorykh tatar o ikh reabilitatsii i priniatii po etomu voprosu sootvetstvuiushchego akta." Vasilova. September 1967.

50 *Nekrich* 12-22.

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anecdotal evidence suggests that some of those assigned to the "Tatar brigades" were Muslims and even non-Muslim Soviet POWs. In some cases, whole brigades of Soviet prisoners from Central Asia, the Lower Volga, and Caucasus training in Simferopol were referred to as "Tatar brigades" by occupation authorities and some partisans.⁵¹

Regardless of what one believes about the exact numbers, everyone at the time, including Manstein himself, admitted that the collaboration effort failed.⁵² Manstein and his regime were successful at quickly alienating every ethnic group on the peninsula through their actions. As 1942 turned into 1943, the recruitment failure caused Germans to implement mass violence as the primary means of governing Crimea. Many of the "volunteers" joining brigades were coerced from the beginning, and such coercion blossomed in 1943. With numbers not increasing, the SS executed Crimean Tatars such as Kandar Abbliakim, to "encourage" what men remained in his village to "volunteer." In March 1943 alone, the SS executed 60 people to set an example.⁵³

Coercion quickly morphed into mass atrocity. Soviet postwar documents simply listed many Crimean Tatar collective farms such as "Al'minskii," "Zales'e" and "Bodany" as "destroyed by the German occupiers."⁵⁴ In the case of the Crimean Tatar *sovkhoses* of "Tomak" and "Chotty," the occupation authorities pillaged the farms' hardware and leveled the settlements.⁵⁵ In retaliation for partisan actions and other infractions, the Gestapo carried out mass executions of Crimean kolkhoz workers. One such massacre occurred in the village of Mangush on November 13, 1943 when Nazis shot over 150 people and buried them in a mass grave. Of the 96 bodies identified after the war, 29 were Crimean Tatars.⁵⁶ In January 1944, the Germans burnt down the Tatar villages of Argin, Baksan, and Kazal, along with the Russian villages of Efendikoi, Kutur, and Neiman, and most of the survivors joined with partisans in the mountains for the remainder of the war. Between December 1943 and January 1944 alone, the occupation authorities burned down 128 Crimean Tatar villages.⁵⁷

51 *Nekrich*, 20, 27.

52 Manstein lamented his failure in August 1942. Cited in *Nekrich*, 24. From Dokumenty ministerstva inostrannykh del Germanii. Vypusk II: Germanskaia politika v Turtsii (1941-1943 gg.) (Moscow, 1946) no. 25, p. 87 (Dittmann to Tippelskrich, August 5, 1942).

53 *Nekrich*, 27.

54 GARF, f. A-259, op. 6, d. 764, l. 4.A. Gritsenko to Kosygin. October 24, 1944.

55 GARF, f. A-259, op. 6, d. 1520, l.l. 5-5ob. Gosudarstvennyi Arbitrazh pri Sovnarkome RSFSR. M. Shaliupa- Sovnarkom RSFSR. March 5, 1945.

56 *Perechen*, l. 84.

57 *Nekrich*, 24.

Soviet economic data confirms the destruction of Crimean agriculture, and thus the lively hood of 70% of the Crimean Tatar population, during the war. With supplies destroyed or confiscated by the evacuating Soviets and occupation authorities, more than half of the previously cultivated land became fallow.⁵⁸ As the Nazi destruction of Crimean Tatar and Russian villages and deportations of working-age individuals to the Reich accelerated in 1943, Crimean agriculture ground to a halt and harvests in Crimea declined by more than 80%.⁵⁹ Being poached by Nazis and partisans alike, livestock was decimated.⁶⁰ For the Nazis, failure of the collaboration regime meant brutal retribution and the requisition of what human and material resources remained in Crimea.

Crimean Tatar Partisans

One important distinction the NKVD documents make that directly undermines the charge of “mass” collaboration is that, after the dual failure of Crimean partisans and the Nazi collaboration efforts in 1942, the importance of Crimean Tatars in the Crimean partisan movement only accelerated. Ramozan Al’chik Kurt-Ucherov had served as the head of resort construction for the Presidium of the Crimean ASSR until the war. Active in the underground, he became the commissar of the 17th partisan unit of the 6th Crimean Brigade on June 16, 1943 and led the unit until being wounded on February 13, 1944.⁶¹ In similar fashion, Mustafa Veis Selimov, the First Secretary of the Yalta Party *Raikom* until the invasion, became a commissar of a unit in the United Southern Front of Crimean Partisans in June 1943, and served until liberation.⁶² In the meantime, Seit-Ali Suleimanovich Ametov became commissar for the 9th partisan division until liberation.⁶³ With his family safely evacuated to the Dagestan ASSR, Refat Mustafaev lead another partisan group outside the city of Alushta.⁶⁴

Crimean Tatar partisan leaders such as Abdulla Dagzhy (who acquired

58 Russian State Archive of the Economy (hereafter RGAE), f. 4372, op. 46, d. 79, ll. 39-41. Otchet “o rabote otdela opredeleniia urozhainosti s 1 iiulia 1945 goda.

59 RGAE, f. 4372, op. 46, d. 79, l. 63. Dinamika polivnykh posevov po Krymu.

60 RGASPI, f. 17, op. 44, d. 759, l. 47. Stenogramma

61 GARF, f. 9479, op. 1, d. 204, l. 49. Zakliuchenie 6 apreliia, 1945.

62 GARF, f. 9479, op. 1, d. 204, l. 80. Zakliuchenie 19 sentiabria, 1945.

63 GARF, f. 9479, op. 1, d. 204, l. 194. Zakliuchenie 14 Ianvaria, 1947.

64 GARF, f. 9479, op. 1, d. 180, l. 140. “Spisok Krymskikh Tatar, prozhivaiushchikh na territorii Dagestanskoi ASSR.” NKVD DASSR Kom. Gosbez R. Markaian. November 3, 1944.

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the nickname "Uncle Vova") raided occupation supply and communications infrastructure. The female Crimean Tatar partisan Alima Abduennanova led the sabotage group "Sofia." Other Crimean Tatar men and women such as Aishe Karaeva, Khatidzhe Chapchakchi, Server Syrly and Tairov Iusyf joined the uptick in partisan and underground efforts.⁶⁵ Sixteen-year-old Akhmet Osmanovich Koliak ran away from home to join a unit in 1943.⁶⁶

Not only were Crimean Tatars in the Crimean underground promoted to top partisan positions in 1943, partisan coordinators arranged for the infiltration of Crimean Tatars from the Red Army into occupied Crimea in order to reinvigorate the partisan movement. When the war began, Romazan Gafarovich joined the regular Red Army and survived his first two years on the front. In 1943, he was sought out by partisan coordinators and dropped into Crimea. He served as a regular partisan before commanding his own unit as the Soviet liberation began, receiving commendations for his service.⁶⁷ Dzheppar Ametovich Kolesnikov also had served in the Red Army for the first two years, in his case as a political commissar. He also infiltrated Crimea in the summer of 1943, becoming the commissar of the Third Partisan Brigade of the United Eastern Front of Crimean Partisans, fighting until liberation.⁶⁸

Furthermore, party lists of Crimean partisans that received commendations include Crimean Tatars, and continued to do so even after the deportation. For example, a list of 180 Crimean partisans that the Crimean communist party produced *after* the deportation includes 14 Crimean Tatars and several other Crimean minorities. On another list are Ali Ibraimovich Ibraimov who received a medal on September 1, 1944 and Khamedul Ryzhapovich Akhmetov who received a medal on May 8, 1944.⁶⁹ Yet another list records that Abdul Dzhelil' Khairulla received a medal during the April 29-30, 1944 awards ceremonies, while the May 10, 1944 ceremony awarded Tul Kubai Urmatov and Memet

65 Open Society Archives, Budapest. Sobranie Dokumentov Samizdata: Tom 12 Dokumenty o Krymskikh Tatarakh (AC No. 379-1946) Sazmizdat Archive Association Munich, Germany, 1975. AC No. 1882, pg. 10. "Neoprevezhimye fakty iz zhizni krymskikh tatar za period s 1967 po 1973 goda." January 1973.

66 GARF, f. 9479, op. 1, d. 204, l. 317. Zakliuchenie 12 Noiabria, 1947.

67 GARF, f. 9479, op. 1, d. 204, l. 60. Zakliuchenie 6 oktiabria, 1945.

68 GARF, f. 9479, op. 1, d. 204, l. 137. Zakliuchenie 17 janvaria, 1946.

69 RGASPI, f. 17, op. 15, d. 476, l.l. 69-77. Otchet s proizvedenom vruchennykh medalei patizanu Otechestvennoi-voiny po Krymskomu Shtabu patizanskogo dvizheniia. 14 iulia, 1944 g.

Bilialovich Molochnikov the Red Star Commendation for partisan service.⁷⁰

In the decades after the war, surviving Crimean Tatar partisan fighters also identified themselves with pride in protest letters to Moscow. In a 1967 letter Izzet Khairullaev, identified himself as a “former partisan commissar,” while Ava Musliu Mova signed as a “decorated female partisan” and Mussemma Garfurova as a “female partisan.”⁷¹ In fact, after the Soviet Union officially denounced Stalin’s lie in 1967, the Crimean Tatar paper in Uzbekistan, *Lenin Bayragi*, was permitted to print documents outlining Crimean Tatar partisan service.⁷²

Providing Evidence to Support Stalin’s False Allegations

The charges then were not based on mass treason. Stalin was a dictator and could lie with impunity. But as Soviet writers began producing wartime narratives for public consumption after 1945, Soviet leaders made sure that accounts of the war in Crimea confirmed Stalin’s false allegations of Crimean Tatar treason. To lead this effort, new Crimean party leaders turned to individuals who had the desire to capitalize on these allegations after the deportation. First and foremost they sought out A. N. Mokrousov, the disgraced partisan leader that Moscow had removed in 1942 after the partisan failure.

When the Crimean Partisan movement began, Moscow appointed Mokrousov and A. V. Martynov to organize partisan actions. Mokrousov had been a successful partisan fighter during the revolution. At the same time, Crimean Tatars, Russians and Ukrainians in the communist underground launched separate operations that focused on infiltrating Nazi attempts to create battalions. By the end of 1942 the Gestapo had decimated both the general partisan movement and the underground.

In the summer of 1942, as the occupation forces were pressing their assault on partisans, Mokrousov and Martynov alleged to Marshal Budenny that the “overwhelming majority” of Crimean Tatars in

70 RGASPI, f. 17, op. 15, d. 476, l.l. 134-135. Protokol vrucheniia ordenov i medali SSSR 29-30 aprilia 1944 goda- Pred. Prezidiuma. Ver. Sov. K. ASSR A. Kh. Menebarievym; RGASPI, f. 17, op. 15, d. 476, l.l. 136-137. Protokol vrucheniia ordenov i medali SSSR 10 maia 1944 goda- Pred. Prezidiuma.

71 GARF, f. 7523, op. 101, d. 447, l.l. 21-26. Pis'mo Krymski Tatary iz goroda Sukhumi. January 17, 1968.

72 *Fisher*, 160-161.

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mountainous regions were “following the fascists.” These accusations came after Mokrousov had lost control of several Crimean Tatar partisan units who continued to attack Axis forces outside of Alushsta.⁷³ After refusing the authority of Mokrousov and operating on their own, he accused them of deserting to the Nazis. Many Crimean Tatar partisans did not condone Mokrousov's tactics to solve supply issues, and Crimean Tatar partisans in a 1957 letter claimed that often he simply did not let Crimean Tatars join his partisan units. Under Mokrousov's command partisan activities were often little more than the mass robbery of village livestock and foodstuffs, causing serious public relations problems.⁷⁴ Crimean Tatar partisans were often ordered to rob their own villages.

The bad blood devolved into an ugly situation by the late spring of 1942. When occupation forces destroyed several Crimean Tatar villages for providing men and supplies to partisans, several hundred Crimean Tatars civilians and a number of Crimean Tatar partisans took to the forest and sought to join Mokrousov's partisans. According to both Crimean Tatar accounts and the account of another Russian partisan, A. Ia. Olekha, Mokrousov refused to join with the groups and left the Crimean Tatars to be hunted and executed by the Gestapo. These victims included prominent Crimean Tatar leaders such as Abdurefi Seyt-Iagi (the former president of the Crimean ASSR Supreme Soviet), Asan Seferov, and Nuri Asmanov. Other allegations against Mokrousov and Martinov include reprisals against Russian and Tatar villagers who aided Crimean Tatar partisans not under his control.⁷⁵

In the mean time, Crimean Tatars and the Crimean Obkom countered the allegations by providing evidence that Crimean Tatar villagers had aided partisan infiltration efforts throughout 1942. Even Manstein himself recalled fighting sixteen Crimean Tatar partisan brigades of around one hundred men each at the height of the anti-partisan campaign in 1942. The partisan failure was the result of, first and foremost, a sustained anti-partisan campaign by the Nazis. Mokrousov failed to sustain partisan efforts and angered Crimean Tatar partisans and even other Russian partisans. Moscow never bought his excuse, removing both Mokrousov and Martynov from their positions.⁷⁶ Yes, this

⁷³ Nekrich, 26.

⁷⁴ Fisher, 160.

⁷⁵ Nekrich, 26-29.

⁷⁶ Gulnara Bekirova, *Krymskotatarskaia Problema v SSSR, 1944-1991* (Simferopol: Odzhak", 2004), 23.

campaign was aided by collaboration, but this was the case throughout every region the Nazis occupied. Furthermore, partisan failures were sometimes the sole fault of partisans themselves. Timofei Grigorevich Kaplun, the Commissar of the Karasubazar partisan division, got so drunk with the Sudak partisan commander one evening at the Sudak headquarters that their merrymaking gave away their position to a nearby Romanian patrol.⁷⁷ As already discussed, part of the correction to the failure was placing more Crimean Tatars, both partisans already on the peninsula and those infiltrated in, into leadership positions.

The fact was after May 1944 the history of the war in Crimea was going to have to be crafted to fit Stalin's allegation. This project turned out to be Mokrousov's ticket back into Moscow's good graces. After the deportation, both the KPSS and Crimean party renounced the earlier dismissal of Mokrousov and declared that, in fact, his allegations of Crimean Tatar mass treason were right after all. The problem for the party was how could they then use a rehabilitated Mokrousov to push this line? They quickly found the solution in the Crimean tourism industry, more specifically in the Crimean branch of the All-Union Central Council of Trade Unions (hereafter VTsSPS). Becoming the director of the excursion and tourism division, it became Mokrousov's job to promote historical texts and accounts of the war that defamed Crimean Tatars in every way possible.

At first, the excursion writers used blanket commendations of Crimean Tatars. In excursion texts approved by Mokrousov, excursion writers declared that Crimean Tatars had always been "enemies of the Russian people and the proletarian revolution," repeated verbatim Stalin's accusation of treason, and proclaimed that the war in Crimea had been against both "fascists and Tatar traitors."⁷⁸ Crimean publishing houses in Simferopol soon repeated these lines, as with the 1949 "Crimean Almanac" that described all Crimean Tatars as "lazy," "parasitic," and "traitorous."⁷⁹ But the false allegations did cause a problem. As is evident in a correspondence between Mokrousov and his bosses, Moscow was nervous because Crimean materials were claiming "all Crimean Tatars were traitors since the very beginning of the war."⁸⁰ The

77 RGASPI, f. 17, op. 44, d. 763, l. 72. Protokol No. 57

78 GARF, f. 9520, op. 1, d. 153, l.l. 12, 19. VTsSPS, Metodicheskaya razrabotka ekskursia sevodya i budushi. I. Kirrilov, March 19, 1949; GARF, f. 9520, op. 1, d. 153, l.l. 39-40. Turpokhoda na goru "Chatir-Dag." Kirrilov. November 19, 1948.

79 *Al'manakh Krym*, No. 3 (Simferopol: 1949), 218-220.

80 GARF, f. 9520, op. 1, d. 153, l. 119. Pis'mo Nachal'nik Tur-Eks. Upravlenie VTsSPS G. Kosilov i Zav. Metodicheskomo Sektorom E. Supina- A. V. Mokrousov. March 3, 1950.

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reason for Moscow's apprehension was simple. Aside from blanket condemnations, no one had made an effort to censor the reality of the war in Crimea, erasing Crimean Tatar service and exaggerating Crimean Tatar collaboration. As displayed in the Soviet documents discussed earlier in this paper, evidence that Crimean Tatars were not mass collaborators is overwhelming.

Subsequently, the most important part of Mokrousov's job became getting Crimean partisans to write personal narratives of the war that supported Stalin's allegation. In 1949 Mokrousov tapped partisan veteran Il'ia Zakharovich Vergasov to pen his experiences for use in the Crimean tourism industry and other publications. Thus began the career of the Soviet Union's most virulently anti-Crimean Tatar popular writer who would present the false allegations of mass treason to the Soviet public for decades to come. In a 1971 publication he would go so far as to claim to have personally leveled Crimean Tatar villages. Therefore, Vergasov's 55-page account of Crimean partisan warfare, written in 1949, stands as one of the most extraordinary documents on partisan warfare in Crimea. The document is significant because it does not provide any evidence of overwhelming Crimean Tatar collaboration. In fact it does the opposite, echoing the complicated reasons for partisan failure, the participation of Crimean Tatars in the Crimean underground, the collaboration of small numbers of both Slavic and Muslim Crimeans, and even confirming the failure of Manstein's effort at recruiting Tatar brigades.⁸¹

While he begins the text praising Mokrousov, he goes on to list partisan units he commanded from Crimean Tatar mountain villages such as Kacha-Biiuk and Uzen. He then says that even during the worst of the German onslaught in 1942 villagers still helped them. In fact, he kept his headquarters in the Tatar village of Laki. He said that there were villagers that the Germans had collected into "volunteer" units, but that many of the villagers were on their side. He even claimed that some members of the local "Muslim committee" were assisting their operation. Other Tatar villages such as Chair, Makur and Stil provided food and treated wounded partisans. Moreover, Vergasov describes how his partisan units had nominal control over the Crimean Tatar villages of Beshui, Sabil, and Uzenbash and credits the villagers with "not allowing the Germans to operate" on their territory.⁸²

81 GARF, f. 9520, op. 1, d. 136, l.l. 1-55. Stenogramma leksii podpolkovnika I. Z. Vergasova: "Krymskie Partizany.." 1949.

82 Ibid., 1-55.

While Vergasov certainly discusses collaboration, he gives no blanket condemnation of Crimean Tatars. Out of the four individual traitors that he most despises, there are three Russians (one his own partisan), and one Tatar. He describes the cooperation of some Tatars not as mass, but rather coming from some “elements,” mainly “reactionaries and nationalists” from the “old order of mountain villages” that had housed resistance to Soviet power in 1918. At the same time he described fighting recruits from the Russian Liberation Army (ROA). While attributing some issues to treason, he indicated that the general partisan failure was organizational, especially with their supply dumps. The Axis troops used this oversight to their advantage, leaving the partisans undersupplied and isolated in mountainous regions. This assessment corresponds with the evidence that Mokrousov simply lost control of many partisan brigades as the enemy pressed their assault from December 1941 through much of 1942.⁸³

The most stunning revelation, especially given Vergasov’s later accounts, is that he confirms the failure of the occupation forces to illicit mass collaboration of Crimean Tatars through the Muslim committees and brigades of Tatar “self-defense units.” He admitted that when some villages were surrounded by German forces they might “help” Germans. But then he scoffed at the German effort of organizing Tatar brigades: “Volunteer units were formed, under the holy Muslim committee that was based in the Bakchisarai palace. All of this, of course, was a myth and later the Germans dissolved the committee.” Taken as a whole, Vergasov’s summary of Crimean partisan warfare aligns with NKVD documents and Crimean Tatar accounts. But why did his account fundamentally change in the coming decades? The answer is simple. Mokrousov took the transcript of Vergasov’s account and, with a pen, edited out the parts on the failure of Crimean Tatar collaboration and other positive information on Crimean Tatars. All that was left was those who collaborated.⁸⁴

This is just one document, but the man who would become the most prominent partisan writer providing evidence of Crimean Tatar treason wrote it. Moreover, the Crimean partisan commander who not only created the myth of Crimean Tatar mass collaboration, but also had the job of popularizing the myth, censored it. As Mokrousov and his staff edited partisan accounts to exaggerate Crimean Tatar collaboration, he

⁸³ Ibid., 1-55.

⁸⁴ Ibid., 1-55.

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established a body of work that by the early 1950s, in the words of Crimean Tatar activists, “systematically poisoned the consciences of Soviet citizens that travel to Crimea for treatment and relaxation with the shameful accounts in excursion guides, tourist materials, and racist and nationalistic books.”⁸⁵ The falsified accounts of Vergasov and Mokrusov's other writers became very specific. For example, in lectures and his 1959 book *In the Mountains of Tavridia: Notes of a Partisan (V Gorakh Tavrii: Zapiski Partizana)*, Vergasov singled out the decorated partisan Bekir Osmanov and said that instead of being a loyal Soviet, he was executed as a traitor.⁸⁶

False allegations as specific as the one against Bekir Osmanov are easy to expose with archival evidence. Osmanov was a partisan leader and the KPSS recognized his service in 1943 and 1944 in a formal ceremony along with other Crimean partisan leaders. And this happened *after* he had supposedly been “executed for treason.”⁸⁷ The charge was almost comical because the Osmanov was still alive and a party member in the 1960s. Osmanov became so incensed that he traveled to Crimea to confront Vergasov personally and wrote specific letters to the Supreme Soviet.⁸⁸ Unfortunately, these efforts fell on deaf ears, and Vergasov's 1971 book, *Krymskie tetrady (Crimean Notebooks)*, continued the charade.⁸⁹

Thus Mokrusov and Vergasov established the tone and method for exculpating Crimean Tatars from the Crimean partisan effort, and by the 1960s this effort escalated into denials of Crimean Tatars participating in the Red Army and receiving medals. When the Crimean publisher “Krymizdat” published a collection of stories of “Hero of the Soviet Union” winners who were born in Crimea, only one Crimean Tatar (two-time Hero of the Soviet Union Akhmet Sultan) was among the 46 included. Crimean Tatar activists also savaged this publication, correctly noting that Abduraim Reshitov, Abdul Treifuk, Bekir Mustafaeovich, Seitnafa Seitveliev, Uzeir Abduramanov and 11 other Crimean Tatars

85 GARF, f. 7523, op. 101, d. 447, l. 47. Pis'mo Sovetskikh grazhdan Krymskikh Tatar, vernuvshikhsia na svoiu rodinyu zemliu- v Krym posle 23 letnogo izganiia i “reabilitatsii” po ukazu ot 5 sentiabrai 1967 goda. January 23, 1968.

86 *Perechen*, l.l. 75-76.

87 RGASPI, f. 17, op. 15, d. 476, l.l. 69-77. Otchet s proizvedenom vruchennykh medalei patizanu Otechestvennoi-voiny po Krymskomu Shtabu patizanskogo dvizheniia- pri Nachalnik' Krymskogo Shtab patizanskogo dvizheniia po kadram-Maior Skrebets. 14 iulia, 1944 g.

88 *Perechen*, l. 75.

89 See I. Vergasov. *Krymskie tetrady* (Moscow, 1971), 260-64; *Nekrich*, 29.

received the medal.⁹⁰ Their exclusion from such publications was intentional and persistent until the late 1980s. Because of this, one must consider other partisan accounts of the war written in Crimea with extreme caution.

Conclusion

Soviet officials made this effort to conceal Crimean Tatar service during the war because the evidence to the contrary was overwhelming. As this study has demonstrated, Soviet documents support a counter narrative to Stalin's charges by providing individual examples of Crimean Tatar wartime experiences. In addition, accompanying statistics support what Crimean Tatars had argued since 1944: the charge of mass collaboration was a false allegation. Stalin created this falsification of Crimean Tatar mass treason, and the propaganda of Mokrousov, Vergasov and their accomplices helped legitimize it by framing the myth of Crimean Tatar mass collaboration in the narrative of Crimean liberation and fascist defeat.

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However, Stalin's false allegation of Crimean Tatar mass treason was never accepted as fact by many important parties, and only became more difficult to sustain after his death. This contradiction meant that after the initial atrocity, the survivors in special settlement could still navigate the state to achieve a form of social mobility becoming *Komsomol* members and KPSS members, as well as collect pensions and even vote in the 1946 Soviet elections. At the forefront of this group were Crimean Tatar veterans who would begin petitioning for rehabilitation only a month after deportation. By the late 1950s these veterans were the vanguard of the Crimean Tatar movement for full rehabilitation and return to Crimea and constantly used their indisputable service during the war to demand the attention of the Soviet state. It was largely through their efforts that the Crimean Tatar return movement became the longest, largest, and most organized protest movement in the Soviet Union.

90 See *Zvezdy nemerknushcei slavy* (Simferopol: Krymizdat, 1967). For the Crimean Tatar response to this publication see the Open Society Archives, Budapest. *Sobranie Dokumentov Samizdata: Tom 12 Dokumenty o Krymskikh Tatarakh* (AC No. 379-1946) Sazmizdat Archive Association Munich, Germany, 1975. AC No. 1882, pg. 10. "Neopreverzhimye fakty iz zhizni krymskikh tatar za period s 1967 po 1973 goda." January 1973.

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THE DEPORTATION OF THE CRIMEAN TATARS IN THE CONTEXT OF SETTLER COLONIALISM

J. Otto POHL

Lecturer

Department of History

University of Ghana

Abstract: *The Soviet ethnic cleansing of the Crimean Tatars, the subsequent settlement of their lands with Russians and Ukrainians, and the de-Tatarization of the peninsula's place names has a number of similarities with various cases of settler colonialism in the Americas, Africa, Australia, and Palestine. The treatment of the exiled Crimean Tatars in Uzbekistan, the Urals, and other regions also had a number of similarities with how settler colonies treated their indigenous populations. These similarities, however, have not been thoroughly explored by historians and other scholars. Instead the USSR has been considered as being completely outside of the framework of colonial and ethno-racial relations that developed between Europeans and indigenous peoples in other parts of the world. This article seeks to make a first attempt at suggesting ways in which Soviet policies towards various indigenous peoples in the USSR can be compared to the better studied cases of settler colonialism in places like South Africa and Palestine. In particular it uses the Soviet deportation of the Crimean Tatars and their prolonged exile in Uzbekistan under various legal restrictions as a case study comparable in a number of important ways to settler colonialism. It is hoped that this article will inspire further inquiries and research in a comparative manner regarding this topic.*

Keywords: *Crimean Tatars, Deportation, NKVD (People's Commissariat of Internal Affairs), Settler Colonialism, Special Settlement*

YERLEŐİMCI SÖMÜRGEÇİLİĐİ BAĐLAMINDA KIRIM TATAR SÜRGÜNÜ

Öz: *Kırım Tatarlarının, Sovyetler BirliĐi tarafından etnik temizliĐe uğratılmaları, bunu takiben Rus ve Ukraynalıların Kırım Tatarlarının*

topraklarına yerleştirilmeleri ve Kırım yarımadasındaki Tatarca yer adlarının değiştirilmesi, Amerika kıtası, Afrika, Avusturalya ve Filistin'de yaşanan yerleşimci sömürgecilik ile bir takım benzerlikler taşımaktadır. Buna ek olarak, Kırım Tatarlarının Özbekistan, Urallar ve sürgün edildikleri diğer yerlerde maruz kaldıkları muamelenin de yerli halkların yerleşimci sömürgeciler tarafından maruz bırakıldıkları muamele ile benzerlikleri olduğu görülmektedir. Ne var ki, bu benzerlikler tarihçiler ve diğer sosyal bilimciler tarafından hakıyla incelenmemiştir. Aksine, Sovyetler Birliği'nde yaşanan olaylar, Avrupalılar ve yerli halklar arasında farklı coğrafyalarda gelişen sömürgeci ve etno-ırksal ilişkilerin tamamen dışında ele alınmıştır. Bu makale, Sovyetler Birliği'ndeki çeşitli yerli halklara karşı yürütülen politikaların, şimdiye kadar daha derinlemesine çalışılmış olan Güney Afrika ve Filistin'deki gibi yerleşimci sömürgecilikle nasıl kıyaslanabileceğine dair bir ilk deneme olmayı hedeflemektedir. Bu çerçevede bu makale, özel olarak, Kırım Tatar tehciri ve çeşitli yasal düzenlemeler çerçevesinde yaşanan Özbekistan'daki uzun sürgün döneminin yerleşimci sömürgeciliği ile bazı noktalarda önemli benzerlikler taşıyan bir örnek olarak ele almaktadır. Bu makalenin, bu konu hakkında gelecekte yapılacak araştırmalar için bir esin kaynağı olması ümit edilmektedir.

Anahtar Kelimeler: Kırım Tatarları, Sürgün, NKVD (İç İşleri Halk Komiserliği), Yerleşimci sömürgeciliği, özel yerleşim

Introduction

The mass deportation of the Crimean Tatars from their ancestral homeland to Uzbekistan and the Urals where they lived under special settlement restrictions has generally not been examined in the context of the larger historical phenomenon of forcible displacement and racial discrimination against indigenous peoples. In so far as their history has been comparatively examined it has been in the context of other deported peoples in the USSR such as ethnic Germans, Chechens, Ingush, Karachais, Balkars, Kalmyks, and Meskhetian Turks.¹ It has with very few exceptions not been compared to cases outside the Soviet Union such as the treatment of Native Americans, blacks in South Africa, and Arabs in Palestine.² This is despite the fact that all of these cases also involved the forcible resettlement of indigenous populations and the imposition of severe legal restrictions upon their freedom of residency and movement on the basis of their ethno-racial classification. This article will examine the deportation and exile of the Crimean Tatars in Uzbekistan and Urals as a case study of systematic racial discrimination against an indigenous people with many similarities to settler colonialism.

European colonialism in Asia and Africa can be divided into two main types. These were the establishment of settler colonies and colonies of extraction. Settler colonies like the earlier conquest of the Americas involved transplanting a significant and permanent European population from the ruling colonial power to the colony. These settlers then displaced the indigenous populations from much of their land in addition to depriving them of political control over the colonized territory. The US, Canada, South Africa, Australia, New Zealand, Israel, Algeria, Kenya, and Rhodesia were at one time all settler colonies. The substitution of a European majority for an indigenous one in the US, Canada, Australia, New Zealand, and Israel also occurred in Crimea. In all the above cases the newly dominant European populations placed significant legal restrictions upon the indigenous population that discriminated against their well being.

1 See N.F. Bugai, *L. Beria – I. Stalimu: 'Soglasno vashemu ukazaniuu.'* Moscow: AIRO XX, 1995; J. Otto Pohl, *Ethnic Cleansing in the USSR, 1937-1949* (Westport, CT: Greenwood Publishing Group, 1999); Pavel Polian, *Against their Will: The History and Geography of Forced Migrations in the USSR* (Budapest: Central European University Press, 2004).

2 For two of those exceptions see J. Otto Pohl, 'Soviet Apartheid: Stalin's Ethnic Deportations, Special Settlement Restrictions, and the Labor Army: The Case of the Ethnic Germans in the USSR,' *Human Rights Review*, vol. 13, no. 2, 2012 and J. Otto Pohl, 'Socialist Racism: Ethnic Cleansing and Racial Exclusion in the USSR and Israel,' *Human Rights Review*, vol. 7, no. 3, April-June 2006.

The Soviet deportation of the Crimean Tatars from May 18-20, 1944 completed the demographic de-Tatarization of the Crimean peninsula, a process that started under Tsarist rule following the annexation of the Crimean Khanate by the Russian Empire in 1783. Between 1856 and 1860 over 100,000 Crimean Tatars emigrated from the peninsula to the Ottoman Empire.³ The 1944 deportations cannot be viewed correctly without reference to earlier bouts of Russian chauvinism against the Crimean Tatars.

The Soviet policy towards the Crimean Tatars can be divided into several phases. The first phase during the Russian Civil War 1918-1921 involved the use of violence to suppress the attempt by *Mili Firka* (People's Party) to create an independent Crimean Tatar state. The second phase from 1921 to 1928 represented the NEP (New Economic Policy) and the high point of *korenizatsiia* (indigenization) including the creation of the Crimean ASSR as a Crimean Tatar national territory within the USSR. The third phase from 1928 to 1941 involved the massive violence of collectivization and the Great Terror of 1937-1938. From 1941 to 1944 Crimea was under German rule. After the recovery of the peninsula by the Soviet military in May 1944, the Stalin regime forcibly deported virtually the entire Crimean Tatar population to Uzbekistan and the Urals in the fifth phase of its evolving policy towards the Crimean Tatars. From 1944 to 1956 the Crimean Tatars remained under the strict legal restrictions of the special settlement regime. The penultimate phase from 1956 until 1989 near the end of the Soviet Union's existence involved the continued exile of the vast majority of the population in Uzbekistan and an active repression of Crimean Tatar national movement to return their ancestral homeland. From 1989 to 1991 the Soviet government allowed the Crimean Tatars to return from Uzbekistan and other places to Crimea although it did not restore the Crimean ASSR or provide them any compensation for lost property.⁴

It is the deportation of the Crimean Tatars in 1944 and the subsequent five and a half decades that they spent exiled in Central Asia suffering under various forms of official discrimination that has the most interesting parallels to settler colonialism. These practices have similarities with the treatment of indigenous populations by European settlers in the Americas, Australia, South Africa, and Palestine. The exemption of the USSR from such critical comparative scholarship in

3 Alan W. Fisher, *The Crimean Tatars* (Stanford, CA: Hoover Institution, 1978), p. 89.

4 Pavel Polian, *Against their Will*, pp. 215-216.

the West has largely been a result of the USSR distinguishing itself from these other cases by virtue of its espousal of a socialist ideology and opposition to capitalist economics. The imperialism, colonialism, and racism of Soviet policy towards the Crimean Tatars and other peoples, however, did not require any adherence to capitalism

This article will examine Soviet policy towards the Crimean Tatars from 1944 to 1989 in comparison to a number of cases of more traditional settler colonialism including the US treatment of Native Americans, the Zionist conquest of Palestine, and South African apartheid. It will specifically analyze the similarities in practice between these different regimes despite their very different ideological and economic systems.

The Deportation

The Stalin regime forcibly deported virtually the entire Crimean Tatar population from their ancestral homeland to Uzbekistan and the Urals from 18-20 May 1944. The NKVD (People's Commissariat of Internal Affairs) rounded up and loaded 180,014 Crimean Tatars onto 67 echelons headed east during these three days. The Soviet authorities also mobilized another 11,000 Crimean Tatar men during this time for forced labor detachments for a total of 191,044 Crimean Tatars violently removed from their national territory.⁵ This action clearly targeted the indigenous population of Crimea on the basis of their ethno-racial classification. The first operative clause of State Defense Committee resolution 5859ss 'On Crimean Tatars' of 11 May 1944 signed by Joseph Stalin state 'All Tatars are to be exiled from the territory of Crimea and settled permanently with the status of special settlers in regions of the Uzbek SSR.'⁶ This ethnic cleansing had clear parallels with similar forced resettlements in settler colonies including the Trail of Tears and Long Walk in the US, the South African removal of 'black spots', and the Palestinian Nakba.⁷ The internal dispersal of these groups within a

5 N.F. Bugai, ed., *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* (Moscow: Insan, 2002), doc. 66, p. 89.

6 N. Pobol and P. Polian, eds., *Staliniskie deportatsii 1928-1953: Dokumenty* (Moscow: MFD, Materik, 2005), doc. 3.148, p. 497.

7 The Trail of Tears is the name given to the US military's forcible resettlement of the Cherokee during 1838 in what is now Oklahoma. The Long Walk is the name given to the US military's forcible resettlement of the Navajo into Bosque Redondo in 1864. The South African removal of 'black spots' was the practice of the apartheid government of forcibly relocating blacks living in areas allocated to whites to Bantustans or 'homelands' set up as reservations for various indigenous peoples. The Nakba or Catastrophe is the mass expulsion and flight of Palestinian Arabs that accompanied the founding of the State of Israel in 1948.

single state has often been referred to as internal colonialism.⁸ In all these cases the perpetrators rounded up the victim population on the basis of their ethno-racial category and forcibly evicted them from their ancestral homelands at gun point and relocated them to areas with considerably worse living conditions.

The mass deportation of the Crimean Tatars from their ancestral homeland took three days. On the first day of the deportations, May 18, 1944, the NKVD took 90,000 Crimean Tatars to train stations and loaded 48,000 of them onto 25 train echelons.⁹ The following day the number of Crimean Tatars taken to train stations by the NKVD had increased to 165,515 of which 136,412 had been loaded on to train echelons bound for the east.¹⁰ Finally on May 20, 1944 Kobulov and Serov¹¹ reported to Beria that the NKVD had loaded 180,014 Crimean Tatars onto 67 echelons by four in the afternoon that day and that 63 echelons with 173,287 deportees were already on their way to Uzbekistan.¹² This rapid round up and deportation from Crimea of the vast majority of the Crimean Tatar population completed the removal of the indigenous population started under the Tsars. During Tsarist rule particularly after the Crimean War a very large number of Crimean Tatars emigrated to the Ottoman Empire. Estimates of the number of such emigrants run as high as 200,000.¹³ The Crimean War had left the lands, property, and animals of the indigenous population devastated and the Russian government made no effort to provide them with restitution to support themselves. Indeed the Russian government encouraged the impoverished Crimean Tatars to emigrate to the Ottoman Empire viewing them as politically unreliable and seeking to make the peninsula a strong hold of Orthodox Christianity.¹⁴ By 1867 the Russian government had documented 192,360 Crimean Tatars emigrating and leaving behind 784 empty villages.¹⁵ The deportation of 1944 completely removed the remaining Crimean Tatar population.

8 See J. Otto Pohl, 'Colonialism in one Country: The Deported Peoples of the USSR as an Example of Internal Colonialism,' *Journal of Race, Ethnicity, and Religion*, vol. 5, no. 7, May 2014 and Robert J. Hind, 'The Internal Colonial Concept,' *Comparative Studies in Society and History*, vol. 26, no. 3.

9 Pobol and Polian, *Staliniskie deportatsii 1928-1953*, doc. 3.149, p. 500.

10 Pobol and Polian, *Staliniskie deportatsii 1928-1953*, doc. 3.151, p. 501.

11 Kobulov and Serov were Deputy Chiefs of the NKVD under Beria

12 Pobol and Polian, *Staliniskie deportatsii 1928-1953*, doc. 3.152, pp. 501-502.

13 Mara Kozelsky, "Causalities of Conflict: Crimean Tatars during the Crimean War," *Slavic Review*, vol. 67, no. 4 (Winter 2008), p. 866.

14 Kozelsky, pp. 885-888.

15 Kozelsky, pp. 888-889.

The Stalin regime's ethnic cleansing of the Crimean Tatars using modern rail technology was much more thorough than most cases of settler colonialism. The NKVD managed to physically remove virtually the entire Crimean Tatar population from the Crimean peninsula. In the cases of various Native American nations relocated by the US army during the 19th Century, the placement of black South Africans onto reservations and later Bantustans, and the forced expulsion of the indigenous Palestinians from their homeland sizeable minorities managed to escape from being evicted. Even in the case of Palestine where unlike South Africa the desire was to completely remove the indigenous population rather than subjugate them as a menial labor force the Zionists were unable to remove the entire population. Perhaps as many as 150,000 Palestinians managed to avoid expulsion in 1948 from the territory that became the State of Israel out of an initial population of around 900,000-950,000.¹⁶ The superior organization and execution of the Soviet ethnic cleansing operations set them apart from the less thorough forced migrations elsewhere. This remained true even of those cases such as in South Africa and Palestine that took place after the deportation of the Crimean Tatars.

Already material conditions on the trains transporting the Crimean Tatars eastward were insufficient. The box cars were overcrowded, unclean, and unheated. The Soviet authorities did not provide the Crimean Tatars with sufficient food or other supplies during the trip. The daily rations for Crimean Tatar deportees on the train echelons was only 500 grams of bread, 70 grams of meat or fish, 60 grams of cereal, and 10 grams of fat per day.¹⁷ This early lack of food foreshadowed a much larger problem of food shortages in exile in Uzbekistan and the Urals. There real hunger would lead to mass malnutrition and greatly contribute to the excess mortality suffered by the Crimean Tatars.

Exile

The vast majority of Crimean Tatars ended up in Uzbekistan. The climatic and soil conditions of Uzbekistan varied greatly from the much less arid Crimean peninsula. This made adapting to their new settlements difficult. Culturally the Uzbeks and Crimean Tatars are both Muslims and speak Turkic languages. In the secularized and highly ethnically

16 Hussein Abu Hussein and Fiona McKay, *Access Denied: Palestinian Land Rights in Israel* (London: Zed Books, 2003), p. 1.

17 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 42, p. 73.

differentiated USSR these similarities were overwhelmed by the distinctiveness of the two peoples. This was especially true in the early period of the Crimean Tatar exile. Thus they were generally met with a hostile reception that even included physical attacks with thrown stones.¹⁸ The NKVD counted a total of 151,604 out of 183,155 deported Crimean Tatars in Uzbekistan on July 1, 1944. They sent the remaining 31,551 Crimean Tatar deportees to the Urals and other areas of the RSFSR (Russian Soviet Federative Socialist Republic). They were distributed among the Mari ASSR, and Molotov, Gorky, Sverdlovsk, Ivanovo, and Yaroslav oblasts.¹⁹ In Uzbekistan they were dispersed across the Tashkent, Samarkand, Andijan, Fergana, Namagan, Kashka-Dar', and Bukhara oblasts.²⁰ Both Uzbekistan and the Urals were many times larger geographically than Crimea and the special settlers found themselves dispersed among alien populations and separated from other Crimean Tatar communities.

Crimean Tatar Special Settlers sent to the Uzbek SSR²¹

Territory	Number
Tashkent Oblast	56,362
Samarkand Oblast	31,540
Andijan Oblast	19,630
Fergana Oblast	19,630
Namangan Oblast	13,804
Kashka-Dar' Oblast	10,171
Bukhara Oblast	3,983
Total	151,604

18 Greta Uehling, *Having a Homeland: Recalling the Deportation, Exile, and Repatriation of Crimean Tatars to their Historic Homeland* (Ph.D. diss. University of Michigan, 2000), p. 232 and Brian Williams, 'Hidden Ethnocide in the Soviet Borderlands: The Ethnic Cleansing of the Crimean Tatars,' *Journal of Genocide Research*, vol. 4, no. 3 (Septmeber 2002), pp. 361-362.

19 T.V. Tsarevskaia-Diakana, ed., *Spetspereselentsy v SSSR* (Moscow: Rosspen, 2004), doc. 125, p. 423.

20 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 134, p. 145.

21 Khamzin, 'Krymskie Tatory v Uzbekistane,' p. 12.

Crimean Tatar Special Settlers sent to the Urals and other areas of the RSFSR²²

Territory	Number
Mari ASSR	8597
Molotov Oblast	10,002
Gorky Oblast	5514
Sverdlovsk Oblast	3591
Ivanovo Oblast	2800
Yaroslav Oblast	1047
Total	31,551

Like other forcibly displaced people the Crimean Tatars initially lived in extreme poverty and suffered excessively high rates of mortality and morbidity due to material deprivation in their places of exile in Uzbekistan and the Urals. This is because in all of these cases the ruling power relocated the victimized groups to areas totally unprepared for their arrival. These areas also tended to have less fertile land and sometimes as in the case of the Crimean Tatars more extreme climates. Those cases of internal displacement within a single state such as Native Americans and Crimean Tatars also had higher mortality rates than expulsions outside state borders such as the Palestinians. This difference was due almost entirely to the ability of states and organizations outside of Israel to provide material aid to assist the expellees.²³ In Uzbekistan and the Urals no such outside assistance was available to the deported Crimean Tatars. They were totally dependent upon the resources they could find locally and the meager amounts of food and other goods provided by the same Soviet government that deported them from their homeland as a collective punishment for trumped up charges of treason.²⁴ Needless to say the level of provisions received by Crimean Tatars from the Soviet government proved completely inadequate to prevent a large minority from perishing from hunger, disease, and exposure during the first few years of exile.

22 Tsarevskaia-Diakana, *Spetspereselentsy v SSSR*, doc. 125, p. 423.

23 J. Otto Pohl, "Socialist Racism," pp. 72-73.

24 J. Otto Pohl, "Kırım Tatarlına Karşı Düzmece Vatana İhanet Suçlaamari [The False Charges of Treason against the Crimean Tatars] trans. Selami Kaçamak, *Emel*, no. 230, (January-March 2010).

The rations provided the Crimean Tatars in exile in Uzbekistan were far worse than even the meager provisions they received on the train echelons. The initial rations for the deported Crimean Tatars in Uzbekistan were set at eight kilograms of flour, eight kilograms of vegetables, and two kilograms of cereal per person per month.²⁵ This works out to be only 600 grams of food a day. Conditions continued to be dire into the second year of exile and the Crimean Tatar special settlers in Uzbekistan continued to need food aid. For the months of June and July 1945 alone the SNK (Council of People's Commissariats) allocated them 500 tons flour, 15 tons of cereal, 50 tons of salt, and 25 tons of sugar.²⁶ According to the NKVD as of June 10, 1945 3,660 families out of 30,510 (12%) still lived in unsatisfactory conditions.²⁷ On the "Narpay" state farm conditions were so bad that the Soviet government transferred 2,639 people (329 families) from it to cotton state farms in Tajikistan in order to prevent them from perishing. The NKVD ordered this transfer on October 18, 1945.²⁸ This was the first contingent of Crimean Tatars sent to Tajikistan.

Material conditions for the Crimean Tatars sent to the Urals and other parts of the RSFSR were if anything worse than those endured by the deportees in Uzbekistan. On October 10, 1944 the NKVD reported on the material conditions of the 6,387 Crimean Tatars living in Kostroma Oblast. They noted that there were 'extremely unsatisfactory conditions for supporting special settlers' employed in the lumber and paper industries in Kologriv and Manturov districts. The first of these districts was home to 1,893 Crimean Tatars and the second 776. In Kologriv the preparation of barracks moved slowly and a lack of glass meant that windows could not be repaired. Clothes and shoes were not supplied to the special settlers and many worked in the forest barefoot. Food supplies were irregular and sometimes special settlers would go as long as two or three days without receiving any bread. When they did receive their bread rations it was a mere 150 grams per a person. Medical service was also unsatisfactory and there were outbreaks of dysentery, scabies and eczema. Crimean Tatar children here were not provided with any schooling.²⁹ The literature on this aspect of the Crimean Tatar historical experience still remains limited.

25 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* , doc. 42, p. 73.

26 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* , doc. 135, p. 146.

27 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* , doc. 136, p. 146.

28 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* , doc. 135, p. 146.

29 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii* , doc. 130, p. 142.

The initial years of exile of the Crimean Tatars were extremely difficult due to starvation and exposure to malaria. During this time both food and anti-malarial drugs were in extremely short supply among the Crimean Tatars in Uzbekistan.³⁰ As a result many tens of thousands perished prematurely. The exact number of deaths is still debated. Crimean Tatar activists often claim a figure of 46%.³¹ The official NKVD figures from May 1944 to 1 January 1946 is 26,966 or 17.8% of the Crimean Tatar special settlers in Uzbekistan.³² Most of these deaths occurred due to a combination of malaria and malnutrition.³³

The Special Settlement Regime

The NKVD confined the deported Crimean Tatars to restricted settlements upon their arrival in Uzbekistan and elsewhere. The Soviet government classified the Crimean Tatars as special settlers and imposed an unequal legal and administrative system upon them. In particular the freedom of movement and freedom to choose their place of residence was severely limited. They needed special NKVD and later MVD (Ministry of Internal Affairs) permission to leave their assigned settlements even for short periods of time and the authorities punished the failure to get this permission with administrative detention and fines.

The Soviet government codified the various ad hoc regulations regarding the legal status of the special settlers into a single document on January 8, 1945. The Council of People's Commissariats promulgated a short one page resolution with five points clarifying the legal rights and disabilities of the Crimean Tatars and other special settlers. The document is reproduced below in its entirety.

30 Pohl, *Shallow Roots*, pp. 233-234.

31 Khamzin, 'Krymskie Tatory v Uzbekistane,' 13.

32 Ayder Ibragimov, ed., *Krimski studii: Informatsiinii biuletin*, no. 5-6, (September-November 2000), doc. 26, p. 68 and Khamzin, 'Krymskie Tatory v Uzbekistane,' p. 14.

33 Khamzin, 'Krymskie Tatory v Uzbekistane,' 13.

Council of People's Commissariats Union of SSRs

Resolution No. 35

From 8 January 1945

Moscow, Kremlin

On the legal situation of special settlers

Council of Peoples Commissariats Union of SSRs RESOLVES:

1. Special settlers enjoy all rights of citizens of the USSR, with the exception of restrictions, provided for in the present Resolution.
2. All able bodied special settlers are obliged to be engaged in socially useful labor.

Towards this goal local Soviets of workers deputies in coordination with organs of the NKVD are to organize labor arrangements of the special settlers in agriculture, industrial enterprises, construction, and economic cooperative organizations and institutions.

The violation of labor discipline by special settlers is subject to punishment according to existing laws.

5. Special settlers do not have the right without the authorization of the NKVD special commandant to be absent from the boundaries of the region of settlement served by their special commandant.

Voluntary absence from the boundaries of the region of settlement, served by the special commandant, will be viewed as flight and treated as a criminal matter.

4. Special settlers – heads of families or people substituting for them are required within a three day period to report to the special commandant of the NKVD all events that change the composition of the family (birth of a child, death of a family member, flight, etc.).

5. Special settlers are obliged to strictly observe the established regime and social order of the places of settlement and obey all orders of the special commandant of the NKVD.

The Deportation of the Crimean Tatars in the Context of Settler Colonialism

The violation of the regime and social order in the places of settlement by special settlers is subject to administrative sanction in the form of a fine up to 100 rubles or arrest up to five days.

Deputy Chairman

Council of Peoples Commissariats Union of SSRs V. Molotov

Administrative Affairs

Council of Peoples Commissariats Union of SSRs Ia. Chadaev³⁴

The NKVD and later MVD still had difficulties with special settlers escaping from their assigned areas of internal exile in the USSR and illegally returning to their former places of residence as late as 1948. The number of special settler fugitives caught by the Soviet authorities and returned to their assigned places of internal exile were relatively few. By 1947 a recorded total of 24,524 deportees had fled from their assigned places of settlement. The Soviet authorities had recaptured and detained less than half of these fugitives, only 9,917. This trend accelerated in 1947 with an additional 10,897 escapes and 13,585 refugees detained. In 1948 there were another 15,424 escapes and 13,761 fugitives detained. On September 1, 1948 there were still 12,496 special settler fugitives still at large.³⁵ The Stalin regime thus decided to introduce draconian punishments for such escapes to serve as a deterrent. On November 26, 1948 the Presidium of the Supreme Soviet made the exile of the nationalities deported in their entirety as special settlers during World War II permanent. It also imposed a 20 year sentence of hard labor for attempted escapes and five years imprisonment for free citizens assisting special settler fugitives. The text of the decree is reproduced in English translation below.

34 V.N. Zemskov, *Spetsposelentsyy, 1930-1960* (Moscow: Nauk, 2005), 120-121.

35 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 154, pp. 159-160.

UKAZ

PRESIDIUM of the SUPREME SOVIET of the USSR

On the criminal responsibilities for flight from places of obligatory and decreed settlement of people exiled to distant regions of the Soviet Union in the period of the Fatherland War.

With the goal of strengthening the regime of settlement for those exiled by Supreme organs of the USSR in the period of the Fatherland War Chechens, Karachais, Ingush, Balkars, Kalmyks, Germans, Crimean Tatars and others, that at the time of their resettlement there was not a specified length of their exile, establishes that those resettled to distant regions of the Soviet Union by decrees of people in the high leadership are exiled forever, without the right to return to their previous places of residence.

For the voluntary leaving (flight) from places of obligatory settlement those exiles that are guilty will be subject to being prosecuted for criminal acts. It is determined that the punishment for this crime is 20 years of hard labor.

Cases related to the flight of exiles will be reviewed by Special Boards of the Ministry of Internal Affairs of the USSR.

People, guilty of harboring exiles, fleeing from places of obligatory settlement, or assisting their flight, giving permission for exiles to return to their places of previous residence, and rendering them help in accommodations in their places of previous residence, are subject to criminal penalties. It is determined that the sentence for this crime is deprivation of freedom for a period of five years

Chairman of the Supreme Soviet of the USSR

N. SHVERNIK

Secretary of the Supreme Soviet of the USSR

A. Gorkin

Moscow, Kremlin

26 November 1948³⁶

³⁶ Zemskov, *Spetsposelelentsy*, p. 160.

The special settlement restrictions enforced against the Crimean Tatars and other deported peoples bear a number of similarities to other systems of discrimination against displaced indigenous peoples such as the reservation system in the US and Canada, South African apartheid, and Israeli military rule over the Palestinians. These similarities, however, have generally been overlooked. Soviet treatment of the Crimean Tatars and other indigenous peoples condemned to special settlement restrictions like the historical examples above involved making them legally inferior to other citizens in order to control their movement and labor.

In particular the special settlement regime resembles the Group Areas Act in South Africa and the military control enforced against Palestinians in Israel from 1948 to 1966.³⁷ In all three cases the regime sought to control the movement and residency of stigmatized ethno-racial groups using legislation, identification documents, and armed police.

Like blacks in South Africa the deported Crimean Tatars were also used as a source of menial labor. The Soviet government used the Crimean Tatar special settlers and labor army conscripts for undesirable jobs in Uzbekistan, the Urals, and Moscow coal basin. They filled many of the industrial jobs in Uzbekistan that the native Uzbeks did not want to take.

Economic Integration

Initially the Soviet government settled the majority of Crimean Tatars deported to Uzbekistan on either collective farms or state farms. An NKVD report from May 26, 1945 on the labor accommodation of Crimean Tatars in the republic notes that there were 131,690 deportees from Crimea in 36,415 families spread across 59 districts in the oblasts of Tashkent, Samarkand, Ferghana, Andijan, Namangan, Kashkadara, and Bukhara. The Soviet authorities assigned 54,243 (14,712 families) of these special settlers to collective farms, 26,994 (7,633 families) to state farms, and 50,447 (14,050 families) to industrial enterprises.³⁸ Thus almost 62% of the resettled Crimean Tatars in Uzbekistan were

37 See J. Otto Pohl, 'Soviet Apartheid: Stalin's Ethnic Deportations, Special Settlement Restrictions, and the Labor Army: The Case of the Ethnic Germans in the USSR,' *Human Rights Review*, vol. 13, no. 2, 2012 and J. Otto Pohl, 'Socialist Racism: Ethnic Cleansing and Racial Exclusion in the USSR and Israel,' *Human Rights Review*, vol. 7, no. 3, April-June 2006.

38 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 134, pp. 145-146.

attached to either collective or state farms by spring 1945, a year after their deportation.

During the late 1940s the Crimean Tatars in Uzbekistan shifted from agricultural to industrial labor. Much of this shift was due to the delays in assigning private kitchen plots to Crimean Tatars assigned to collective farms. These plots of land were incredibly important in providing food for the Soviet population, especially during the 1940s. Already over a year after the deportations only 7,094 Crimean Tatar families out of 14,712 in Uzbekistan on collective farms with 20,108 out of 52,243 (38.5%) people had been assigned these plots of land to supplement their meager payment in kind from the collective farms and the small amount of food aid provided by the Soviet government.³⁹ In the next month the Soviet government greatly improved this situation by bringing up the number of Crimean Tatar families on collective farms with kitchen gardens from 48% to 84%. However, 3,665 families still lived in unsatisfactory conditions and many Crimean Tatars migrated to the cities and industrial towns to find wage labor in order to buy food.⁴⁰ Crimean Tatars worked in mining including the Lyangar uranium mine in Navoi Oblast, the construction of hydro-electric stations, and various factories.⁴¹ By July 1, 1948 the number of Crimean deportees working in agriculture had been reduced to only 30,704 people or 30% of the adult population capable of physical labor.⁴²

The second area in the USSR that used the labor of deported Crimean Tatars was the Urals where they worked in lumber, cellulose, and paper industries. Already on May 21, 1944 the day after the completion of the ethnic cleansing of the Crimean peninsula, Stalin at the behest of Beria ordered the diversion of 10,000 Crimean Tatar families bound for Uzbekistan to the Urals. These Crimean Tatars were to be settled in Molotov, Gorky, and Sverdlovsk oblasts and also the Mari ASSR. These special settlers were to work in the lumber, cellulose, and paper industries in these territories.⁴³ In total a little over 30,000 Crimean Tatars ended up in the Urals and other regions of the RSFSR.⁴⁴ Most of these men and women ended up working in wood related industries.

39 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 134, pp. 145-146.

40 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 136, p. 146.

41 Khamazin, 'Krymskie Tatory v Uzbekistane,' p. 13.

42 N.F. Bugai, ed., *Iosif Stalin – Lavrentiiu Berii: 'Ikh nado deportirovat'': Dokumenty, fakty, kommentarii*, (Moscow: 'Druzhba narodov', 1992), doc. 48, pp. 264-265.

43 Pobol and Polian, *Staliniskie deportatsii 1928-1953*, doc. 3.156, p. 508.

44 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 74, p. 93.

The 5,000 Crimean Tatars mobilized for work in the Tula and Moscow oblasts mining coal during the deportation represented the final labor front on which the Stalin regime deployed them. The Crimean Tatars working in the Moscow coal basin were all able bodied men selected by the draft boards. They worked mining coal, building new mine shafts, and industrial-residential construction. By January 24, 1945 there were 2,280 working in the ‘Moscow Coal’ kombinat and 602 in the ‘Moscow Mine Construction’ trust.⁴⁵ On July 18, 1945 State Defense Committee Order No. 9526s attached all mobilized Germans (Soviet citizens) and Crimean Tatars in the coal industry to their enterprises as permanent cadres.⁴⁶ At the same time the Soviet government eliminated the restricted ‘zone’ imposed by armed guards against the Crimean Tatars and Germans working at these coal mines.⁴⁷ The Crimean Tatars and Germans mobilized to work in some coal mines could have their families come live with them at their places at work after this time. This right did not apply to those working in Moscow, Leningrad, and Tula oblasts in the RSFSR or anywhere in the Ukrainian SSR.⁴⁸ Those working in Moscow and Tula oblasts did not receive the right to be reunited with their families until almost a year later, but even then could only leave to join their families or be lifted from the special settlement restrictions after three years of labor. On March 8, 1947 Beria received a proposal to grant them the right to reunify with their family members without any further waiting.⁴⁹ Beria in turn suggested that 2,017 Crimean Tatars working in the Moscow coal basin be allowed to leave the mines and join their families and take up work in their specializations on June 18, 1947.⁵⁰ Finally, on August 17, 1947 the Council of Ministers passed resolution No. 2890-931 signed by Stalin allowing the formerly mobilized Germans and Crimean Tatars in the Moscow coal basin, Magnitogorsk, and Cheliabinsk to be joined with their families.⁵¹ The war time mobilization thus lasted more than two years after the war ended.

45 Tsarevskaja-Diakina, *Spetspereselentsy v SSSR*, doc. 131, pp. 445-446.

46 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 141, pp. 151-152.

47 Diakina, *Spetspereselentsy v SSSR*, doc. 139, p. 471.

48 Diakina, *Spetspereselentsy v SSSR*, doc. 138, p. 470.

49 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 145, p. 155.

50 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 146, pp. 155-156.

51 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 147, p. 156.

Education

The children of the exiled Crimean Tatars lost the right to receive their education in their native language. The right to receive education in one's mother tongue was one of the most trumpeted rights in the USSR during the 1920s and 1930s. It was a right the Crimean Tatars had in the Crimean ASSR.⁵² During the 1940s all of the deported peoples were systematically deprived of this right in Kazakhstan and Central Asia. On June 19, 1944 Beria wrote to Molotov on the need to organize Russian language primary schools in Kazakhstan, Kyrgyzstan, and Uzbekistan for the deported Chechens, Ingush, Karachais, Balkars, and Crimean Tatars. This was part of an overall strategy to permanently attach the special settlers to their new places of residence. The letter claimed that the switch from native language schooling in their homelands to Russian language instruction in Central Asia was due to the lack of trained teachers in these languages.⁵³ But, this excuse ignored the teachers existing among the deported peoples themselves, especially the relatively highly literate and educated Crimean Tatars.⁵⁴ Like Native Americans in the US sent to English language boarding schools, the Soviet government subjected the deported Crimean Tatars to an educational regime aimed at eliminating their indigenous language in favor of Russian.⁵⁵ This was one of the primary pillars of the Soviet assault on the indigenous culture of the Crimean Tatars exiled to Uzbekistan.

The Council of People's Commissariats of the USSR passed resolution No. 13287 on the following day establishing the official Soviet education policy towards the Crimean Tatars and deported North Caucasians in Kazakhstan, Kyrgyzstan, and Uzbekistan. Passed under the signature of Molotov this resolution established Russian as the language of instruction for these children. They were to be educated in Russian in already existing primary schools in the district they had been assigned to live by the NKVD. The special settlers were to attend those schools that already existed in these districts. The resolution further stipulated that these children could move within and between these republics to

52 Mustafa Dzhemilev, ed., *Shest' desiat shestaia godovshchina Krymskoi ASSR: Demonstratsii i mitingi krymskikh tatar* (London: Society for Central Asian Studies, 1987), pp. 18-21 and Jeremy Smith, *The Bolsheviks and the National Question 1917-1923* (London: MacMillan Press, 1999), table 6.5, pp. 159-160.

53 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 125, p. 139.

54 Zemskov, *Spetsposelentsy*, pp. 177-179.

55 Margaret Ziolkowski, *Alien Visions: The Chechens and Navajos in Russian and American Literature* (Newark: University of Delaware Press, 2005), pp. 116-118.

receive middle and higher education at existing institutions if they had NKVD permission, but they could not move outside of them. Special settlers moving from one of the Central Asian republics another one to attend middle and higher educational institutions could not leave their new republic either during their period of study or after completing their education.⁵⁶ Thus the Crimean Tatars could only attend educational institutions in Uzbekistan, Kazakhstan, and Kyrgyzstan and only in Russian, Uzbek, Kazakh, or Kyrgyz. The vast majority of those that managed to receive middle and higher education in exile received it in Uzbekistan.

Resettlement of the Crimean Peninsula

After the deportation of the Crimean Tatars the Soviet government sought to resettle the peninsula with Russian and Ukrainian settlers just as colonists descended of Europeans settled the lands of displaced Native Americans, Black South Africans, and Palestinians. In all these cases the ruling power sought to permanently replace the indigenous populations with settlers from the politically dominant ethno-racial groups. On August 12, 1944 the State Defense Committee ordered the settlement of 14,000 households from the RSFSR and 3,000 from the Ukrainian SSR into the Crimea to partially replace the deported Crimean Tatars.⁵⁷ The Soviet government settled 17,040 families in Crimea during 1944-1945 following the deportation of the Crimean Tatars. Between 1945 and 1950 they settled another 6,055 families with 26,728 people in Crimea to replace the labor force deported eastward. By 1951 a full 25% of the collective farms households in Crimea were occupied by settlers that had arrived since 1945.⁵⁸ It should be noted that the Crimean Tatars were already a minority in their homeland by 1944 before the deportations due to earlier expulsions by Tsarist authorities to the Ottoman Empire and settlement of the peninsula with colonists after the annexation of the Crimean Khanate in 1783. The 1939 Soviet census showed that 19.4% of the population of the Crimean ASSR were Crimean Tatars versus 49.6% Russians and remainder divided among Ukrainians, Jews, Germans, Greeks, Bulgarians and others.⁵⁹ The literal replacement of the Crimean Tatars in Crimea through a combination of

56 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 126, pp. 139-140.

57 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 120, p. 135.

58 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 124, p. 138.

59 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 14, p. 55.

ethnic cleansing and settlement closely resembled a number of colonial enterprises in the Americas, Africa, and Palestine. This colonial replacement was most successful in the Americas and least successful in Africa. The key to such success has been the ratio of colonizers to indigenous inhabitants.

In addition to resettling Crimea with colonists from other regions of the USSR to replace the deported Crimean Tatars the Soviet government also erased the Crimean Tatar place names from the peninsula. This de-Tatarization was quite thorough and eliminated centuries of Tatar influence on the topographic naming in Crimea. Such topographic erasure has been common to settler colonialism. The wholesale removal of indigenous place names by the new ruling powers has occurred in the Americas, South Africa, and most recently Palestine as well.

Following the deportation of the ethnic cleansing of Crimea of Germans, Crimean Tatars, Greeks, Armenians, and Bulgarians the Soviet government systematically eliminated the influence of these groups on the peninsula's place names. In particular they proceeded to eliminate all Crimean Tatar, Greek, and German names of population centers, rivers, and mountains and replace them with Russian ones. On October 20, 1944 the Oblast Committee of the Communist Party Soviet Union in Crimea resolved to change all of the names in the peninsula of non-Slavic origin to Russian ones and attached a list of places to be effected.⁶⁰ The Supreme Soviet of the RSFSR issued a decree 'On renaming the district and district centers of the Crimean ASSR' on December 14, 1944. This decree renamed 11 district and district centers in Crimea. Most of these raions like Ak-Mechet and Karasubazar had Crimean Tatar names. But, a few like Larindorf and Freidorf had German names.⁶¹ On July 30, 1945 the Supreme Soviet of the RSFSR renaming all the village Soviets and populations points with German, Crimean Tatar, or Greek names in all 26 districts in the territory.⁶² In total this decree renamed 327 village soviet centers.⁶³ The entire map of Crimea was altered to reflect the demographic changes imposed by the Soviet government through ethnic cleansing.

The Crimean Tatars themselves remained under special settlement restrictions and dispersed throughout Uzbekistan and to a lesser extent

60 Pobol and Polian, *Staliniskie deportatsii 1928-1953*, doc. 3.167, p. 519.

61 Pobol and Polian, *Staliniskie deportatsii 1928-1953: Dokumenty*, doc. 3.168, p. 520.

62 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 118, pp. 122-133.

63 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 119, p. 134.

other regions of the USSR until 1956, three years after the death of Stalin. The Soviet government released the Crimean Tatars from the special settlement restrictions on April 28, 1956.⁶⁴ It did not, however, ever restore the Crimean ASSR or allow large scale resettlement of the peninsula by the Crimean Tatars.

The Crimean Tatar Movement to Return

The Soviet deportation and continued exile of the Crimean Tatars provoked a strong national resistance aimed at returning to their ancestral homeland after their release from the special settlement restrictions. This movement had particularly close parallels with that of the Palestinians in this regard. The horror of being forcibly exiled from their homeland created a strong movement for return. Unlike a number of Palestinian factions including Fatah and the PFLP⁶⁵, the Crimean Tatar national movement always adhered to purely peaceful tactics, the most widespread such tactic early on was the petition.⁶⁶ In the twelve years between July 1957 and May 1969 the Crimean Tatar national movement organized 32 petitions which it sent to Moscow. The number of signatures on these petitions ranged from a low of only 350 to a high of 131,000.⁶⁷ This latter number represented the vast majority of the Crimean Tatar adult population. In the mid-1960s the Crimean Tatars added demonstrations to their methods of protesting Soviet policy. At this time the Soviet government began to crack down on the movement by arresting and incarcerating its leaders.

The first such large demonstration took place in Bekabad on August 27, 1965. The police violently broke up the demonstration and arrested the three leaders of the demonstration. The two men Eskender Jemilev and Refat Seydametov received a year in prison each for 'hooliganism' on September 11, 1965. The one woman, Khatidzhe Khayreinova received a six month sentence.⁶⁸ The following year demonstrations throughout Uzbekistan during October led to the incarceration of 11 Crimean Tatar activists, some of them for as long as two years.⁶⁹ From 1966 to 1972

64 Bugai, *Deportatsiia narodov kryma: Dokumenty, fakty, kommentarii*, doc. 185, pp. 192-193.

65 Fatah was the main faction of the PLO under Yassar Arafat. The PFLP stands for the Popular Front for the Liberation of Palestine and was led for many years by George Habbash.

66 J. Otto Pohl, 'Socialist Racism,' pp. 73-75.

67 Radio Liberty, *Sobranie dokumentov samizdata (Materialy perepechatay iz Arkhiv Samizdata*, 630, vol. 12, pp. 2-5.

68 *Tashkentsii protsess* (Amsterdam, Herzen Fund, 1976), pp. 60-62.

69 *Tashkentsii protsess*, 69-77.

alone the Soviet government sentenced over 200 Crimean Tatar activists to prison.⁷⁰ Such tactics throughout the 1960s, 1970s, and 1980s reduced the scope of Crimean Tatar activism by incarcerating its leadership. It did not, however, end the movement. The Crimean Tatar national movement was effectively able to reanimate itself after 1989 and lead a large scale return to the Crimean peninsula. Between 1989 and 1994 over 200,000 Crimean Tatars successfully returned from Uzbekistan to their ancestral homeland.⁷¹ This reverse exodus marked the return of a significant Crimean Tatar presence on the peninsula for the first time in over 40 years.

Conclusion

The Stalinist ethnic cleansing of the Crimean peninsula of its indigenous Tatar population in May 1944 had a number of significant similarities with examples of settler colonialism from the Americas, Africa, Palestine, and Australia. The removal of indigenous peoples from their native territories and their replacement with settlers had a long pedigree in the history of colonial relations between Europeans and people elsewhere. This can be seen as recently as the Israeli expulsion of Palestinians in 1948 and 1967 and the South African removal of blacks to Bantustans. The use of displaced indigenous people as a labor force as was done by the Soviets to the Crimean Tatars in Uzbekistan and the Urals also has some parallels with settlement colonies. Most notably it resembles the labor policies of South Africa of using the labor of Africans living on Bantustans for menial jobs. Finally, the Soviet policies like the settlement colonies provoked a strong indigenous resistance. In the case of the Crimean Tatars it took a form with key similarities to the resistance which manifested itself among the Palestinians, South Africans, and others. Comparative history exploring these similarities, however, still remains greatly underdeveloped. For the most part the former Soviet Union has not been integrated into studies of other parts of the world, particularly those areas of Asia and Africa formerly colonized by Europe.

70 Ibragimov, *Krimski studii: Informatsiinii biuletin*, pp. 62-63.

71 Andrew Wilson 'Politics in and around Crimea: A Difficult Homecoming', *The Tatars of Crimea: Return to the Homeland*, ed. Edward Allworth (Durham, NC: Duke University Press, 1998), pp. 282-283.

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The Deportation of the Crimean Tatars in the Context of Settler Colonialism

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POST-TRAUMATIC GENERATION: CHILDHOOD OF DEPORTED CRIMEAN TATARS IN UZBEKISTAN

Martin-Oleksandr KISLY

*Ph.D. Candidate
Department of History
Kyiv-Mohyla Academy*

Abstract: *The article's main purpose is to tackle with how narratives within familial space shaped the Crimean Tatar identity in exile. Based on oral testimonies, this article also focuses on the living conditions and some aspects of the everyday life of the Crimean Tatar who were born in exile in 1950s and 1960s's. By focusing on the oral testimonies of the Crimean Tatars who were born in exile, this article aims to fill the gaps in the historiography of the Crimean Tatars exile.*

Key words: *Crimean Tatars, deportation, everyday practices, exile, oral history, testimonies.*

POSTTRAVMATİK KUŞAK: SÜRGÜN EDİLEN KIRIM TATARLARININ ÖZBEKİSTAN'DAKİ ÇOCUKLUKLARI

Öz: *Bu çalışmanın ele aldığı esas sorunsal, aile içinde aktarılan anlatıların, sürgünde Kırim Tatar kimliğinin oluşmasındaki rolüdür. Bunun yanında, bu çalışma, tanıklıklara dayanarak, 1950'ler ve 1960'larda sürgünde doğan Kırim Tatarlarının yaşam koşullarına ve bazı günlük pratiklerine de odaklanmaktadır. Sürgünde doğan Kırim Tatarlarının tanıklıklarına dayanan bu çalışma, Kırim Tatar sürgününe dair tarih yazımındaki bazı boşlukları doldurmayı hedeflemektedir.*

Anahtar Kelimeler: *Kırim Tatarları, Tehcir, Günlük pratikler, Sürgün, Sözlü tarih, Tanıklıklar*

Introduction

The forced relocation of national groups from their traditional areas of settlement, also acknowledged as ethnic cleansing by some scholars, was a widespread phenomenon in the Soviet Union. Indeed, deportation has been a common practice in the twentieth-century nationalist projects. However, Soviet Union was not a nation-state. Soviet authorities practiced forced relocations of different populations defined by class, religion, ethnicity and political affiliation. Total number of deported people was approximately 2 millions.¹

The deportation of Crimean Tatars started on May 18th, 1944. The reason alleged by the Soviet authorities for this was the collaboration with German and Romanian forces during their three-year occupation of Crimea. Soviet authorities did not try to consider who was actually responsible of. the collaboration, but deported the entire Crimean Tatar population, including women, children, and the elderly who had no connections to the Nazi regime. According to official statistics, total number of deported Crimean Tatars was 191,044.² Moreover, Crimean Tatar servicemen who had fought in the Soviet Army were sent to so-called labor army after the WWII.³ They got the opportunity to find their families only after 1948. As a result of a state-organized violence, Crimean Tatars became a nation in exile (*Sürgünlik* in Crimean Tatar). Their final destinations were Uzbekistan (35,275 families) and labor camps in Ural (Molotov oblast, Sverdlov oblast) and the Volga district (Gorky oblast, Mari Autonomous Soviet Republic).⁴ Thus Crimean Tatars became an “unnation”⁵ for the regime and unwanted neighbors for local populations, particularly for the Uzbeks. More than 40 years Crimean Tatars remained in exile, three generations were born and raised in Uzbekistan.

Traditionally, historiography has focused on several themes and issues, namely background and reasons for deportation, deportation process itself and the struggle of the Crimean Tatars for the return to Crimea

- 1 J. Otto Pohl, *Ethnic Cleansing in the USSR, 1937–1949* (Connecticut: Greenwood press, 1999), 5.
- 2 Oleg Bazhan, ed., *Krymski tatari: shlyah do povernennya* (Kyiv: Institute of Ukrainian history, 2004), 71.
- 3 Fisher, W. Alan. *The Crimean Tatars* (Stanford: Hoover Press, 1978), 171.
- 4 Nikolay Bugai, ed., *Iosif Stalin – Laverentiiu Berii: “Ikh nado deportirovat” dokumenty, fakty, kommentarii* (Moscow: Druzhba narodov, 1992), 140.
- 5 Robert Conquest, *The Nation killers: the Soviet deportation of nationalities* (London: Macmillan, 1970), 67.

within the framework of the dissident movements in the USSR. Within the historical scholarship, however, a fairly large gap exists and this article is an attempt to partially fill this gap by examining the everyday life in post-deportation period, education of Crimean Tatars in exile, children activities, and holidays. The article's main purpose is to tackle with the ways that family narratives helped to shape the Crimean Tatar identity in exile.

This article is based on the oral testimonies of the Crimean Tatars who were born in exile gathered through semi-structured interviews. The semi-structured interviews consisted of twenty-seven questions. The average duration of the interviews was one and a half hours. Interviews were conducted in Russian. A total of twenty people were interviewed, who fulfilled two criteria: date of birth (1950s – 1960s) and place of birth (Uzbekistan). First three interviewees were contacted through personal acquaintance and the others interviewees were reached through snowball sampling.

How to Survive: Practices and Strategies

The lack of proper housing conditions, shortage of enough nutrition, inadaptability to new climatic conditions, absence of basic health care facilities and the consequent rapid spread of diseases not only caused severe demographic effects, but also created brutal conditions for Crimean Tatars during the first years of exile. According to official documents, the number of deaths among Crimean population (Crimean Tatars, Bulgarians, Greeks and Armenians) was 44,887 between 1941 and 1944. Death rate in first year of exile was the highest one.⁶ Another document demonstrates that in the period from July 1st, 1944 to July 1st, 1945 22,355 of Crimean Tatars perished in Uzbekistan.⁷ Only in 1949 the birth rate exceeded the death rate.⁸

Almost every family witnessed losses due to starvation or infectious diseases. Chief of NKVD (soviet secret police) department on Volgostroy Labor Camp, where deported Crimean Tatars were forced to work in, wrote in his report: “throughout this month, Crimean Tatars’ negative mood was observed. They received a lot of letters about the

6 Bugai, “*Ikh nado deportirova*”, 265.

7 Bazhan, Krymski tatari, 10.

8 Victor Zemskov, “Spetsposlentsy, (po doukemtatsii NKVD-MVD SSSR)”, *Sotsiologicheskie issledovaniia* 11 (1990): 12.

death of their relatives in Uzbekistan.” Then the officer quoted some letters: “Papa! Server, Vilyada, Lenar and Gulnara died. Mama is in the hospital, her feet have swollen. Maria and I got malaria, Lily has diarrhea. 50 people died from our village...”⁹ As this report reveals, children, women and the elderly were the most vulnerable.¹⁰

As a result, majority of the interviewees told that they grew up without grandparents. Shefika Abduramanova, born in 1950, recalls:

I do not remember my grandmothers at all; they died in the late 1940s due to starvation, before I was born. The highest death rate was in the first and a half year. Because there were no men, only women, children and the elderly, they were defenseless.¹¹

Crimean Tatars were involved in exhausting works in the industrial sites that the Soviet authorities relocated industry from the western borders to Central Asia during the war. Crimean Tatars worked in chemical production in a city of Chirchik, Uzbekistan.¹² According to a decree of the Council of People’s Commissars, all able-bodied special settlers had to engage in socially useful work in agricultural, industry and building.¹³ As stated in documents, many of the deported Crimean Tatars worked in agriculture (117,431), others were involved in industry and construction works (34,173).¹⁴

Shefika Abduramanova remembers that the Crimean Tatars were working on the most demanding jobs without salary, unlike the Uzbeks, who regularly received salaries.¹⁵ Yet, this was not a part of the state policy, but a practice of local authorities towards the unwanted people; according to the official documents, Crimean Tatars were to be provided housing, salaries, foods and health care. Rather, this was an example of

9 Gulnara Bekirova, “News of the death of families become more frequent...”, *Crimean studies. News bulletin* 1 (2003): 119.

10 Yuriy Zinchenko, *Kryms’ki tatar: istorichnyi narys* (Kyiv: Holovna spetsializovana redaktsia literaturny movamy natsional’nyh menshyn Ukrainy, 1998), 111.

11 Shefika Abduramanova, interview by author. 9 January 2014.

12 Greta Uehling, *Beyond memory: the Crimean Tatars’ deportation and return* (New York: Macmillan, 2004), 100.

13 Bugai, “*Ikh nado deportirova*”, 231.

14 Oleg Bazhan, “Deportatsia narodiv Krimu v roky Drugoi svitovoi viyny cherez prizmu dokumentiv radyanskih spetsluzhb”, *Istoriya Ukrainy: malovidomi imena, podii, facty* 26 (2004): 163.

15 Shefika Abduramanova, interview by author. 9 January 2014

the soviet phenomenon of *peregiby na mestah* (distortions), which refers to the infringement of the law by local chiefs or commandants that seek to show off to central authorities in the expectation of some favors.

In order to survive, people had to sell their valuable belongings, i.e., jewelry, clothes, and household items that they managed to bring with them from Crimea. Certainly, they sold it if they managed to take it from home, Crimea. Revziye Ametshayeva, born in 1953, recalls how her mother complained that she could not keep jewelry for her daughters:

Crimean Tatars had a lot of gold, because they got it as a gift on weddings. On the next day of our arrival, my mother and brother went to work in the field. In the morning they did an obligatory work, and after dinner they were selling gold. They exchanged it for corn or cereal because it was necessary to eat, so no one died. Mama said afterwards, “I had a clock with three lids. Why did not I barter these lids separately?”¹⁶

Children, too, were obliged to work especially at cotton fields. Lenura Dzhemileva, born in 1946, argues that her childhood was difficult because it was obligatory to work in cotton fields from April to December.¹⁷ Revziye Ametshayeva recalls:

I was a first grader, cotton ripened and on the 1st of September we were sent to collect it. For 1 kg of cotton we were given two, sometimes three kopykas. So we collected it, and then my sister, she was a teacher, took it. Once I got 50 or 60 kopykas and this happened in the first grade! We collected cotton until December. If we collected less than obligatory norm we were blamed at school.¹⁸

Places of resettlement of Crimean Tatars in Central Asia were named “special settlements” (forced settlements) that were originally launched as a way to repress the *kulaks*, who were labeled as class enemies by Soviet authorities in 1930’s, which were also instrumental for the colonization of remote regions of Soviet Union.¹⁹ In comparison to the

16 Revziye Ametshayeva, interview by author. 10 January 2014.

17 Lenura Dzhemileva, interview by author. 9 January 2014.

18 Revziye Ametshayeva, interview by author. 10 January 2014.

19 Zemskov, “Spetsposlentsy”, 3.

Gulag camps, special settlements had some ‘normalcy’. People had the opportunity to live with their families in a relatively uninterrupted. Regime in special settlements was guided by “special commandant” and NKVD. Displaced persons had to visit commandant’s office regularly to check in. By the decree of the Presidium of Supreme Soviet of USSR on 1948, to leave such settlements was strictly prohibited. The punishment of escape was 20 years of hard labor camps.²⁰ Dzhizayir Khalilov recalls:

I perfectly remember that I was ill, there was no x-ray, I had to go in Almalyk, and it was 10 km away. And police accompanied me. We could not even make X-ray. I was traveling to Almalyk with an armed policeman in the back of a truck.²¹

Between 1948 and 1950, after the liberation from the labor camps, men (approximately 9,000 former officers and soldiers)²² began searching for their relatives. Reunion of the families significantly improved everyday lives of the many Crimean Tatars. Moreover, return of fathers, sons, brothers and husbands played a significant role in improvement of emotional wellbeing of the deported Crimean Tatars. Besides, by the return of the men, people felt more secure from the abuses of the officials and better relations were established with the Uzbeks.²³ Khalilov’s family in 1953 began to build their own house.²⁴ Revziye Ametshayeva similarly remembers that in 1953 they began to build a house with 3 rooms.²⁵ Lenura Dzhemileva remembers that they continued to live in the barrack.²⁶

Ava-Sherfe Mametova remembers that her family was lucky to get accommodation in an orphanage where her father worked. Six children and parents used to live in this place:

I remember we had one room with a very long table. And this table was always full of children. And they said to my

20 Svetlana Alieva, ed., *Tak eto bylo. Natsional'nye repressii v SSSR* (Moscow: Insan, 1993), vol. 1, 167.

21 Dzhizayir Khalilov, interview by author. 28 October 2013.

22 Bazhan, Krymski tatari, 82.

23 Brian Glyn Williams, “The hidden ethnic cleansing of Muslims in Soviet Union: the exile and repatriations of Crimean Tatars”, *Journal of contemporary history* 37 (2002): 343.

24 Dzhizayir Khalilov, interview by author. 28 October 2013.

25 Revziye Ametshayeva, interview by author. 10 January 2014.

26 Lenura Dzhemileva, interview by author. 9 January 2014.

daddy “baba”, and to my mother “ana”. I was 5-6 year old and I thought, “Are they my brothers and sisters for real?” I thought about that when evening came and after they went to the orphanage where they used to stay – these had to be my brothers and sisters. But in the evening we went to sleep on the floor and I again didn’t understand who were my brothers and sisters.²⁷

Shefika Abduramanova recalls that they did not build a house at first, since they hoped that they would return to Crimea soon.²⁸ This was a widespread belief.²⁹ People believed that the deportation was a mistake and expected that the problem would be solved because the Crimean Socialist Soviet Republic (downgraded to the status of a regular oblast by Stalin in 1945) had been formerly established by Lenin. Moreover, it was Lenin, who formulated the right to self-determination for each ethnic group. Therefore, people were waiting for the death of the “bad Stalin” and the return of the “good Lenin” and his nationalities policy. The loyalty to and the belief in communism deeply influenced Crimean Tatars National movement for return. For example, Crimean Tatars practiced laying flowers on the Lenin’s monument on the anniversary of the creation of Crimean Socialist Soviet Republic. Ironically, they were arrested for this.

The special settlements regime began to soften after Stalin’s death in 1953. In 1954, by a decree of the Government of Soviet Union, special settlers received some rights. Two years later, in 1956, special settlements regime was eventually canceled.³⁰ However, whereas the deported Chechens, Ingush, Kalmyks, Karachays, and Balkars were allowed to return to their homeland, Crimean Tatars, Meshetian Turks, and Volga Germans were not given the same right without a clear reason.³¹ Despite removing the special settlement restrictions from the Crimean Tatars, the Soviet government still considered them guilty of treason; Crimean Tatars were given the right to freely across the territory of the Soviet Union, but the Crimean peninsula.

After the termination of the special settlements regime, many Crimean

27 Ava-Sherfe Mаметова, interview by author. 9 January 2014.

28 Shefika Abduramanova, interview by author. 9 January 2014

29 See, Gulnara Bekirova, *Krimskotatarskaya problema v SSSR (1944-1991)* (Simferopol: Odzhak, 2004).

30 Zinchenko, *Kryms’ki tatary: istorichnyi narys*, 111.

31 Pohl, *Ethnic Cleansing in the USSR*, 56.

Tatars moved to the cities, where they were valued as specialists due to their education, knowledge of the Russian language, and experience in working on leading positions before the deportation.³² As a result, living conditions of the Crimean Tatars improved significantly. Yet, this does not mean that poverty was not widespread among the Crimean Tatars. For example, Ametshayev's family always had food, but did not have money to buy furniture:

My parents had very calm attitude to things. We did not buy anything. Furniture? There were some mattresses on the floor for sleeping. But we always had food: chickens, sheep, and turkeys. Whoever came – all were fed, my mother cooked delicious meals!³³

Ava-Sherfe recalls:

When father brought something delicious, he always said, "This is yours, and this is yours". And I knew that I could not take it because this was brother's or sister's. I remember he brought a sprat for us and it was delicious. There was some chocolate in a local store, but I did not know what it was, only heard about. Or wrapper on street... I did ... it's a shame even to tell ... I raised it, smelt it, I wanted chocolate so much. But daddy was not wealthy – six children, so he said, "There are worms crawling in this chocolate". But daddy was unable - six children... Well, he brought us cheap candy Karamelka, that's why Karamelka "it's yummy! Tastes good!"³⁴

Hulsum Mustafayeva, born in 1954, recalls that her family had nothing but lentil for the meals. But herring remains desirable delicacy for her due to memories from Hulsum's childhood:

It was a holiday for us, when father received a salary. He bought melted butter, one kilogram of herring, bread, and for us it was a holiday. Mom cooked potatoes, father cleaned herring and cut it. And we ate it with butter. We definitely knew that if daddy received a salary, it would be herring and potatoes.³⁵

32 Bekirova, *Krimskotatarskaya problema v SSSR*, 76.

33 Revziye Ametshayeva, interview by author. 10 January 2014.

34 Ava-Sherfe Mametova, interview by author. 9 January 2014.

35 Hulsum Mustafayeva, interview by author. 8 January 2014.

Rustem Vaapov, born in 1957, was the only child in the family. His father died during the war and his grandparents in the first years of exile:

Our family was pretty poor. My mother was a nurse and her salary was between 40 and 60 rubles. We didn't have a household. Firstly, my mother had problem with housing, so she rented a hut among small private houses. It was cold in the winter. And I attended twenty-four-hour kindergarten. In summertime mother took me home. Then my mother got a room in communal apartments and when I went to the first grade she got one-room flat.³⁶

Zera Bekirova, born in 1959, recalls that childhood was not dreadful, but she had to work on cotton fields:

In that place where we lived cotton was grown. So we used to start working from March. Our whole childhood was spent in cotton fields. Each family member had duties: someone had to look for cows and sheep, someone had to clean house and to help mother in the kitchen, someone had to water vegetables. But we were not forced; we saw that our father and mother needed our help.³⁷

On the other hand, Remziye Zidlyeva, born in 1958, says that she remembers her childhood as a "good" one. Her father worked at a factory as a mechanic, and her mother was employed at the same factory in the personnel department, so the family was relatively well-off. The family lived in the city. They did not have a household, so the only duty Remziye had to do was house cleaning:

My mother's name was Hatidzhe and our Russian neighbors called her "Katia". They always said, "How do you have time to clean everything? Your apartment is always shining!" My parents accustomed us to cleanliness and order. I think it was our "face". I have a sister, we are twins, so we were on duty alternately.³⁸

Venera Bekirova, born in 1959, describes her childhood as "normal", because their family lived in the military town of Tahchiyan. Military

36 Rustem Vaapov, interview by author. 8 January 2014.

37 Zera Bekirova, interview by author. 30 October 2013.

38 Remziye Zidlyeva, interview by author. 9 January 2014.

towns in Soviet Union were a comfort place for living. Her father worked at the motor depot, her mother was the chief accountant. They had only three garden beds and planted tomatoes, so children's only duty was to stoke fire in the stove.³⁹

Elvira Akhtemova, born in 1962, recalls that her parents worked in the trades. The level of wealth in the family was average, and they lived very well:

Although we lived in a city, we had chicken, heifers, and sheep. My duty was to sweep the yard, with my younger brother we fed cattle. My sister washed the floor. Elder brothers had their own duties. Sometimes we were lazy, but my father accustomed us to work.⁴⁰

Refat Useinov born in 1968, describes his childhood as lighthearted and bright. He said that family lived modestly but they did not fall behind of anything. . Refat boasts that as a child he had a big kid's car, bike and shoes like sneakers. Moreover, family had a car that was bought with the money "Grandma had saved money for 2 years"⁴¹

Education

Most of the respondents had no preschool or additional education. Some parents were illiterate and others just did not have enough time for teaching children. Grandparents were usually not involved in the education of grandchildren. If one parent did not work, kindergarten did not accept the child. Sometimes children under eight did not attend the day nursery.⁴²

Also it was a dilemma for parents which school to choose for their children. It was considered, that Russians schools in Uzbekistan had better standards. On the other hand, assimilation of the youngsters was less likely in Uzbeks schools. Shefika Abduramanova recalls that instead of an Uzbek school, she was sent to the Russian school:

39 Venera Bekirova, interview by author. 30 October 2013.

40 Elvira Akhtemova, interview by author. 9 January 2014.

41 Refat Useinov, interview by author. 27 October 2013.

42 Lenura Dzhemileva, interview by author. 9 January 2014.

Before the school, I did not speak Russian, I spoke Crimean Tatar and my parents seriously considered which school I should attend, Russian or Uzbek. They were ready to send me to Uzbek not to let me get assimilated. And now it is easy to understand which school Crimean Tatars attended. Especially when it was a village, there were no Russian schools. But Uzbek one was weaker, so parents send me to the Russian school.⁴³

However Revziye Ametshayeva attended Uzbek school:

No one studied with me. My mother was illiterate. She could only read the Koran in Arabic. Father also was able only to read Arabic.⁴⁴ But they had no education. At home, we only spoke Crimean Tatar. When my Uzbek friends came to us, I translated between them and my parents. So I went to the Uzbek school.⁴⁵

Entertainments

All the interviewees recall that as children they did not have national stereotypes and they could communicate in different languages; “We teased Koreans in Korean, and they teased us in Crimean Tatar”.⁴⁶

The most popular games among children were the typical Soviet games, such as *Chizhik*, *Lotto*, jumping and *Lyanga*, a widespread game in Central Asia similar to European Footbag.

Liliya Khalilova, born in 1953, remembers how they used to play simple games. She also defines Timur Movement⁴⁷ as a game:

We used to play cops and robbers. We used to climb tall poplar trees until they were chopped down. Obviously, girls played with dolls or played hospital game. There were no candy wrappers at first, candies had no wrapper, but later

43 Shefika Abduramanova, interview by author. 9 January 2014.

44 That means that her parents knew some part of Koran by heart.

45 Revziye Ametshayeva, interview by author. 10 January 2014.

46 Shefika Abduramanova, interview by author. 9 January 2014.

47 Timur Movement – youth volunteering movement through WWII, later the movement became governed by state.

candy wrappers appeared and we started collecting them. We picked them up from different people. We did not have candy every day because it was a luxury. Later after that we used to play Timurites (timurovtsy), there was a headquarters; we used to help the old ladies.⁴⁸

Many interviewees recall that families they did not have money to spend for toys back in 1950's. Thus, only the homemade toys available for the kids.

Nadiye Kadyrova, born in 1951, recalls:

We were very little kids when our father worked for forestry as a driver. And we were given an apartment by the forestry. There was a horse we rode on. It was like a rocking horse. There were no toys. And Christmas tree... Do you know what we did? We lived in poverty, we cut down green bush and put it in a bucket with sand. Christmas tree decorations were made of cardboard, cut out from napkins. We hung some sweets on a Christmas tree.⁴⁹

Shefika Abduramanova recalls when she had an opportunity to play with a real doll:

I had very good toys, my uncle brought it from Moscow. Other children had dolls made of cloth. It was the usual handkerchief rolled into a roll ... Nevertheless we liked to play in such way. When my father brought the Christmas tree, we decorated it. That's the smell of juniper... We had very good Christmas decorations, I kept them until marriage. I was good at making whistle from willow. Also we used to create figurines from clay because we were told that Allah had molded man from clay and breathed life into it. We left sculptures to dry and clay cracked. We were disappointed that our creatures did not come to life. From corn with hair we also made dolls.⁵⁰

48 Liliya Khalilova, interview by author. 10 January 2014.

49 Nadiye Kadyrova, interview by author. 9 January 2014.

50 Shefika Abduramanova, interview by author. 9 January 2014.

Holidays

Holidays had great importance for the children. The new year's eve and May 1st (International Workers' Day) were the most favorite holidays for the interviewees. New year's eve was always celebrated, even if there was no possibility to have a Christmas tree and toys. May 1st was like a festival; a holiday with a lot of flags, garlands, demonstrations and parades. Moreover, children loved May 1st because it was the time when parents were buying them new clothes. Children always participated in parades within schools or within enterprises where parents worked at.

Religious Muslim holidays were also celebrated, although some families avoided these holidays. One of the most significant reasons of avoiding Muslim holidays was the Soviet anti-religious policy, Therefore, particularly the party members refused to celebrate religious holidays to avoid the risk of being accused by the secret service. Secondly, traditions were forgotten in some families, since grandparents as the main guardians of the national traditions, as well as family traditions, had passed away. Thirdly, religious families in which the adults used to read the Koran and follow religious prescriptions had a strong fear of punishment and persecution by the authorities and the secret service, so that they had to hide their religious beliefs and practices. By the same token, children of these families were forbidden to talk in public about the religious practices at home. This post-deportation fear was very strong among Crimean Tatars. On the contrary, local Uzbeks felt more comfortable in this regard, so sometimes holidays were celebrated together.

Lenura Dzhemileva, whose two best friends were Russians and who attended a Russian school, recalls an interesting phenomenon:

Ironically, we did not celebrate birthdays for unexplained reason. I do not remember that my parents celebrated such an event as a birthday... New Year's eve, perhaps. I remember we went with my friends singing Christmas carols. Maybe it was on the eve of the Old New Year?⁵¹ Or on Uzbek Boychechak? I don't remember clearly...⁵²

51 The Old New Year or the Orthodox New Year is an informal traditional holiday, celebrated as the start of the New Year by the Julian calendar. In the 20th centuries, the Old New Year falls on January 14 in the Gregorian calendar.

52 Lenura Dzhemileva, interview by author. 9 January 2014.

We can see that Lenura is confused with different holidays. Old New Year was popular in Soviet Union among the orthodox believers. Boychechak, literally *Snowdrop flower*, is an Uzbek spring song for Nawruz, holiday of first day of the New Year in Persian calendar.⁵³ From Lenura's memories, we can assume that the merging of two completely different religious was a result of the social environment in which Crimean Tatars lived. In addition, she was influenced by the Soviet milieu, so she seems to perceive cultural borrowings as a usual pattern.

Something similar can be traced in the memories of Liliya Khalilova, too. Liliya tells that her family celebrated the Easter:

We celebrated 1 May and Easter. On Easter people came to us, they said "Christ is risen!" And we answered, "Truly he is risen!" 1 May we liked because "May Day" were good. On first of Mays, you could go somewhere with parents and spread out a blanket. Also Election Day was a holiday for us. People were able to see each other in the elections. They prepared Barbecue, brought some tasty meals. Also we liked 7 November and New Year's eve.⁵⁴

Ametshayev's family, in spite of prohibition, celebrated religious holidays. As a child, he also enjoyed some soviet holidays:

We celebrated Uraza Bayram and Kurban Bayram. My parents were young so nephews and nieces came to us on holidays because their parents had died. In the morning we always had coffee, tea and sweets. We loved soviet holidays, because we always went to parade. In school we had to go to the parades. We made pigeons of cardboard and parents bought us new clothes.⁵⁵

Venera Bekirova remembers that they celebrated both Soviet and Muslim holidays. Her family exemplifies a type of religious Crimean Tatar family that preserved religious practices, despite anti-religious state campaign:

On May 1st, parents always bought new shoes and new

53 Nawruz is a holiday of first day of spring and the beginning of a year in Persian calendar and is widespread in Central Asia. It is celebrated between 19 and 22 of March.

54 Liliya Khalilova, interview by author. 10 January 2014.

55 Revziye Ametshayeva, interview by author. 10 January 2014.

dress and went to the demonstration. When we were children, we went to parades with parents, they took us with them. In school, participation in parades was obligatory. I remember there was Nowruz Bayram in Uzbekistan. Crimean Tatars called this holiday as Nawrez, it is like a New Year. And we celebrated it because our neighbors were Uzbeks. They prepared a special national dish named sumalak. Well, they invited and treated us. I want to say that our grandfather was a Mullah and he read the Koran, and my mother also read the Koran in Arabic. Grandfather did this, even when it was not allowed in Soviet times. He did fasting (Uraza), made Namaz. When he came to us, he did it five times a day. We knew the most common prayers, even if we didn't understand what they meant, but we always read it.⁵⁶

Zera Bekirova recalls something similar as her family also celebrated Muslim holiday:

Father on May 1st and November 7th drove us to the countryside. We had a motorcycle with sidecar. Although father worked all day and night, he found time to travel with us. We always celebrated Kurban Bayram, Uraza Bayram. These are perhaps the brightest memories of childhood, the celebration of Uraza Bayram. And in the morning my mother said, "Go to seniors, kiss their hands and congratulate them on the occasion, drink tea with them, and they will give you gifts". We went to the Tatars. Uzbeks themselves came. On the eve of holiday we fried chiburekki. I remember that we fried over one hundred pieces! I always said: "Mom, we do not eat so much!" And she replied: "Well, our neighbor Halidapa will come, she has 10 children, so you should give them 10 pieces". And Uzbek brought pilaf.⁵⁷

To be a Crimean Tatars or just Tatars

Soviet authorities tried to remove "Crimean" from "Crimean Tatars" to encourage assimilation. Greta Uehling writes in her book that "they were

56 Venera Bekirova, interview by author. 30 October 2013

57 Zera Bekirova, interview by author. 30 October 2013.

Crimean Tatars, but they must live outside the Crimea; they were exiled for being Crimean Tatars, but there is no such people”.⁵⁸ Crimean Tatars did not have certain solution to this dilemma. After 1956 it became evident that Soviet authorities would not let them return to their homeland and the idea of the return was rather an utopia.

Crimean Tatars who were born in 1950s and 1960s are a post-deportation generation. They did not witness the deportation. Their historical memory about the deportation was mainly shaped through the narratives circulated within the family. This generation was mostly protected by their parents from the trauma of deportation, although knowledge about deportation were leaked from occasional conversations of the adults or from the accusations uttered publicly by the representatives of different nationalities.⁵⁹

Greta Uehling identifies three styles of narratives recounted within families: intensive, selective and reluctant. Intensive style was used for recounting their former lives in Crimea to children “as bedtime stories and mealtime conversation”.⁶⁰ Children absorbed these stories and appropriated them and over time, they made their own stories.. The second style, the selective one implied such narrative strategy as “waiting until children reach adolescence and considered to be ready to understand”.⁶¹ The last reluctant style is narrative of silence, which means that parents did not talk at all about Crimea.⁶² Greta Uehling argues that both intensive and selective styles were the most widespread among Crimean Tatar families.

During my research, interviewees were embarrassed to answer the question “when did you hear for the first time that you were living not in your homeland?” Knowledge about deportation, acquired within time, is graved on their minds so deeply that majority of respondents answered at first, “We, Crimean Tatars, have known about it since our childhood.” Nevertheless, answers to duplicated questions have revealed quite a different picture. For example, some respondents answered, “When I studied at primary school,” and others said, “When I became an adult.” So when and how did children learn about past?

58 Uehling, *Beyond memory*, 39.

59 Ibid., 14.

60 Ibid., 114.

61 Ibid., 115.

62 Ibid., 116.

The most common way of learning that can be referred to selective style I define as an *occasional*. It consists of random conversations of the adults, communication with other people, and accusation in betrayal. Greta Uehling mentions that it happened often when someone outside of the family told children about deportation.⁶³

Lenura Dzhemileva remembers that Crimean Tatars were called “traitors” at primary school. She asked her mom why they were traitors and mother told her about deportation. She believes that it was the first time when she realized that her nation was not living in the homeland.⁶⁴

An accusation of betrayal, the main feature of the life of Crimean Tatars during the first years after the deportation, used to take place even in 1950s. The accusation of betrayal could have been said by other, non-Crimean Tatars children during a quarrel or in order to offend Crimean Tatars, “You, Tatars, are betrayers”, “You are traitors.” Yet the signs of accusation have disappeared in the recollections of Crimean Tatars born in 1960s. Perhaps, the phenomenon was widespread only at the countryside, where deported Crimean Tatars were initially settled, and where such a negative image of Crimean Tatars had been artificially created by the Soviet state propaganda.

Nadiye Kadyrova recalls that she was 10 or 11 year old when a Russian schoolgirl called her “traitor”:

There was a girl at school, a Russian girl that called me “traitor”. I remember that I grabbed her hair and beat her. Then I went home crying and asked my mother, “Mom, why did she call me a traitor?” Obviously, the girl’s mother came to us and said, “Your daughter beat my daughter.” And I said, “You’d rather ask her why I did it. Your daughter called me a traitor. Whom and what have I betrayed?”⁶⁵

When I asked respondents for the first time whether they heard about deportation from adults, when they were children, the typical answer was “yes”. However after answering the same question one more time they started doubting if their parents had told them about deportation.

63 Ibid., 116.

64 Lenura Dzhemileva, interview by author. 9 January 2014.

65 Nadiye Kadyrova, interview by author. 9 January 2014.

Shefika Abduramanova states that her parents kept deportation issue away from her but nevertheless she heard from them every time, “Qiryım, Qiryım”. She explains, “Crimea was like a promised land”. She specifies that she understood what had happened to her nation only when she grew up.⁶⁶

Nadiye Kadyrova says that she had not heard about deportation until she was 10-year-old:

It is interesting that even my mother never told me about it. Then, when I was 10-year-old people who collected money in order to solve Crimean problem in Moscow came to our home once... And they collected money as much as possible to reach Moscow and live there. I asked my mother, “What is going on?” and she told me about deportation in 1944 and that we lived in exile.⁶⁷

Elvira Akhtemova realized the “tragedy of her nation” when she was twelve:

I was aware of it when I was 12 years old because in 1974, my friend moved with her father to Crimea...Musa Mamut⁶⁸ and his daughter...We had studied in the same class... So when I was 12, I realized.⁶⁹

Another part of testimonies can be referred to intensive style of cognition. It is closest to “bedtime and mealtime stories”. Hulsum Mustafayeva states that she was told about living in exile in her childhood. Her father emphasized that their family would come back home, to Crimea, because it was their motherland.⁷⁰ Rustem Vaapov says that in the Crimean Tatar families the elder people always underlined that their homeland is Crimea, yet they ought to live in Uzbekistan against their will.⁷¹ Zera Bekirova remembers that the deportation and related issues were constantly discussed in family.⁷²

66 Shefika Abduramanova, interview by author. 9 January 2014.

67 Nadiye Kadyrova, interview by author. 9 January 2014.

68 Musa Mamut immolated himself in Crimea as a sign of protest against the repression of Crimean Tatars.

69 Elvira Akhtemova, interview by author. 9 January 2014.

70 Hulsum Mustafayeva, interview by author. 8 January 2014.

71 Rustem Vaapov, interview by author. 8 January 2014.

72 Zera Bekirova, interview by author. 30 October 2013.

Remziye Zidlyaeva, born in 1958, says that comprehension of living in exile came with “mother’s milk”:

Elders often gathered and remembered their childhood, life in Crimea, and we were happy to listen. But we did not understand why we did not live where our parents spent their childhood. Children from an early age knew that Central Asia was not our land.⁷³

Lastly, some testimonies are good examples of silent narrative, reluctant style of cognition. There were families that were afraid of persecution or tried to avoid emotional pain. Revziye Ametshayeva says that nobody told children about deportation.⁷⁴ Ava-Sherfe Mаметova remembers that she began discovering the history of her nation only when she was at college.⁷⁵ Ulker Galimova, born in 1968, recalls that she heard about deportation when she was 15 years old for the first time. She tells that her father protected them from this trauma, although he had “a folder with some materials”.⁷⁶ As Greta Uehling mentions “the style of selective recounting was employed to avoid pain”.⁷⁷

It should be noted that Crimea was a common topic of the family narratives. Crimea was pictured the “promised land”. According to Greta Uehling it was typical for selective narrative: “There were extended conversations on the taste of Crimean well waters, and the strength of the Crimean sun. Some members of the second generation had a metaphysical theory that the molecules of the Crimean fruits and vegetables that their parents ate became part of their bodies”.⁷⁸

Shefika Abduramanova remembers that her parents used to compare everything with Crimea, so they repeated all the time, “Everything was different in Crimea”:

When we sat down at the table my parents took the grapes and said, “Is it supposed to be called grapes? There were grapes in Crimea. Is it supposed to be called an apple? There was apple in Crimea.” If somebody returned from

73 Remziye Zidlyaeva, interview by author. 9 January 2014.

74 Revziye Ametshayeva, interview by author. 10 January 2014.

75 Ava-Sherfe Mаметova, interview by author. 9 January 2014.

76 Ulker Galimova, interview by author. 28 October 2013.

77 Uehling, *Beyond memory*, 116.

78 Uehling, *Beyond memory*, 115.

Crimea, they brought flask with water. While swimming in the sea, they took some water, while transporting, that water became rotten. "This water is of the Black Sea!" When one is ill, he is given that water. It was said that everything was different there... Everything was glorified. It was even said that the taste was different. When I returned to Crimea, I did not like fruits because they were waterish and tasteless. There is more sun in Uzbekistan, they are sweeter and more fragrant.⁷⁹

Zera Bekirova said that for her Crimea was a magic country Susambil from Uzbek fairy tales, which she used to read:

That is really fantastic Susambil country with the sea, palm trees, cypresses and this fertile land. An unusual country, very beautiful, with warm climate. When we played father always said, "But in Crimea games were different". Spring came, and he began to say, "But in Crimea at this time that blooms". When we bought tulips, he said, "Oh! What the tulips in Crimea!" Crimea therefore has always been perceived a country Susambil, fairyland.⁸⁰

Conclusion

Until the abolishment of special settlement regime in 1956 majority of Crimean Tatars lived in villages or nearby *kolkhoz* (soviet collective farm). This is connected with the exploitation of Crimean Tatars as work force in the cotton fields, unskilled workers for the most difficult manual labor. Some respondents mention that while being children they were involved in picking cotton too. In the 1960s the quality of life changed significantly, because the vast majority of Crimean Tatars moved to cities. This transformation had a huge impact on the childhood of our respondents. They almost unanimously recall their childhood in the 1960's as "bright, not difficult, and cloudless"

The image of Crimea was permanently present in family's narratives. Parents told children about Crimea, describing it as the promised land or *yeşil ada* (the green island). The deported people compared exquisite scenery and temperate climate of the peninsula to waterless steppes of

79 Shefika Abduramanova, interview by author. 9 January 2014.

80 Zera Bekirova, interview by author. 30 October 2013.

Uzbekistan. Comparing two territories, they pictured even an arid Azov steppe as a flourishing land between the Black Sea and the Azov Sea.

According to collected testimonies about childhood of Crimean Tatars in exile, I argue that those Crimean Tatars who were born in exile in 1950s-1960s were partially assimilated that led to *sovietization* of Crimean Tatars. They had no dreams or illusions concerning to obtain education in native language, thus it was a great fortune to study in Russian schools because Russian schools were much better than the Uzbek ones. The Crimean Tatar language was used only within family. Absolute majority of respondents remembers that as children they loved May 1st. Muslim holidays were not so popular among Crimean Tatars because of Soviet anti-religious policy and a strong fear of persecution.

Not all the interviewees knew about the deportation or that Crimea was their genuine motherland while they were children. It was caused by selective style of family narratives, as parents waited for the appropriate time to tell their children truth. This can dispel the myth of the Crimean Tatars identity that “passed with mother’s milk”. Forging of Crimean Tatars nation in exile was a complicated process consisted of different components. And as we can see, choosing family narratives pattern did not play a significant role when we are talking about childhood. Crimean Tatars accepted their parents’ trauma and history since they were already young adults.

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A LEGAL ANALYSIS OF THE CRIMEAN TATAR DEPORTATION OF 1944

Onur URAZ

*PhD Fellow
Law School
University of Southampton*

Abstract: *Over the past decade, Crimean Tatars started to express more robustly their requests for the international recognition of the 1944 Mass Deportation as the crime of genocide. While it can be said, even prima facie, that the 1944 Deportation falls under the scope of the current definition of crimes against humanity, making a similar kind of claim with the same immediateness is unlikely in terms of the crime of genocide owing to the narrowly constructed legal definition. Moreover, the principle of non-retroactivity of laws poses a further challenge in the consideration of both genocide and crimes against humanity. This paper will try to answer two interconnected questions: Is it a legally plausible case to characterize the 1944 Deportation as genocide or crimes against humanity? And, are there any differences between the legal characterization of 1944 Deportation as genocide or crimes against humanity in terms of their possible consequences?*

Keywords: *Crimean Tatars, Crimean Deportation, Genocide Law, Crimes Against Humanity, Non-retroactivity of Laws, International Criminal Law,*

1944 KIRIM TATAR SÜRGÜNÜ'NÜN HUKUKİ DEĞERLENDİRİLMESİ

Öz: *Son dönemde, Kırım Tatarları 1944 Büyük Sürgün'ünün soykırım suçu olarak tanınmasını ısrarlı bir şekilde talep etmektedir. 1944 Sürgün'ünün günümüzdeki anlamıyla insanlığa karşı suçlar kapsamına girdiği kolaylıkla tespit edilebilirken, soykırım suçu bakımından aynı iddiayı benzer bir rahatlıkla öne sürmek, soykırım suçunun tanımının darlığı nedeniyle mümkün olmamaktadır. Buna ilave olarak, kanunların*

geriye yürümezliđi ilkesi hem insanlıđa karřı suçlar hem de soykırım suçunun olay bakımından tartıřılmasında sorun teřkil etmektedir. Bu bađlamda bu çalıřma birbiri ile bađlantılı iki soruya cevap arayacaktır: Uluslararası hukuk kapsamında 1944 Sürgün'ünü soykırım suçu ya da insanlıđa karřı suç olarak nitelemek mümkün müdür? Ve bu eylemlerin soykırım suçu veya insanlıđa karřı suç olarak deđerlendirilmesinin yaratacađı olası sonuçlar bakımından herhangi bir fark var mıdır?

Anahtar Kelimeler: *Kırım Tatarları, Kırım Sürgünü, Soykırım, İnsanlıđa Karřı Suçlar, Kanunların Geriye Yürümezliđi İlkesi, Uluslararası Ceza Hukuku*

I. INTRODUCTION

The annexation of Crimea by the Russian Federation in March 2014 was disturbing for the international community, many states and international and regional organizations owing to the fact that the annexation was a violation of the international law and the rising aggressiveness in the Russian international policy started to pose a serious threat for international peace and security. But the annexation was particularly worrying for the Crimean Tatars due to the fear of reoccurrence of the repression and persecution that the Crimean Tatars were subjected to under the rule of Imperial Russia and Soviet Union.¹ In fact, the Crimean Tatars have been already raising their voices more robustly in the last decades for the international acknowledgment of the systematic maltreatment and persecution they had through under the rule of consecutive Russian States since 1783, the year that semi-independent Crimean Khanate was annexed.² Yet, their case started to receive more attention from international community on the account of the recent political developments in the region. Within this context, the most eminent historical claim of the Crimean Tatars is their case for the recognition of 1944 Mass Deportation a genocide (known as ‘*Sürgün*’ among Crimean Tatars).

Indeed, the Second World Congress of Crimean Tatar has very recently restated this claim once again.³ In its statement the Congress called on

- 1 After the annexation, many news sources and spokesman stated that the Russian occupation regime clearly threatens the existence of Crimean Tatars in the Peninsula. Indeed it is reported that, while the media outlets of Tatars such as ATR television silenced by bureaucratic means, some Tatar activists and leaders, such as Mustafa Dzhemilev and Refat Chubarov, are arrested or banned to enter to Peninsula. Also, the occupation regime proposed ‘Day of Joy’ instead of Crimean Tatar deportation anniversary. (see. ‘Back to The Exile’ in *The Economist*, available at <http://www.economist.com/news/international/21654671-life-mustafa-dzhemilev-parable-crimean-tatars-struggles-back-exile> (accessed on 24.12.2015); ‘Crimea’s Russia-Backed Court Issues Arrest Warrant For Tatar Leader’ in *Radio Liberty* available at <http://www.rferl.org/content/crimea-arrest-warrant-tatar-leader-dzhemilev/27501317.html> (accessed on 24.12.2015); ‘Occupation regime proposes ‘day of joy’ instead of Crimean Tatar deportation anniversary’ in *Kyiv Post* available at <http://www.kyivpost.com/opinion/oped/halya-coynash-occupation-regime-proposes-day-of-joy-instead-of-crimean-tatar-deportation-anniversary-385562.html> (accessed on 21.12.2015)
- 2 See for example the campaign that is run by the Mejlis of the Crimean Tatar People since 1991. Available at <http://qtmm.org/en> (accessed on 24.12.2015)
- 3 To see the full statement see (in Turkish).; Mejlis of the Crimean Tatar People, ‘Dünya Qırımatar Kongresi II. Toplantısı -Netice Beyannamesi’ 1-2 August/Ankara available at: <http://qtmm.org/ru/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/4893-d%C3%BCnya-qirimatar-kongresi-ii-toplantisi-netice-beyannamesi-1-2-a%C4%9Fustos-2015-ankara> (accessed on 10.11.2015). The World Congress of Crimean Tatars is an initiative that aims to gather Crimean Tatars who live in abroad, Ukraine and Crimea and discuss strategic problems and steps for the near future. First held in 2009.

the international community and the United Nations to recognize the mass deportation of Crimean Tatars in 1944 as Genocide. Without a doubt, the 1944 Deportation, the expulsion of the Crimean Tatars from their native homeland to Uzbekistan and the Urals, is one of the human tragedies of the twentieth century. Dreadful conditions of the forced deportation⁴ caused thousands of casualties. Moreover, it had significant negative impacts on the culture of the Crimean Tatars since they stayed away from their homeland for decades and during this time they have been culturally suppressed, their families have been separated and lived in awful conditions.

From the viewpoint of contemporary international law, it can be said, even *prima facie*, that the 1944 Deportation falls under the scope of current definition of crimes against humanity, as there were widespread and systematic acts of deportation and persecution directed against a civilian population.⁵ However, such a view might get objections of being in contradiction with the non-retroactivity principle in criminal law since the legal definition of crimes against humanity was different back then and there was the requirement of establishing a nexus between crimes against humanity and armed conflict in order to consider an act as a crime against humanity. The problem of retroactivity is controversial and will be discussed in more detail. However, in any case, it is hardly challengeable that the contemporary concept of crimes against humanity is applicable to the Mass Deportations of the Crimean Tatars.

On the other hand, making a similar claim with the same immediateness is not possible for the crime of genocide. The reason is that the legal definition of genocide is significantly specific and narrow compared to crimes against humanity with respect to the scope of *acts reus* element, the narrowly defined *dolus specialis* element, and the notion of protected groups. That is, the crime of genocide can only be committed when one of the five described acts in the legal definition (see. Part III) is committed against one of the four protected group (national, racial, ethnic, religious) with the intent to destroy, in whole or in part, the group as such. Moreover, the invention and introduction of the concept of

4 Despite the fact that term deportation is constantly being used by the international community when the situation in 1944 is discussed, it is not a right use in terms of linguistics. The reason is that, deportation means to force someone to leave form a country, yet the Crimean Tatars were not forced to leave the Soviet Union. In this sense, term exile may be better fit to this situation. Yet as the term deportation is embedded in the literature, I preferred to use it. (I would like to thank to anonymous referee to bring this point up)

5 For the contemporary definition of crimes against humanity see. Rome Statute of the International Criminal Court (last amended 2010) (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 90/37 ILM 1002 (1998)/[2002] ATS 15, art.7

genocide was after the tragedy that the Crimean Tatars had lived through, which makes retroactivity issue even more problematic compared to crimes against humanity.

Therefore, a possible topic of discussion is whether it might be more plausible to identify the legal statuses of the tragedy as crimes against humanity rather than genocide. However, there are conflicting views both among lawyers and social scientists as to whether considering an offence as a crime against humanity rather than genocide has a degrading effect on the legal status and perceived social seriousness of the offence. Recently, this issue has been receiving much attention from international adjudicative bodies, as well as scholars and it is seemingly one of the important discussion points in the case of Crimean Tatars' genocide claims since they might have a stronger case for crimes against humanity.

In this context, this article seeks to answer two interconnected questions. First, is it possible to characterize the 1944 Deportation as the crime of genocide or crimes against humanity? And second, are there any differences between the legal characterization of these acts as genocide or crimes against humanity in terms of their possible consequences? In order to examine these questions, the paper starts with a brief historical summary of events. Upon examining the concepts of genocide and crimes against humanity, the legal characterization of the 1944 Deportation that the Crimean Tatars experienced will be discussed.

II. A BRIEF HISTORICAL BACKGROUND

A. Crimean Tatars under the Rule of Russian Empire

The Crimean Tatars' presence in the Peninsula has a long history, but the ethnogenesis of the Crimean Tatars is still debateable. While the western and Russian sources usually associate Crimean Tatars with the Mongols and claim that they settled in the Peninsula as a result of the Mongol invasions in the thirteenth century, some researchers believe that they are the indigenous people (*korennoi narod*) of the Peninsula, whose history dates back to prehistoric and ancient tribes lived in the region such as Tavriis and Kimmerites.⁶ Yet, what is certain is that

⁶ For a detailed discussion see. Greta Lynn Uehling, *Beyond Memory: The Crimean Tatars' Deportation and Return* (New York: Palgrave Macmillan, 2004), pp.30-39; Brian Glyn Williams 'The Ethnogenesis of the Crimean Tatars. An Historical Reinterpretation' *Journal of the Royal Asiatic Society, Third Series, Vol. 11, (Nov., 2001), pp.329- 348*

Crimean Tatars are inhabitants of the Peninsula for a long time. On the other hand, if we set aside the ‘origins discussion’ and move on to the better-known and more related parts of their history, the Crimean Tatars first appeared as a nation during times of the Crimean Khanate, which was founded in the early fifteenth century and preserved its status until 1783, the year when Crimea was annexed by the Russian Empire under the rule of Catherine the Great.⁷

As a matter of fact, Crimean Peninsula carried high importance for both the Ottomans and the Russians owing to its economic and geopolitical significance. But the relationships of these two empires with the Crimean Tatars were considerably different. On the one hand, under the Ottoman rule, the Crimean Khanate had a great deal of autonomy as a vassal state and undertook important roles during the conquests of the Ottoman Empire as well as in the Empire’s defence. The Crimean Tatars always received utmost respect from the Ottoman rulers. On the other hand, their situation was completely different under the Tsarist rule. Except a short period in which the relationship between the Russian Empire (and subsequently the Soviet Union) and the Crimean Tatars were positive, the Crimean Tatars were usually subjected to discrimination and oppression. In fact, following its annexation of Crimea⁸, the Russian Empire aimed to change the Peninsula’s demographics by displacing Muslim Tatars and settling Russian speakers in the region.⁹ The reason of this policy was that the Tsarist rule did not believe that the Crimean Tatars as a national group would accept the integration to the Russian Empire. For this reason, for Russian rulers Crimean Tatars was a constant threat that needed to be oppressed.¹⁰

B. The Early Soviet Period

At the beginning of the twentieth century, the Russian Empire started to crumble owing to the growing disorder as a result of poverty, inequality and injustice. The combination of disappointment and dissolution with

7 For a detailed examination of history see. Brian Glyn Williams, *The Crimean Tatars: The Diaspora Experience and the Forging of a Nation* (Leiden: Brill, 2001), pp.39-73

8 The 1784 annexation was also a breach of international law and agreements. See. M. S. Anderson ‘The Great Powers and the Russian Annexation of the Crimea, 1783-4’, 37 *The Slavonic and East European Review* (Dec., 1958), pp. 17-41

9 See. Brian Glyn Williams, *The Crimean Tatars*, pp. 74-172 (*supra* note 7)

10 The World Congress of Crimean Tatars claim that approximately 1.5 million Crimean Tatars were subjected to forced deportation in nineteenth and twentieth centuries. Mejlis of the Crimean Tatar People, ‘Dünya Qırımtatar Kongresi II. Toplantısı -Netice Beyannamesi’. See, footnote 3.

the Marxist ideas led to one of the most consequential revolutions of modern history in 1917. The Bolshevik Revolution changed the situation of many minorities in the Russian Empire and the Crimean Tatars was just one of them. According to Greta Lynn Uehling;

the February 1917 Revolution resulted in an activation of national movements across the Soviet Union. (...) When the Russian Empire began dissolving in 1917, many peoples were thinking about how they would proceed in the new conditions. Crimean Tatars were prepared for action and convened a Kurultay or congress in the Crimea. (...) The Kurultay was designed to be an elected body based on universal suffrage. This first Kurultay had a tragic fate: in 1918 some members of the Mejlis were executed by the Bolsheviks and the Kurultay was destroyed.¹¹

Despite this tragic start of the relationship between the Soviet Russia and Crimean Tatars, when the Soviets ensured their control over the country, they recast their physical suppression with the integration policies that supported the cultural autonomy of national minorities within the vast Soviet territory. To this end, the Crimean Autonomous Soviet Socialist Republic was established in 1921.¹²

This was the beginning of a 'short-lived summer' for the Crimean Tatars. In this period, the Crimean Tatars, under the leadership of Veli Ibrahimov, endeavoured to revive cultural and political activities. For example, they gained representation rights in the Soviet government. Their language became one of the official languages of the Peninsula along with Russian. Also, their previously shut down national schools, cultural and scientific institutes were reopened. One of the crucial occurrences in this period was that Ibrahimov and the administration of Autonomous Republic strived to return lands that had confiscated before.¹³

This promising period lasted less than seven years. The raise of Joseph Stalin and the sharp policy change he brought along dramatically shifted the climate for the Crimean Tatars. The promotion of nationalist values

11 Greta Lynn Uehling, 'The Crimean Tatars as Victims of Communism', Research paper for International Committee for Crimea (10 January 2015), available at <http://www.iccrimea.org/scholarly/uehling-crimeantatars.html> (accessed on 02.12.2015). Also see. Greta Lynn Uehling, *Beyond Memory...*, p. 34 (*supra* note 6)

12 Ibid.

13 Alan Fisher, *The Crimean Tatars* (Stanford: Hoover Institution Press, 1978), pp.138-141

and private ownership paved the way for the doom of Crimean Tatars and Veli Ibrahimov himself, so much so that, when Stalin came into power in 1928 one of the first things that he did was to execute Ibrahimov by accusing him of being a bourgeois and nationalist. This put a factual end to the autonomy of the Crimean Tatars.¹⁴

C. Crimean Tatars under the Rule of Stalin

In order to grasp the temporary wellbeing of the Crimean Tatars and what changed afterwards, the 1917 Revolution and the economic situation in the early Soviet Union needs to be considered. The impact of the Bolshevik Revolution and the World War I was devastating for the Soviet economy. To overcome the economic depression, Lenin introduced an economic policy in which private and public sector co-existed to some extent, rather than following a completely centralized economic programme that socialism proscribes This 'New Economic Policy', also known as state capitalism¹⁵ allowed small private enterprises and some private landholdings. On the other hand, the reason of such policy was not merely providing the rapid economic growth, but also sidestepping from the likely resistance against the collectivization of farming.¹⁶

Despite the fact that Lenin himself described state capitalism as the interim last step before socialism, such a policy was seen as a serious drawback from socialist values by the radical Bolsheviks, such as the Left Opposition. According to them, it was just a different kind of capitalism that did not really serve to socialist ideas.¹⁷ These concerns were voiced by important figures of the Bolshevik Revolution such as Leon Trotsky.¹⁸ Interestingly, in his famous struggle for leadership against Trotsky, Stalin partially supported the New Economic Policy.

14 Ibid. pp. 139-142

15 See in general. Roger Pethybridge, *One Step Backwards, Two Steps Forward: Soviet Society and Politics under the New Economic Policy* (Oxford: Clarendon, 1990) pp. xi-453: Also see. Vladimir Lenin, "'Left-Wind' Childishness' in *Lenin's Collected Works*, 4th English Edition (Moscow: Progress Publishers, 1972 Volume 27, p. 323-334

16 Vladimir Bandera, 'New Economic Policy (NEP) as an Economic Policy', *The Journal of Political Economy* 71 no.3 (June, 1963), pp.265-270.

17 Sheldon Richman 'War Communism to NEP: The Road from Serfdom' *The Journal of Libertarian Studies* 5 vol.1 (Winter 1981) p.94.

18 See. Richard Day, *Leon Trotsky and the Politics of Economic Isolation* (Cambridge: Cambridge University Press, 1973) pp.47-69 For a different view see. Ernest Mandel, 'Trotsky's Economic Ideas and the Soviet Union Today' in *Revolutionary Marxism and Social Reality in the 20th Century: Collected Essays of Ernest Mandel* S.Bloom ed. (New Jersey: Humanities, 1994)

Yet, shortly after obtaining the power he revised his opinion, terminated New Economic Policy and started to introduce an extremely centralistic programme with his five-year plan.¹⁹

This sudden and radical change was proclaimed by Stalin himself as the 'Great Turn' in which industrialization and collectivization were the main economic means. Stalin believed that these two notions would serve better to becoming a major power in the world and enhancing the socialist worldview.²⁰ In this context, Stalin's plan introduced sharp discrepancies compared to the previous economic policy and a rapid industrialization plan was put into effect. Unlike New Economic Policy, complete collectivization of agriculture was targeted and private landholding was almost completely forbidden. Besides, cultural autonomies came to an end, and sovietization of national minorities was initiated.²¹

For the Crimean Tatars this change was the beginning of the doom. They were strongly devoted to their national identity and values, and the main source of livelihood at the Peninsula was agriculture. These two features, however, were in contradiction Stalin's policy and therefore the resistance to the change was unavoidable. Moreover, they committed a dreadful 'sin' by returning most of the lands that had confiscated before to their private owners during the application of New Economic Policy. As a result, the Crimean Tatars were unavoidably seen as counterrevolutionaries and from the beginning of his reign, Stalin proved that he was ruthless against any kind of opposition. After he gained the power, most of the Crimean Tatar intelligentsia was annihilated or imprisoned, the alphabet was changed from Arabic to Latin, Tatar schools, newspapers and other institutes were shut down or sovietized.

The next stage of Crimean Tatars' suffering was the era of hunger and extreme terror. First, as a major-grain producing region, they have partially suffered from the Great Famine (1931-1933).²² Historian Alan Fisher's findings show that between 1917 and 1933 approximately

19 See. Moshe Lewin, 'Society and the Stalinist State in the Period of the Five-Year Plans,' *Social History* 1, no. 2 pp.139-158

20 Lynne Viola, *Peasant Rebels Under Stalin*, (New York: Oxford University Press, 1996) pp.24-29

21 Terry Martin 'Stalinist Forced Relocation Policies: Pattern, Causes, Consequences' in Myron Weiner/Sharon Stanton Russell, *Demography and National Security*, (New York: Berghahn Book, 2001) pp.309-314

22 The Great Famine was a manmade disaster that was a result of forced collectivization and dekulakization. It heavily affected Ukraine in which approximately 4 million people lost their lives. See. Frank Chalk and Kurt Johassohn, *The History and Sociology of Genocide*, (Yale University Press 1990), p.291

150.000 Crimean Tatar were killed or exiled.²³ Afterwards, the period that is known as the Great Purges came. In this period, the political repression in the Soviet Union was at its highest level, and due to aforementioned reasons the Crimean Tatars were targeted relentlessly. Their intellectuals were either killed or forced to leave, religious practices and language were either forbidden or limited. While total casualties in the period was around a million in the Soviet Union, thousands of Tatars were executed or deported with the accusations of being 'enemies of state'. This stage went on until another disaster, perhaps the greatest one of modern history, the Second World War.

D. Sürgün

Crimea was occupied by the Germans Forces in October 1941. Expectedly, the impact of war conditions on civilians was devastating. During the World War II, around 20.000 Crimean Tatars were recruited by the German Army, while many more of them fought for the Red Army.²⁴ It should be noted that such recruitments of German Army was a regular practice in World War II, however, after Crimea was taken back by the Soviets in early 1944, Crimean Tatars, as a whole, were accused collaboration with the Nazis. Hiding behind this reason, Stalin decided to get rid of the Crimean Tatars. In the early hours of May 18th, 1944, more than 32.000 Soviet NKVD troops ordered the Crimean Tatars to be ready in half an hour with their personal belongings. Soldiers gathered the victims at the stations in Simferopol and Bakhchysarai, and loaded them into cattle trains without sufficient food and water. This process was completed in two days and approximately 200.000 people began a horrible journey to Uzbekistan and the Urals. After the Crimean Tatars were transported, their cultural institutions such as mosques and schools were demolished and the cultural traces of the Crimean Tatars were literally wiped out from the Peninsula.²⁵ This shows that the aim of Soviet Government was not merely punishing the Crimean Tatars as individuals, but destroying their cultural heritage and sense of belonging to Crimea. When this is taken into consideration in conjunction with the conditions of forced deportation that will be explained below, these circumstantial evidences indicate that the total assimilation and the social dissolution of the group as an entity was the aim.

23 Alan Fisher, 'The Crimean...', p.145 (*supra note 13*)

24 Otto Pohl, 'The deportation and fate of the Crimean Tatars', (Paper presented at 5th Annual World Convention of the Association for the Study of Nationalities. 2000), p.1

25 Greta Lynn Uehling, *Beyond Memory...*, pp.88-92 (*supra note 6*)

Almost half of the Tatar population lost their lives either on the way or shortly after they had arrived their destinations due to hunger, thirst and diseases.²⁶ While the long journey with inhumane conditions cost many lives, in the regions that Tatars arrived there was no sufficient housing or food for them. They were put into settlement camps, which they could not leave, and many of them were employed as forced labour mostly in collective cotton farms. Their integration with the local population was also problematic, as they have been denounced as traitors by the Soviet authorities because of their alleged Nazi collaboration. Consequently they were not welcomed and threatened badly.²⁷ According to a survey, in three years following the deportation around 100.000 Crimean Tatars lost their lives, which is a little less than half of the whole Crimean Tatar population that was deported.²⁸ According to Brian Glyn Williams, the number of the victims was lesser. He claims that casualties were around 65.000 people.²⁹ In any case, Crimean Tatars suffered considerable losses as a result of forced deportation.

E. Afterwards

In 1968, 148 Crimean Tatar families were sent back to Crimea.³⁰ Yet it was merely an emblematical gesture and the Crimean Tatars as a group were not allowed to go back to their native soil, even as visitors, until late 1980's. After long struggles, they managed to come back to their homeland and today there are 270.000 Tatar who live in the Crimean Peninsula along with 1.5 million Russians and 600.000 Ukrainians.³¹ However, their culture and national identity was seriously wounded due

26 Ibid. p.81 Numbers are contentious. While Soviet documents indicated that casualties that deportation and afterwards caused the death around 25 per cent of the population. However, Uehling states that this number should be 46.2 per cent.

27 Ibid. p.90,91

28 Aurélie Campana, 'Sürgün: The Crimean Tatars' deportation and exile', Online Encyclopedia of Mass Violence, [online], first published on 16 June 2008, accessed on 12.12. 2015. Available at: <http://www.massviolence.org/Surgun-The-Crimean-Tatars-deportation-and-exile>; James Minahan, *One Europe, Many Nations: A Historical Dictionary of European National Groups* (US: Greenwood, 2000), p.189

29 Brian Glyn Williams, *The Crimean Tatars...*, p.401 (*supra note 7*)

30 Stanley Vardys, 'The Case of the Crimean Tartars'. *Russian Review*, vol.30 no.2 (apr.1971), p.105

31 For a detailed examination of return process see. Brian Glyn Williams, *The Crimean Tatars: From Soviet Genocide to Putin's Conquest*, (London: C.Hurst & Co., 2015), pp.117-161; For demographic numbers see. International Committee for Crimea, 'Ethnic Composition of Crimea, Online Source, 1999. Available at: <http://www.iccrimea.org/population.html> (accessed on 10.12.2015); Also see. Liana Fix and Eleanor Knott, 'In Crimea, time for pressure, not acceptance: why we cannot lose sight of the Crimean Tatars'. *DGAPkompakt* 16 (2014). p.2,3

to the *Sürgün*. It was not just because of the physical suffering and the material losses they had been through as a group but also because of constant attacks on their culture and identity. The Soviet Government aimed to assimilate the Crimean Tatars by destroying cultural institutions and assets, separating families, destroying books, prohibiting practices of language and religion, changing Tatar village and city names, and even banning the right of usage the word 'Crimean Tatar' as an ethnic self identifier.³² For these reasons, the Crimean Tatars insist that the *Sürgün* should be considered and recognized as genocide. Yet, as it is indicated in the introduction part, from a legal standpoint it is trickier than one thinks to claim that these acts were genocide. In fact, it might be easier to argue that they fall into the legal definition of crimes against humanity, which has a broader scope that leads fewer technical complications compare to genocide. In order to elaborate these points and discussions we need to clarify the legal concepts of genocide and crimes against humanity first.

III. LEGAL FRAMEWORK AND APPRAISALS

A. The Crime of Genocide

The crime of genocide has a technically distinctive nature in international law. The legal definition of genocide, which is exclusively reproduced³³ in every following international legal documents and conventions³⁴ as well as national legislations³⁵, was put forward in 1948

32 Alan Fisher, *The Crimean Tatars...*, p.141,142 (*supra* note 13)

33 According to Guglielmo Verdirame 'the permanence of the genocide definition over more than five decades is remarkable considering how much criticism has been directed against it since the adoption of the Genocide Convention in 1948.' He observes that while the stability of definition provides 'indubitable advantages', unresolved interpretative and fundamental questions that are originated from the ambiguities in the definition, particularly as to *mens rea* requirement and the definition and identification of four protected groups make the legal definition problematic. Guglielmo Verdirame, 'The Genocide Definition in the Jurisprudence of the Ad Hoc Tribunals', *International and Comparative Law Quarterly* 49 (2000), p.578

34 For example, Article 4 of the ICTY Statute (SC res. 827, UN SCOR 48th sess., 3217th mtg. U.N. Doc. S/Res/827 (1993); 32 ILM 1159 (1993) (hereinafter 'ICTY Statute'); Article 2 of the ICTR Statute (SC res. 955, UN SCOR 49th sess., 3453rd mtg. U.N. Doc. S/Res/955 (1994); 33 ILM 1598 (1994) (hereinafter 'ICTR Statute')), Article 6 of the ICC Statute (UN Doc. A/CONF. 183/9; 37 ILM 1002 (1998); 2187 UNTS 90 (hereinafter 'ICC Statute')); and Article 17 of Draft Code of Crimes against the Peace and Security of Mankind (51 UN GAOR Supp. (No. 10) at 14, U.N. Doc. A/CN.4/L.532 (1996) (hereinafter 'Draft Code of Crimes against Peace')

35 Despite the fact that the definition widely reproduced in national legislations, there are few countries that modified the definition. For example while France *Code Pénal* defined genocide it had preferred to broaden the enumeration of protected groups by using the phrase '...a national, ethnic, racial or religious group, or of a group established by reference to by other

by Article II of the Convention for the Prevention and Punishment of the Crime of Genocide (hereinafter ‘Genocide Convention’) as follows;

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;*
- (b) Causing serious bodily or mental harm to members of the group;*
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- (d) Imposing measures intended to prevent births within the group;*
- (e) Forcibly transferring children of the group to another group.³⁶*

One of the most notable things about the concept of genocide is the variance between its legal definition, social perception and the political use of the term. The popular conception of genocide usually consist millions of deaths, concentration camps like Auschwitz or death marches. Politically, on the other hand, genocide is some kind of a magical word that helps to get attention. For this reason, it is constantly used to refer to mass atrocities or acts of repression. However, the legal

arbitrary criterion...’ (emphasis added) (available at <http://www.preventgenocide.org/fr/droit/codes/france.htm> (accessed on 02.10.2015)). Similarly, some countries like Peru, Cuba and Costa Rica included the other groups to the scope of their national definitions. See. Article 129 of the *Código Penal* of Peru; Article 361 of the *Código Penal* of Cuba; Article 127 of the *Código Penal* of Costa Rica (at <http://www.preventgenocide.org/law/domestic> (accessed on 02.10.2015)) Portugal initially included social groups to its national legislation yet in the revision of 1995 they turned back to the original version in the Genocide Convention. William Schabas, ‘Genocide Law in a Time of Transition: Recent Developments in the Law of Genocide’ *Rutgers Law Review* 61 (2008), p.164. For a detailed examination of domestic practice of Genocide Convention and the legal definition of crime see. William Schabas, *Genocide in International Law* 2nd ed. (Cambridge: Cambridge University Press, 2009) pp.403-409

36 The Convention for the Prevention and Punishment of the Crime of Genocide, adopted Dec.9, 1948, 78. U.N.T.S. 277 (entered into force Jan. 12,1951)

definition of genocide describes a very specific and technically complex crime. In order to speak of genocide in legal terms, the presence of two essential elements of the crime need to be proven: *mens rea* (subjective element of the crime, 'guilty mind') and *actus reus* (material element of the crime, acts that are enumerated in Article II lit. (a)-(e)), 'acts of genocide'). The complex nature of genocide, on the other hand, emanates from the fact that the *mens rea* of crime consist of two components: the basic *mens rea* which refers to the "intent corresponding to the culprit's individual conduct and factual circumstances"³⁷, and the genocidal intent which refers to the specific *mens rea* (*dolus specialis*) to destroy a protected group, in whole or in part, as such.³⁸ Therefore, if a perpetrator intentionally carries out one of the listed acts of genocide (Article II lit. (a)-(e)) against even a part of a protected group (national, ethnical, racial or religious) with intent to destroy the group, as such, s/he should be convicted for the crime of genocide. The term 'as such' indicates that the perpetrator(s) targets individual victims not due to their personal characteristics or deeds but with the aim of exterminating a group.

With respect to the *Sürgün*, the *actus reus* and basic intent elements exist since the Soviet Union's acts satisfied the (a), (b) and, to some extent, (c) clauses in the legal definition and these acts were intentional. Moreover, the Crimean Tatars were clearly targeted as an ethnic group, which means it is a protected group in terms of the Genocide Convention. Yet the presence of genocidal intent (*dolus specialis*) is the point of controversy in the consideration of the *Sürgün*. In the simplest terms, the legal question is whether perpetrators were holding the specific intent to destroy the Crimean Tatars as such. Since no direct evidence has been discovered so far that can clearly prove such an intent, legal assessments have to rely on circumstantial evidences and consider whether it is possible to infer the existence of a specific intent from these evidences. However, the outcome of such an assessment is directly related to an important legal discussion as to the scope of specific intent, which is whether the specific intent only refers to intended physical and biological destruction or intended social dissolution also satisfies the specific intent element. This issue leads to lots of confusion and debate in international criminal law. Therefore, the scope of specific intent

37 Lars Berster, 'Article II' in *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary*, Christian Tams et.Al eds. (Oxford: Hart Publishing-2014) p.137

38 Prosecutor v. Jelisić, Case No.: IT-95-10-A, Judgement, 5 July 2001, para. 51. Also see. Paul Behrens, 'The *mens rea* of genocide' in *Elements of Genocide*, Paul Behrens and Ralph Henham eds., (Oxon: Routledge 2012), p.70,71)

needs to be examined in order to decide whether the legal characterizations of *Sürgün* should be genocide.

1. *The Problem of Specific Intent*

The specific intent requirement (*dolus specialis*) generates most of the theoretical and practical problems in the evaluation of mental element of the crime. However, the length of discussions regarding the specific intent makes a complete examination impossible within the scope of this paper. Therefore, it should be kept in mind that the following legal discussions are only the tip of the iceberg. There are four main discussion points as to the specific intent requirement, which is defined as “intent to destroy, in whole or in part, a protected group, as such.” If we start from the end, a protected group must be targeted ‘as such’. Mass murder, rape or torture by itself, even it is committed against the members of one of the protected groups, does not entail to mention of genocide if members of a protected group are targeted only because of hatred to one another.³⁹ That is to say, the object of crime is not merely the plural number of human individuals who belong to a particular human group but the human group itself.⁴⁰ As case law and *travaux preparatoires* (preparatory works) of the Genocide Convention indicate, the victim of crime is a group “as a separate and distinct entity.”⁴¹

Of course, the natural concomitant of protecting human groups ‘as such’ is the protection of individual members as constituents of human groups; yet genocide law presupposes that human groups have an existence and value beyond of its constituent members. This was the case right from the beginning, so much so that, while initiating the drafting process of the Genocide Convention, the United Nations General Assembly (UNGA) stated that:

39 Diana Amann, ‘Group Mentality, Expressivism, and Genocide’, *International Criminal Law Review* 2 (2002), p.93

40 However, ontological and epistemological status of groups are highly contentious and it is not exactly clear whether one can separate the value and rights of groups from the sum of individual members’ values and rights.

41 Draft Code of Crimes Against the Peace and Security of Mankind, Report of the International Law Commission on the Work of its Forty-Eighth Session, U.N. GAOR, 51st sess., U.N. Doc. A/51/10, Commentary (5) (1996), Yearbook of the International Law Commission, 1996, vol. II, Part Two, Art 17, p. 45, para.7 ‘...the intention must be to destroy the group “as such”, meaning as a separate and distinct entity, and not merely some individuals because of their membership in a particular group. In this regard, the General Assembly distinguished between the crimes of genocide and homicide in describing genocide as the “denial of the right of existence of entire human groups” and homicide as the “denial of the right to live of individual human beings” in its resolution 96 (I).’

Genocide is a denial of the right of existence of entire human groups, as homicide in the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, result in great loses to humanity in the form of cultural and other contributions represented by these human groups.”⁴²

In respect of the *Sürgün* this point does not create any confusion since the Crimean Tatars targeted as an ethnic group as such.

Another interpretative problem emanates from the phrase “in whole or in part”. The phrase delineates that the intention of the perpetrator to realize even a partial destruction of a protected group is sufficient for the commission of the crime. In other words, regardless of the actual number of victims, a genocidal act will constitute the crime of genocide if a part of a protected group is targeted. However, the evaluation of “part” stands out as one of the most significant problems in genocide law and requires more attention. The reason is that if the text is plainly read, even a single person constitutes a part of a group. Such an interpretation, of course, contradicts with the nature of the crime and the purpose and the object of the Genocide Convention, yet there is still no lower limit in deciding on what constitutes a part in genocide law. In the face of this problem, international courts and tribunals stated that “part” should have a substantial nature, yet this did not resolve the problem because the substantiality is a subjective and vague assessment. In the *Sürgün*, Crimean Tatars are victimized as whole, and therefore this discussion is not creating a direct problem in terms of this specific case. However, the different interpretations of substantiality have important implications in terms of determining the scope of specific intent. For this reason, in the following paragraphs, this issue will be revisited.

The discussion as to the phrase “with intent to destroy” generates the most critical debates in relation to our cases. First of all, the particular threshold as to intent causes a great deal of controversy in genocide law. The contention point is whether cognitive standard is sufficient for the establishment of the genocidal intent or genocidal intent necessarily involves a volitional standard. To draw with an overly broad brush, proponents of volitional standard maintain that the genocidal acts should arise from a conscious will and reflect the particular desire of perpetrator

42 The UN General Assembly Resolution 96 (I), 11 December 1946

for the destruction of a protected group.⁴³ This approach in relation to the threshold of the specific intent is known as the purpose-based approach. Supporters of cognitive standard, on the other hand, claim that if a perpetrator knows that her/his acts would likely to bring about the destruction of the protected group, it is sufficient to talk about the presence of *dolus specialis*.⁴⁴ This view is named as the knowledge-based approach. That is, the purpose-based approach focuses to the personal genocidal intent of the individual perpetrator. In contrast, the knowledge-based approach primarily highlights the genocidal plan or policy and the collective dimension of crime.⁴⁵ Although the purpose-based approach has prevailed in international court and tribunal judgements, the knowledge-based approach has gained lots of ground in academic writings.⁴⁶ This discussion is an important one since there is no direct and clear evidence of Stalin's particular desire to destroy the Crimean Tatars, as such.

More importantly, there is an obvious ambiguity as to the word "destroy". The key debate is whether the term 'destroy' in the *mens rea* element of the crime refers to the intended social dissolution of the targeted group or merely to intended physical and biological destruction of individual members. It should be clearly emphasized here that this dilemma is solely about the *mens rea* element of the crime, not the *actus reus*. The reason is that, Article II and *travaux préparatoires* clearly indicate that cultural or economic destruction are excluded from the *actus reus* element of the crime (arguably except Article II lit. (e)). In terms of the *mens rea* element, on the other hand, no adjective that may restrict the scope of the term 'destroy' is used in the *chapeau* (contrary to Article II lit. (c) in which the clause deliberately narrows down the scope of specific intent element for that particular act by including the phrase "calculated to bring about its [the group's] physical destruction in whole or in part." Moreover, the issue was not specifically discussed in the *travaux préparatoires*.

43 See generally, William Schabas, *Genocide in International Law 2nd....*, pp. 243-270; (*supra* note 35); Paul Behrens, 'The *mens rea* of genocide', pp.76-80; (*supra* note 38); Claus Kreß, 'The Crime of Genocide under International Law', *International Criminal Law Review* vol.6 no.4 (2006), pp. 492-497

44 The cognitive, or 'knowledge-based' approach, on the other hand, has gained some support lately among scholars. See. Alexander Greenawalt, 'Rethinking Genocidal Intent: The Case for a Knowledge-Based Interpretation', *Columbia Law Review* 99 (1999), pp. 2259-2294; Claus Kreß, 'The Crime of Genocide under International Law', pp.493-498 (*supra* note 43); Hans Vest, 'A Structure Based Concept of Genocidal Intent', *Journal of International Criminal Justice* vol.5 no.4 (2007), pp 781-797

45 William Schabas, *Genocide in International Law 2nd ...*, p.242,243 (*supra* note 35)

46 Lars Berster, 'Article II', p.141 (with further citations) (*supra* note 37)

Both the wording of the legal definition and *travaux preparatoires* of the Convention, thereupon, technically render either of aforementioned interpretations possible. Such an ambiguity, however, inevitably led to different interpretations of law. For example, following to their examinations of the Genocide Convention and its *travaux preparatoires* William Schabas and Lars Berster reaches different conclusions. While Schabas states that the spirit of general discussions in the *travaux preparatoires* precludes the possibility of interpreting the term ‘destroy’ as the indented social dissolution,⁴⁷ Berster concludes that “by extending paragraph (b) to mental harm, the Sixth Committee consciously chose to widen the protective scope of Article II beyond the physical (and biological) existence of groups.”⁴⁸ Different interpretations also took place in the dictums of courts and tribunals. The broader interpretation of the term ‘destroy’ which submits that the notion of genocidal destruction refers to the intended social dissolution of the group was favoured by the high courts of Germany.⁴⁹ However, at least so far, the support for the broader interpretation has been considerably limited in international adjudication. At international courts and tribunals an argument in favour of this interpretation was put forward for the first time by Judge Shahabuddeen in his dissenting opinion on the ICTY Appeal Chamber Judgment in *Krstic*.⁵⁰ Subsequently, his views followed by The ICTY Trial Chamber in *Blagojevic* in 2005 by the following statement;

The Trial Chamber finds in this respect that the physical or biological destruction⁵¹ of a group is not necessarily the death of the group members. While killing large numbers of a group may be the most direct means of destroying a group, other acts or series

47 William Schabas, *Genocide in International Law 2nd ...*, p.271 (*supra note 35*)

48 Lars Berster, ‘Article II’, p.82 (*supra note 37*). He also stresses that this conclusion was discussed in the 81st meeting of the Sixth Committee.

49 Cited in Kai Ambos, *Treatise on International Criminal Law: Volume II: The Crimes and Sentencing*, (OUP- Oxford, 2014), p.39

50 Prosecutor v. Krstic, Case No. IT-98-33-A, partial dissenting opinion of Judge Shahabuddeen, (Apr. 19, 2004), para.48,55.

51 Kreß argues that ‘(t)he use of the words “physical and biological” in this citation is misleading and perhaps intended to conceal the substantial digression from the concept of physical/biological group destruction espoused by the Trial Chamber in Prosecutor v. Krstic’. Kreß, ‘The Crime of Genocide under International Law’, p.488 (*supra note 44*) Similarly, Van der Herik pointed out that the Trial Chamber was trying ‘to adhere formal obligation it had to respect legal precedents set by the Appeal Chamber’ Larissa Van der Herik, ‘The Meaning of the Word “Destroy” and its Implications for the Wider Understanding of the Concept of Genocide’ in H.G. van der Wilt [et al.] eds., *The Genocide Convention: the Legacy of 60 Years*, (Nijhoff,-Leiden, 2012), p.55

of acts, can also lead to the destruction of the group. A group is comprised of its individuals, but also of its history traditions, the relationship between its members, the relationship with other groups, the relationship with the land. (...) In such cases the Trial Chamber finds that the forcible transfer of individuals could lead to the material destruction of the group, since the group ceases to exist as a group, or at least as the group it was...⁵²

Nevertheless, international courts and tribunals usually prefer Schabas's view, and *Blagojevic* stands only as an exception, which is already overturned by the Appeals Chamber.⁵³ Indeed, the narrow interpretation of the term 'destroy' was favoured in the two very influential cases. First the ICTY in *Krstic*⁵⁴ preferred the narrow interpretation and argued that the term 'destroy' in the legal definition of genocide refers only to intended physical and biological destruction of group members. Then, by quoting this dictum, the ICJ explicitly endorsed the same view in *Bosnian Genocide*.⁵⁵

But even though the ICTY and the ICC rhetorically promoted the narrow interpretation very explicitly, their overall conclusion that genocide occurred in Srebrenica conflicted with this rhetoric. The reason is that in Srebrenica approximately 40.000 Bosnian Muslims inhabited at the time (in 1995). While the physical destruction of around 8.000 men and boys of military age was aimed by the perpetrators (which falls into the ambit of the *actus reus* element of genocide), rest of the population were subjected to the forced deportation (which is not included to the *actus reus*).⁵⁶ Clearly, it does not make much sense to argue that genocide is committed when only the twenty percent of the whole group is physically targeted while the rest was only deported. Yet, the ICTY concluded that the perpetrators had the intent to physically and biologically destroy the Bosnian Muslims in Srebrenica, as such. What paved the way to this conclusion was the interpretation of the term 'in

52 Prosecutor v. Blagojevic et al., IT-02-60-T, Judgment, (Jan, 17. 2005), para. 666

53 The Appeal Chamber stated that 'the Trial Chamber's conclusion to the contrary may have been based on a view that in removing a group from a particular location, the removers are "destroying" the group. The Appeals Chamber emphasizes, however, that displacement is not equivalent to destruction. Prosecutor v. Blagojevic and Jokic, Case No. IT-02-60-A, Judgement (May, 9. 2007 para. 123 (in footnote 337) (*references omitted*)

54 General Krstic was one of the commanders in charge during the Srebrenica massacre.

55 Application of Convention on Prevention and Punishment of Crime of Genocide (Bosn.&Herz.v. Serb.&Mont.), ICJ Judgement, (Feb. 26, 2007), para.344; (Prosecutor v. Krstic, Case No. IT-98-33-T, Trial Chamber Judgment, (Aug.2. 2001), para. 580

56 Prosecutor v. Krstic, (Case No. IT-98-33-T), Judgement, (Aug. 2, 2001), para. 592,594

part' As aforementioned, the term 'in part' is considered as 'a substantial part of the targeted group' by international courts and tribunals. The reason was that the plain reading of the term 'in part' might lead to unwarranted lowering of the threshold for the crime and contradict with the stigmatic aspect of genocide. The word substantial, however, is interpreted in various ways. There are three prevalent approaches that offer different interpretations to the substantiality requirement. First, the quantitative approach maintains that substantiality refers to the numerical magnitude of the targeted part compare to the whole group. Second, according to the qualitative approach what matters in substantiality is the functional significance of the targeted part for the survival of whole group. Finally, under the geographical approach, a part of a group might be limited to a single region or community, which is geographically distinct or significant.⁵⁷

With respect to Srebrenica, the ICTY used geographical and qualitative approaches together. Therefore, the Tribunal took Srebrenica as a geographically distinct area and considered the 40.000 Bosnian Muslims as a distinct entity. Then it applied the qualitative approach. The qualitative approach, which is best exemplified by the Whitaker Report.⁵⁸ Accordingly some parts of a group, such as political leadership, might be considered as a functionally significant section due to its importance for the survival of the group as a whole, even if the leadership does not constitute a numerically large part of the whole group.⁵⁹ In Srebrenica, by considering that the perpetrators specifically targeted military aged men and boys, the ICTY Trial Chamber stated that:

this selective destruction of the group would have a lasting impact upon the entire group as the destruction of consecutive male generations in such a patriarchal society, *in conjunction with forced deportations*, will bring about devastating outcomes and it will also make the recapture of the territory impossible.⁶⁰

57 Paul Behrens, 'The Mens Rea in Genocide', p.88 (*supra note 37*)

58 The Whitaker Report (1985) is one of the two major studies on genocide that was prepared by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (presently the Sub-Commission on Promotion and Protection of Human Rights). The Whitaker Report is one of the main contributions of the commission in the interpretation and development of genocide law and it is frequently cited by international courts and tribunals as well as legal scholars. The other report is 1978 Ruhashyankiko Report.

59 U.N. Econ.& Soc. Council, Sub-Commission on Prevention of Discrimination & Protection of Minorities, U.N.Doc.E/CN.4/Sub.2/1985/6 (July 2,1985), para.29 ('Whitaker Report')

60 Prosecutor v. Krstic, (Case No. IT-98-33-T), Judgement, (Aug. 2, 2001), para. 595 (emphasis added).

However, if this reasoning is followed, it is unlikely to conclude that the perpetrators' intent was the physical or biological destruction of the Bosnian Muslim group in Srebrenica. Because, as Schabas neatly puts in his criticism of the ICTY's afore quoted dictum, "there is a world of difference between physical destruction of a group and 'a lasting impact' upon a community."⁶¹ That is, despite the fact that the perpetrators had opportunity to kill all Bosnian Muslims in the municipality, they physically targeted 8.000 people while rest of the population (32.000 people) were subject to forced deportation. Moreover, as not all male or female population was targeted, it is not plausible to argue that biological genocide was intended, as biological reproduction and continuity of the group was still possible. Therefore, if what really matters is physical or biological destruction of the group, the ICTY should have concluded that the genocidal intent of the perpetrators did not exist in Srebrenica. It should be also noted that, in terms of intended physical or biological destruction the following presence of survivors in the targeted geographical area is irrelevant, and for this reason the forced deportation does not indicate genocidal intent.⁶²

It is clear in this sense that Bosnian Muslims in Srebrenica were targeted as a social entity. That is, the perpetrators did not aim the physical and biological destruction of all Bosnian Muslims in the municipality, but targeted the social dissolution of victim group by strategically killing the military age men and deporting rest of the population. Consequently, even if the ICTY and the ICC professedly stated that they endorsed the conventional approach and read the term "intent to destroy" as intent to physically or biologically destroy, they implicitly applied the broader interpretation of the term 'destroy' in which the intended social dissolution of the group fulfils the specific intent requirement.⁶³ In

61 William Schabas, 'Was Genocide Committed in Bosnia and Herzegovina? First Judgments of the International Criminal Tribunal for the Former Yugoslavia', *Fordham International Law Journal* vol.25 no.1 (2001), p.47

62 Nina Jorgensen remarks this points as follows; 'he mathematical test was avoided in Krstić' because the effect of the actual killings was viewed together with the effect of the forcible transfer of the rest of the Bosnian Muslim group, including women and children, from Srebrenica to Kladanj. While this certainly resulted in the "physical disappearance" of the Bosnian Muslim population at Srebrenica, it may be questioned whether an intention to destroy the group as such was proved. Driving a group out of a geographical area does not necessarily demonstrate an intention to destroy the group. Nina Jorgensen, 'The Genocide Acquittal in the Sikirica Case Before the International Criminal Tribunal for the Former Yugoslavia and the Coming of Age of the Guilty Plea'. *Leiden Journal of International Law* 15, (2002) p. 395

63 Larissa Van der Herik, affirms this view by stating despite the fact of the ICTY Trial Chamber accepted the traditional understanding as to the extent of intended destruction in principle, in application 'the Chamber seemingly broadened the concept of physical destruction'. Larissa Van Der Herik, 'The Meaning of the Word "Destroy"' p.54 (*supra* note 51)

support of this view, Claus Kreß pointed out that, as a matter of fact the ICTY in *Krstić* applied the broader understanding pertinent to the intended genocidal destruction by using the term 'in part' as a backdoor.⁶⁴⁻⁶⁵

Nevertheless, this issue is an on-going debate that has not been settled yet. On the one hand, the dominant approach, which is followed by the majority of international courts and tribunals, the International Law Commission⁶⁶ and influential writers like Schabas or Paul Behrens⁶⁷ maintains that the social existence is not under the protection of the Convention since the word destroy means intended physical or biological destruction. They point out that during the preparatory works of the Genocide Convention the concept of intended genocidal destruction is thought in a considerably limited extent. On the other hand, this understanding drew serious criticisms on the grounds that there is not any real reason to argue that physical and biological destruction of human groups are the only means to bring about their destruction. Scholars like Gerhard Werle⁶⁸ and Lars Berster as well as recent verdicts of the German Courts⁶⁹ all agreed that the protection also covers social existence of a group since inclusion of the mental harms to the definition (Article II lit. (b)) serves to cover detrimental effects on a group's social texture.⁷⁰ It should also be reminded that according to articles 31 and 32 of the 1969 Vienna Convention on the Law of Treaties the *travaux préparatoires* is a supplementary instrument in the interpretation of a treaty while the object and purpose of a treaty is a primary. Therefore, it can be normatively argued that the broader interpretation of the term 'destroy' fits better to the object and purpose of the Genocide Convention. Moreover, the aforementioned decisions of the ICTY in relation to the Srebrenica situation, which are also followed

64 Claus Kreß, 'The Crime of Genocide under International Law', p.492 (*supra* note 43)

65 The impact of the term 'in part' over the core idea of the legal definition is also noticed by the Scott Straus who notes that as the word 'in part' stands opposite to the notion of group annihilation, the Genocide Convention 'does not posit intentional group annihilation as the core idea' Scott Straus, 'Contested meanings and conflicting imperatives: a conceptual analysis of genocide', *Journal of Genocide Research* 3 (2001) p.361

66 YILC 1996 II/2, Art 17, p. 45, 46, para.12 (*supra* note 41)

67 William Schabas, *Genocide in International Law 2nd ...*, p.271 (*supra* note 35); Paul Behrens, 'The Mens Rea in Genocide' p.70,82,83 (*supra* note 38)

68 Gerhard Werle, *Principals of International Criminal Law 2nd ed.* (Cambridge; Cambridge University Press 2005),

69 Lars Berster, 'Article II' p.81 (with further citations from German Courts) (*supra* note 37)

70 *Ibid.* p.81,82

by the ICJ⁷¹, implicitly broaden the scope of genocidal intent. Yet scholars who believe that such an interpretation contradicts the drafters' intention, which was stated in preparatory works, are critical on the ICTY's and ICJ's judgement as to Srebrenica. Schabas, for instance, argued that the judgement should have been crimes against humanity rather than genocide.⁷²

2. A Case for Genocide?

The legal characterization of the *Sürgün* poses serious interpretative challenges to an international lawyer and there is no clear-cut answer. To begin with, the Crimean Tatars were clearly targeted as an ethnic group as such during the 1944 Deportation. When we consider the atrocious conditions of the deportation and casualties of these conditions caused; almost ten years that Crimean Tatars had spent in settlement camps and their losses due to the slave-like conditions; systematic extermination of Crimean Tatars' intelligentsia; and deliberate separation of families, the *actus reus* element of the crime (Article II lit. (a), (b)), of genocide were fulfilled.

The problematic side of the issue, however, is whether perpetrators *intended to destroy* Crimean Tatars as an ethnic group *as such* or only aimed to *punish* Crimean Tatar population for their unconformity with the Soviet policy and alleged Nazi co-operation. It should be kept in mind that motives of the perpetrator has no effect on the judgement of genocide. According to the legal understanding, whether the crime was committed for retaliation, financial profit or some kind of hatred does not matter in the consideration of genocidal intent. That is, even if the underlying motivation of Stalin (and other perpetrators) was retaliation or the punishment of Crimean Tatars for the alleged co-operation with Nazis, this does not indicate that the perpetrators held the genocidal intent.

Therefore, the problem is directly related with the interpretation of intended genocidal destruction. If conventional approach is followed, which maintains that only intended physical and biological destruction

71 Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), ICJ Judgement, (Feb, 27. 2007), para.190

72 See. William Schabas, 'Was Genocide Committed in Bosnia and Herzegovina?' pp.46-49 (*supra* note 61)

satisfies the specific intent element, then, it is hard to make a case for genocide. This is because, historical evidences prove that even if there is a possibility to speak of genocidal acts and a significant numbers of deaths, the intent was seemingly transporting Crimean Tatars to faraway lands, separating families and most likely assimilating the Crimean Tatar ethnic group. The perpetrators, although their acts were egregious, did not aim at physical or biological destruction of the group. At most, they were reckless as to the possible deaths that the forced deportation and following processes may bring. On the other hand, if we follow the broader interpretation of the term ‘destroy’ and accept that intended social dissolution of a group satisfies the genocidal intent element, then, Crimean Tatars might come up with a serious case, as the inference of intended dissolution of the Crimean Tatars as a social entity is possible from the circumstantial evidences and acts of the perpetrators.

Nevertheless, even though with a *de lege ferenda* consideration it is more plausible to put an argument in favour of the broader interpretation of the term ‘destroy’ since such an interpretation appears to be more compatible with the purpose and object of the Genocide Convention; in the *de facto* situation, which is the minority view. Within the scope of *lex lata* in which, as it is *supra* indicated, narrow interpretation of the term ‘destroy’ is the dominant view. Despite the fact that in Srebrenica related cases in which international courts and tribunals implicitly applied the broader approach by relying on qualitative interpretation of substantiality as a backdoor; they felt the need to rhetorically follow the conventional approach. Consequently, in the *de facto* situation it would be more plausible and realistic to conclude that the *Sürgün* should qualify as crimes against humanity

B. Crimes Against Humanity

The contemporary definition of Crimes Against Humanity is put forward by Article 7 of the Rome Statute, as follows;

Article 7

Crimes Against Humanity

1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread

or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;

(b) Extermination;

(...)

(d) Deportation or forcible transfer of population

(...)

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health;

2. For the purpose of paragraph 1:

(a) 'Attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) 'Extermination' includes the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population;

(...)

(d) 'Deportation or forcible transfer of population' means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(...)

(g) 'Persecution' means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;

(...)⁷³

It is rather clear from the content of the article that the *Sürgün* falls under the scope of the contemporary definition of crimes against humanity. As distinct from the crime of genocide, in crimes against humanity there is no specific intent requirement. Rather, the act should be committed in the scope of 'widespread and systematic' attacks against any victim groups. Moreover, in the legal definition of crimes against humanity the protected human groups are not limited with merely ethnic, racial, national and religious groups. Finally, the *actus reus* element of crimes against humanity is considerably broad compared to genocide. Acts, which do not fall into the ambit of the legal definition of genocide such as forced deportation are explicitly included in the legal definition of crimes against humanity. Moreover, the article also indicates that the listed acts are not exhaustive (Article 7, 1 lit. (k)). Within this context, forced deportation of Crimean Tatars falls under the contemporary definition of crimes against humanity. Yet, the non-retroactivity principle in law, which forbids the retroactive application of criminal laws, is the issue that poses a problem. Non-retroactivity of criminal laws as a principle have been a part of customary international law for a long time. It is also included in many important international legal documents such as the Universal Declaration of Human Rights (1948), and therefore it is clearly a solid counter argument in the case of the *Sürgün*. In fact, this principle poses an important challenge for both genocide and crimes against humanity claims and thus in the following section the issue of retroactive application is examined, first in terms of crimes against humanity, and then genocide.

C. The Problem of Non-Retroactivity

1. Crimes Against Humanity

The history of the term 'crimes against humanity' dates back to the 1899

⁷³ Article 7 of the ICC Statute (*supra note 34*)

and 1907 Hague Conventions.⁷⁴ However, the full term was first used in 1915 by the Joint Declaration of Allies in which they charged Ottoman Empire's Government of committing crimes against humanity against Christian minorities in the Empire.⁷⁵ Crimes against humanity, which has been part of customary international law since early 20th century, codified by the Article 6 of the Nuremberg Charter in 1945 as follows:

murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.⁷⁶

As seen, the main difference with the contemporary definition is that, back then, crimes against humanity could be committed only in execution of or in connection with crime against peace or war crimes. Starting from the 1960's there has been serious discussions in international law and various legal documents which have tried to exclude the war nexus requirement. Yet, the requirement also reproduced by Article 5 of the ICTY Statute in 1993 "...crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population"⁷⁷, but it was omitted just a year later in the Statute of International Criminal Tribunal for Rwanda (ICTR).⁷⁸ Nevertheless, it is quite clear that when Sürgün took place, the legal definition of the crime required a nexus with an armed conflict; However, such a conflict did not exist by that time. Thus, a counterargument that relies on non-retroactivity principle might be rightfully put forward.

A very similar argument was raised before the European Courts of Human Rights (ECtHR) in 2006. In the *Kolk and Kislyiy v. Estonia* Case the Court held that the conviction of two perpetrators for crimes against

74 Hague Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899; Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907

75 William Schabas, *Genocide in International Law...*, p.16,17 (supra note 35)

76 United Nations, Charter of the International Military Tribunal-Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement"), , 82 UNTS 279; 59 Stat. 1544; (8 August 1945) art. 6

77 The ICTY Statute (*supra* note 34)

78 The ICTR Statute (*supra* note 34)

humanity by the Estonian courts on the account of their acts of forced deportation of the civilians from Estonia to the Soviet Union in 1949 was not a breach of non-retroactivity principle.⁷⁹ The applicants claimed that punishment was an application of laws retroactively since in 1949 there was the requirement of armed conflict nexus in terms of crimes against humanity and their acts was not committed before or during the war. In dismissing the applicants' objection of retroactive application, the Court held that

it is expressly stated in Article I (b) of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (1968) that no statutory limitations shall apply to crimes against humanity, irrespective of the date of their commission and whether committed in time of war or in time of peace.⁸⁰

Accordingly the Court based its decision on the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (hereafter, 1968 Convention), which prescribes an exception to the general rule of non-retroactivity.⁸¹ However, this reasoning was subject to serious criticism. Antonio Cassese stresses that the Court,

neglected to note that in 1949 those 'principles' still applied only to crimes against humanity committed in connection with or in execution of war crimes or crimes against peace. In other words, the indispensable link between those crimes and war had not yet been severed. It is only later, in the late 1960s, that a general rule gradually began to evolve, prohibiting crimes against humanity even when committed in time of peace. Hence, the Court should have squarely faced this serious dilemma: either by holding that in 1949 the conduct attributed to the two applicants was not criminalized under international law, and consequently their application was to be upheld; or, by stating that those crimes were indeed included in the 'Nuremberg Principles' because they had been perpetrated in connection with, or in execution of, an

79 Kolk and Kislyiy v. Estonia (Application no.23052/04 & 24018/04), the ECtHR, Judgement (17 Jan, 2006), available at: <http://hudoc.echr.coe.int/eng?i=001-72404> (accessed on 15.12.2015)

80 Ibid., p.9

81 UN General Assembly, Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, A/RES/2391(XXIII) annex, 23 U.N. GAOR Supp. (No. 18) at 40, U.N. Doc. A/7218 (26 November 1968)

international crime imputable to the leaders of the Soviet Union and falling under the Nuremberg Charter.⁸²

On the other hand, Cassese agrees with the ultimate decision of the Court, which concluded that the conviction of crimes against humanity was not a breach of non-retroactivity in this particular case. However, he claims that the reasoning of the Court should have been different. According to Cassese, the decision of Estonian courts was not a breach of non-retroactivity because

that deportation fell under that category of crime, for it was clearly a consequence of, or a follow-up to, the crime of aggression perpetrated by the political leaders and the relevant military commanders of the Soviet Union when Soviet forces attacked and invaded Estonia (June 1940) and incorporated it into the USSR (Soviet Union). The international rules existing at that period did not require that the nexus between war crimes or aggression and crimes against humanity be close in time, thus implying that the lapse of nine years between the aggression and the deportation of civilians should not constitute an obstacle to the application of the rules on crimes against humanity to those deportations.⁸³

Cassese's consideration in relation to this case stands out as the preferable and accurate application of international law. The 1968 Convention on the Non-Applicability of Statutory Limitations has indeed abrogated the statute of limitation for crimes against humanity. Moreover, the main purpose of the 1968 Convention precluded invocation of statute of limitation objections in terms of Nazi criminals, who were not captured at that time. Thus, as is explicitly stated in Article I,⁸⁴ the 1968 Convention was retroactively applicable. In other words, even if a crime against humanity was committed before the 1968 Convention entered into force,⁸⁵ say in 1944, the statute of limitation was abolished for that crime. However, the 1968 Convention was only related with the applicability of the statute of limitations, not the definitions of the crimes. That is to say, it did not pave the way for

82 Antonio Cassese, 'Balancing the Prosecution of Crimes against Humanity and Non-Retroactivity of Criminal Law: The Kolk and Kislyiy v. Estonia Case before the ECHR', *Journal of International Criminal Justice* 4 (2006), p.413 (*footnotes omitted*)

83 *Ibid.* p.418 (*footnotes omitted*)

84 'No statutory limitation shall apply to the following crimes, irrespective of the date of their commission' Art I. (*Supra Note 81*)

85 Nov. 11, 1970

retroactive application of the more recent definitions of crimes against humanity to former situations. If an act did not qualify as a crime against humanity according to the definition at the time the act was committed, the 1968 Convention does not change this fact by applying further developments in the legal definition of the crime. In this respect, as Cassese emphasizes, crimes against humanity can only be committed during or in connection with the armed conflict in 1949. Consequently, by drawing on Cassese's examination, it is not possible to apply the contemporary definition of the crimes against humanity to the *Sürgün*.

This leaves us with the question of whether the *Sürgün* had connection with any armed conflict and thus can qualify as crimes against humanity according to the valid definition in 1944. Frankly, *Sürgün* provides even a more persuasive case compared to the one Cassese examined. The mass deportation took place in 1944 in connection with World War II, as the cloak for the deportation was the alleged collaboration with the Nazis, and in the context of Soviet aggression. Therefore, it is safe to conclude that the *Sürgün* qualified as crimes against humanity in 1944 and since the 1968 Convention had abolished the statute of limitation in terms of crimes against humanity a solid case can be pursued against perpetrators even today.

2. Genocide

The principle of non-retroactivity poses more severe problems in terms of the application of genocide law to the *Sürgün*, since the concept of genocide was coined in late 1944 and introduced to international law after 1946. That is, while crimes against humanity was defined and recognized as an international crime by law well before 1944 (although as is explained with a narrower definition compared to the present), the crime of genocide was not a part of international law. In international law there are two possible means to apply laws retroactively. First, if "a clear intention appears from the treaty" laws, it can be applied retroactively. This is the approach that was followed by the 1968 Convention in order to abrogate the statute of limitation for crimes committed by the Nazis.⁸⁶ The second possibility is if retroactive application was implicitly rendered possible, e.g mandated by the nature of the treaty or because of the treaty context.⁸⁷ However, the Genocide Convention clearly shows

⁸⁶ See. *Supra* note 84

⁸⁷ Christian Tams et.Al, 'General Introduction' in *Convention on the Prevention and Punishment of the Crime of Genocide: A Commentary*, Christian Tams et.Al (eds.) (Oxford: Hart Publishing-2014) pp. 24-26

that drafters had not expressed any clear intention to provide retroactive application. This eliminates the first possibility. With respect to the second possibility of non-retroactive application, in the drafting process it was stated several times by the representatives of State Parties that the Convention aims to punish future violations and it is not designed to interpret an earlier legal document such as the Nuremberg Charter.⁸⁸ Therefore, it is made clear that the Genocide Convention designed to be applied *ex nunc*.

A case that can be put forward in favour of the retroactive application of genocide law, and probably the most persuasive argument, is that the nature of Genocide Convention enables retroactive application. That is, humanitarian purposes and the gravity of the crime of genocide override the principle of non-retroactivity. However, the ICJ clearly rejected this argument, and reaffirmed that even the high values that are protected by genocide laws cannot override the significance of the non-retroactivity principle.⁸⁹ Indeed, the possible acceptance of retroactive application would create a vague and limitless application of law. Colonial settlers, ancient empires or tribes and many more might be subject to genocide accusations. This might lead to a peculiar conclusion in which the situations that happened hundreds of years ago are being judged according to the contemporary legal and moral understandings. In this sense, the application of the Genocide Convention to the *Sürgün* would be a breach of the non-retroactivity principle.

Of course, there is still the possibility for the recognition of the *Sürgün* as genocide in the political sphere. There are two possible options that can lead to legal-like consequences such as restitution and compensation. First, the Russian Federation, as the successor of the Soviet Union might recognize these acts as genocide and/or crimes against humanity. Second, the UN Security Council, whose resolutions are binding, might pass a resolution that recognizes the *Sürgün* as genocide. Yet this would be more of a political consideration and the legal merits of such an approach is highly questionable. In the end, genocide is a legal concept and any legal judgement that are made by the political bodies like the UN Security Council is problematic in terms of rule of law. Moreover, these two possibilities of political recognition are same in effect since Russia is one of the permanent members of the UN, which gives it the veto right. It is unlikely, however, that Russia will initiate or approve such an initiative in any near future.

88 Ibid. pp. 26-28

89 Croatian Genocide Case, I.C.J. Reports 2008, at p. 412, para. 123

IV. GENOCIDE OR CRIMES AGAINST HUMANITY, DOES IT REALLY MATTER?

In the introduction, it was stated that this study examines two interconnected questions. So far the paper tried to find an answer to the first question that concerns the characterization of the *Sürgün* in terms of international criminal law. The second question that was posed will be discussed in this final section: are there any differences between the legal characterization of the *Sürgün* as genocide or crimes against humanity in terms of their possible consequences? It is an undeniable fact that genocide is usually perceived as the biggest crime. The word has a magical impact and draws instant attention. In the legal sphere too, genocide is widely accepted as the crime of crimes, at first. For example, in both *Kambanda* and *Serushago*, the ICTR and in their seminal works Drost and Schabas described the crime of genocide as the crimes of crimes.⁹⁰ The ICTR in *Kambanda* stated that:

the crime of genocide is unique because of its element of *dolus specialis* (special intent) which requires that the crime be committed with the intent to destroy in whole or in part, a national, ethnic, racial or religious group as such, as stipulated in Article 2 of the (ICTR) Statute; hence the Chamber is of the opinion that genocide constitutes the crime of crimes, which must be taken into account when deciding the sentence.⁹¹

In support, Schabas observes ‘in any hierarchy something must sit at the top. The crime of genocide belongs at the apex of pyramid.’⁹² He also adds:

attacks on groups defined on the basis of race, nationality, ethnicity and religion have been elevated, by the Genocide Convention, to the apex of human rights atrocities, and with good reason. The definition (the legal definition of genocide) is a narrow one, it is true, but recent history has disproven the claim that it was too restrictive to be of any practical application. For

90 Prosecutor v. Kambanda, Case No. ICTR 97-23-S, Judgment and Sentence (Sept. 4, 1998), Para.16; Prosecutor v. Serushago,, Case No. ICTR 98-39-S, Sentence (Feb. 5, 1999) para.15; Pieter Drost, *The Crime of State: Genocide*, in introduction, (*supra note 55*); William Schabas, *Genocide in International Law: Crimes of Crimes* 2nd ed., sub-title of book (*supra note 35*)

91 Prosecutor v Kambanda *ibid*.

92 William Schabas, *Genocide in International Law* 1st ed. (Cambridge: Cambridge University Press, 2000) p.111

society to define a crime so heinous that it will occur only rarely is testimony to the value such a precise formulation.⁹³

However, this view has been refused in the following court and tribunal judgements and also by various scholars. For instance, in 2006, the ICTY Appeals Chamber in *Stakic* made the following comment: “the Appeals Chamber stresses that there is no hierarchy of the crimes within the jurisdiction of the Tribunal and that, contrary to what the Appellant alleges, the sentence of life imprisonment can be imposed in cases other than genocide.”⁹⁴ In a similar vein, scholars like Payam Akhavan and Larry May questioned the alleged position of genocide at the apex of the pyramid.⁹⁵ Akhavan argues that he cannot see any moral difference between the mass murders in Rwanda or Bosnia, which are sentenced as genocide, and, in the Soviet Union under the Stalin rule as well as Cambodia under the Khmer Rouge, which are mostly described as crimes against humanity because the legal definition of genocide excludes political and social groups.⁹⁶ May, on the other hand, also claims that genocide is not morally unique or worse than crimes against humanity. According to him, the unique moral gravity of genocide is seemingly the destruction of a human group, yet according to him groups have no distinct value. Moreover, he argues in elsewhere that “one can destroy a group by disconnecting members of the group from the group; for instance, by forbidding them to speak their native language or by dispersing them to destroy any group coherence.”⁹⁷ In this regard, only additional harm of genocide compared to crimes against humanity is the loss of status, rights and identity of victims and this does not make genocide morally unique.

Therefore, in the contemporary legal understanding, unlike the social perception, crimes against humanity and genocide are accepted as equally heinous crimes. In terms of their legal consequences, however, Akhavan’s work revealed some interesting findings. While there is no real differences between two crimes in terms of issues like restitution or payment of compensation, Akhavan shows that international courts and tribunals punished individual perpetrators more severely in the cases of

93 Ibid. p.132

94 Prosecutor v. Stakic, Case No.: IT-97-24-A, Judgement, (Mar. 22, 2006), para.375.

95 Payam Akhavan, *Reducing Genocide to Law*, (Cambridge: Cambridge University Press, 2012); Larry May, *Genocide: A Normative Account*, (Cambridge: Cambridge University Press, 2010).

96 Payam Akhavan, Ibid. p.86

97 Larry May, ‘How is Humanity Harmed by Genocide’, *International Legal Theory* 10 (2004), p.3

genocide compared to crimes against humanity.⁹⁸ This might be interpreted as the impact of social perception of the crimes over courts and tribunals. Moreover, it is widely accepted that the existence of genocide in a situation entails the invocation of responsibility to protect doctrine, while it is hard to find same general acceptance (at least in the same readiness) in terms of crimes against humanity.

If we return to the case of the Crimean Tatars, the differences in the social, political and legal perceptions of the two crimes seems as the only reasonable cause of why Crimean Tatars prefer to pursue a case for genocide rather than crimes against humanity. The reason of this conclusion is that there would be no difference in terms of *legal consequences* of different characterizations. It is true that the perpetrators are usually convicted more severe sentences in genocide cases, yet the most, maybe all, of the perpetrators lost their lives in the past 65 years. Therefore, whether atrocities of the Soviet Union are recognized as crimes against humanity or genocide will practically produce similar legal consequences.

V. CONCLUSION

This paper concludes that from the standpoint of international criminal law the *Sürgün* should be characterized as a crime against humanity, rather than genocide. Crimean Tatars might feel that their suffering is undermined by the possible characterization of these offenses as crimes against humanity, but not genocide. This is unfortunately one of our modern epidemics in international law because the term ‘genocide’ has an almost magical effect both socially and politically. When it is used in relation to a situation, it draws a great deal of attention and conception of gravity in terms of the atrocities certain communities have faced. This is partially because the Holocaust, which is seen as the archetype of genocide, is considered as the biggest crime in the history of modern times. Therefore, communities who faced massive atrocities, repression, mistreatments, persecution and so on, wants the same level of social recognition for their suffering. Yet, this undermines the specific stigma attached to genocide and ignores the legal speciality of the crime. It also dilutes and distorts the legal concept. That is, social perception and political use of genocide severely contradicts with the legal definition of the crime. From a legal point of view, the crime of genocide has a

98 Payam Akhavan, *Reducing Genocide to Law*, pp.56-88 (*supra* note 96)

significantly different meaning. Moreover, as it is explained in the final part of this study, there is no legal hierarchy between crimes against humanity and genocide. Thus, the term ‘genocide’ refers to a very specific crime, which is defined by Article II of the Genocide Convention.

Without any doubt the *Sürgün* was an unjust and criminal act. It should be also noted that many aspects of the *Sürgün* fits in the legal definition of genocide. Indeed, the Crimean Tatars were targeted as an ethnic group as such (one of the protected groups in genocide law) and acts of the Soviet government fell into the scope of *actus reus* of the crime. However, the *mens rea* of the crime is a contentious point. The broader interpretations as to the term “intent to destroy” in the legal definition accepts that the intended dissolution of a protected group satisfies the specific intent element. Following this approach would lead to the acceptance of the *Sürgün* as genocide. Yet this view overwhelmingly stays in the minority position in the decisions of courts and tribunals. International adjudicative bodies almost exclusively followed the conventional approach, which interprets the term ‘intent to destroy’ as intended physical and biological destruction of a protected group. This entails the rejection of genocide claims on the *Sürgün*. In addition, the problem of non-retroactive application of law is an obstacle for the application of the Genocide Convention to this situation.

Therefore, it should be concluded that the crime of genocide was not committed against Crimean Tatars during the *Sürgün*. The strongest case for the Crimean Tatars is demanding the recognition of the *Sürgün* as a crime against humanity as well as restitution and compensation. It is not only because the characterization of the *Sürgün* as crimes against humanity is technically more plausible, but also because it will not lead to the retroactive application of law since the criminal acts in the *Sürgün* were committed in connection with the war and aggression, and they were widespread and systematic. Within this context, *Kolk and Kislyiy v. Estonia* Case⁹⁹ sets an important precedent for the Crimean Tatars to follow.

99 *Kolk and Kislyiy v. Estonia*, ECtHR (supra note 78)

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FOREIGNERS IN FRONT OF THE CRIMEAN KHAN'S COURTS IN THE SEVENTEENTH AND EIGHTEENTH CENTURIES"*

Natalia Królikowska-JEDLIŃSKA

Assist. Prof.
Institute of History
University of Warsaw

Abstract: *The present paper discusses the issue of foreigners appearing in front of the Crimean Khans' courts in the seventeenth and eighteenth centuries. In-depth analysis of three case studies shed light not only on the attitude of the Crimean judicial administration and local inhabitants towards strangers, but also reveal important information on the judicial system itself. Data on the three cases are preserved in three different types of sources, i.e. in the Crimean court registers, in the correspondence of the Catholic missionaries ministering in the Crimea and in a travel account written by a European merchant. Thus, the present study not only presents the fascinating stories of a Polish-Lithuanian Tatar enslaved in the Crimea at the beginning of the 17th century, of a Dominican missionary accused of immoral conduct in the 1630s and of a German merchant robbed in Kara Su in the 1760s, but also demonstrates how various types of sources can be used by researchers on the Early Modern Crimea.*

Key words: *Crimean khans, Catholic missionaries, slaves, European travelers, Polish-Lithuanian Tatars.*

ONYEDİNCİ VE ONSEKİZİNCİ YÜZYILLARDA KIRIM HANLARININ MAHKEMELERİNDE YABANCILAR

Öz: *Bu çalışma, onyedinci ve onsekizinci yüzyıllarda Kırım Hanlığı Mahkemelerinde yabancıların taraf olduğu davaları ele almaktadır. Derinlemesine analize tabi tutulan üç dava, yalnızca Kırım'daki yargı*

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sistemi ve yerel halkın yabancılara karşı tutumlarını değil, aynı zamanda Kırım'daki yargı sistemi kendisi hakkında da önemli bilgileri ortaya koymaktadır. Bu üç davaya ait veriler, üç farklı kaynaktan muhafaza edilmiştir. Bunlar, mahkeme kayıtları, Kırım'da faaliyet gösteren Katolik misyonerlerin yazışmaları ve Avrupalı tüccarların seyahat yazıdır. Dolayısıyla, bu çalışma yalnızca onyedinci yüzyıl başlarında Kırım'da esir edilen bir Polonya-Litvanya Tatarının, 1630'larda ahlaka aykırı davranışlar sergilemekle suçlanan bir Dominiken misyonerinin ve 1760'larda Kara Su'da soyulan bir Alman tüccarının etkileyici hikayelerini anlatmakla kalmayıp, farklı kaynakların erken-modern dönem Kırım hakkındaki araştırmalarda kullanılabileceğini de göstermektedir.

Anahtar Kelimeler: Kırım hanları, Katolik misyonerler, esirler, Avrupalı seyyahlar, Polonya-Litvanya Tatarları

Introduction

In 2013, a Polish historian Andrzej Gliwa published a comprehensive study on the war damage in Przemyśl Land, which was located in the western part of the Ruthenian voivodship of the Polish-Lithuanian Commonwealth in the seventeenth century. Using new methodological tools, Gliwa conducts research on the size, distribution and consequences of the losses in this territory, which suffered from 18 military operations of the enemy troops (Tatars, Cossacks, Transylvanians, Swedes) in the years 1618-1699. His study is based on critical and detailed analysis of Polish so-called mass sources clearly demonstrates that the Tatar raids constituted the most destructive factor for the economy of Przemyśl Land in the seventeenth century. Gliwa also stresses that the Tatars used “destabilization techniques aimed to evoke common fear and panic” and that “the Tatar military missions may be defined as a threat of total and existential character, which left an indelible mark in the collective memory of the Ruthenian lands of the Polish-Lithuanian state.”¹ It comes as no surprise, therefore, that the Tatars were remembered and described by many European writers as “others” wallowing in the Christian blood. Yet, already in the 1970s, Alexandre Bennigsen emphasized shortcomings of such a one-sided perception of the Khanate.² Similar remarks on the subject one finds in the recently published study on Polish-Crimean Tatar relations authored by Dariusz Kołodziejczyk.³ One should keep in mind that Early Modern European travelers and diplomats besides justified complaints on the Tatar raids added far more positive remarks on the Khanate. For example, many of them presented it as a state of law and order. Authors of the famous descriptions of the peninsula such as Wencław Mikołajewicz from Mejszagoła, known as Michalon Litwin or Mykolos Lietuvis,⁴ Marcin

1 A. Gliwa, *Kraina upartych niepogód. Zniszczenia wojenne na obszarze ziemi przemyskiej w XVII wieku* [The Land of Persistent Bad Weather. War Damage in Przemyśl Land in the 17th Century], Wydawnictwo Naukowe Towarzystwa Przyjaciół Nauk w Przemyślu, Przemyśl 2013, pp. 665-672.

2 *Le Khanate de Crimée dans les Archives du Musée du Palais de Topkapı*, ed. A. Bennigsen et al., Mouton Éditeur, Paris 1978, pp. 1-29.

3 D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy on the European Periphery (15th–18th Century). A Study of Peace Treaties Followed by Annotated Documents*. Brill, Leiden-Boston 2011, pp. I-XXIX.

4 Michalon Litwin, *De moribus Tartarorum, Litvanorum et Moschorum, fragmina decem*, Basileae 1615, pp. 19-21. On Michalon Litwin see also: J. Ochmański, *Michalon Litwin i jego traktat “O zwyczajach Tatarów, Litwinów i Moskwiczinów z połowy XVI wieku* [Michalon Litwin and his treatise On customs of the Tatars, Lithuanians, and Muscovites]: in: idem, *Dawna Litwa* [The Ancient Lithuania], Wydawnictwo Pojezierze, Olsztyn 1986, pp. 134-157.

Broniewski or François de Tott⁵ praised the Crimean judicial system and law-abiding Tatars. Although none of these authors was involved in a court proceeding in the Khanate, these remarks have a special importance to the present study, since it focuses on three cases, in which foreigners acted as parties in the judicial trails in front of the Crimean courts. Research on this issue based on previously under-researched archival materials adds to our understanding on several fields connected with the Khanate's history. Firstly, it offers a glimpse on the Tatar attitude towards the foreigners who reached the peninsula in very different ways and for a variety of reasons. Secondly, it allows to discuss the most important features characterizing the Crimean-Tatar legal system in the Early Modern Period. Finally, the present study presents usage of three different types of sources namely of the Crimean court registers (*sicils*), of the Catholic missionaries' correspondence and reports, as well as of the European travel accounts. They are of special importance for a researcher on the history of the Crimean Khanate and the Black Sea Region in the Early Modern Period. Basic information on every type of source is provided below in the subsections concerning the particular case.

A Polish-Lithuanian Tatar turn into slave in the 17th century

The first case concerning Ismail, a Polish-Lithuanian Tatar,⁶ is preserved in the Crimean court registers (*sicils*). Description of the case shall be preceded by a short introduction of this particular type of historical source, because data preserved in the court registers are of particular importance for the researchers on the Crimean domestic history. The collection of 121 volumes is the only remaining source which was produced by the Khanate's administration and which covers an extensive period in its history (1608-1783). The collection is preserved in the

5 F. de Tott, *Memories of the Baron de Tott, on the Turks and the Tartars*, London 1785, vol. 2, pp. 381-382.

6 There is an abundant literature on the Polish-Lithuanian Tatars, so-called "Lipka Tatars", see for example the classical article by Zygmunt Abrahamowicz, ("Lipka" *The Encyclopaedia of Islam*, 2nd ed., vol. 5, Brill, Leiden-Boston 1986, pp. 765-767) or recently published studies by Artur Konopacki (*Życie Religijne Tatarów na ziemiach Wielkiego Księstwa Litewskiego w XVI-XIX wieku* [Religiosity of the Tatars from the Great Duchy of Lithuania in the 16th-19th centuries]. Wydawnictwa Uniwersytetu Warszawskiego, Warsaw 2010), Adam Moniuszko (*Changes in the Legal Culture of Lithuanian Tatars from the Sixteenth to the Eighteenth Century* in: *Crossing Legal Culture*, ed. L. B. Varela, P. G. Vega, A. Spinosa, Meidenbauer, München 2009, s. 187-201) or Michael Połczyński (*Seljuks on the Baltic: Polish-Lithuanian Muslim Pilgrims in the Court of Ottoman Sultan Süleyman*, "Journal of Early Modern History" 19 (2015), pp. 1-29).

Russian National Library in St. Petersburg *Otdel Rukopisev Rossiiskoi Natsionalnoi Biblioteki* [hereafter, ORRNB]).⁷ It contains 119 court registers and 2 registers of real estate left by Christians who emigrated from the Crimean peninsula in 1778. The Crimean *sicils* resemble the Ottoman ones in many ways. The content of a *sicil* reveals the work of judges and their auxiliary staff. In the Crimean Khanate, the ruler delegated his judicial power to the *kadiasker*⁸ and to the district judges (*kadis*⁹). The former presided over the court on the capital and was also a member of the khan's council, which played the role of judicial court. The Crimean court registers resemble the Ottoman ones in many ways. The records of proceedings consist mainly of two types of documents, i.e., title-deeds (*hüccets*) and written judgements (*i'lams*). An examination of *sicils* from different parts of the Ottoman Empire and the Crimean Khanate reveals a certain degree of standardization in the recording of court proceedings. The introductory formulae are followed by data concerning a plaintiff and a defendant or, in the case of contract, its two parties. Usually descriptions of litigants contain indications about their religion. Like in the Ottoman *sicils*, it is usually clear whether the litigants were Muslim or non-Muslim as different formulae were used to describe members of thus defined groups. The formulae often reveal the Non-Muslims religion and confession (e.g. *yahudi* [Jew or Karaite], *armeni* [Armenian], social background and residential affiliation. Rarely, their social status and occupation are recorded in the Crimean *sicils*. The social status of Muslims is more clearly described in the Crimean judicial entries. The following part of the entries consists of the hearing records. It opens with the statement or the accusation of the plaintiff, followed by the reaction of the other party. Like in the Islamic-Ottoman court procedure, oral testimony played crucial role in the Khanate. Thus the entries usually contain "voices" of the parties edited by court writers. Moreover, this part contains information about any other evidence used in the court. Should one expect that every entry ends with the *kadi*'s sentence, one would be most disappointed. With the exemption of *i'lams*, the entries seldom contain verdicts, as it was not a required part

7 O. Vasilieva, *Krymsko-tatarskie rukopisnye materialy w otdel rukopisii*, „Rossiiskaia Natsionalnaia Biblioteka. Wostocznyi Sbornik” 5 (1993), 37-45.

8 The *kadiasker* was a chief judge in the Crimean Khanate. He was a member of the khan's council and presided over the court located in Bahçesaray.

9 Like in the Ottoman Empire, in the Khanate, the *kadis* played a vital role in the provincial administration. Delivering justice on the territory of the judicial district (*kaza*) constituted an essential part of their duties. In addition to their judicial and notarial roles, the *kadis* served as provincial links in the Khanate's administrative networks. As a key provincial-level administration unit, the judicial court registered and transmitted orders from various dignitaries and officials. The *kadis* had also broad prerogatives to control economic life in their districts.

of a formal registration of a case. Instead, we encounter formulae such as: “after the legal confirmation, everything that happened has been written upon their [litigants] request” or “the present record has been written in accordance with what has happened.” Therefore, it often remains unclear to what kind of punishment the culprit was actually sentenced by the judge. The date and the case witnesses (*shuhudu l-hal*) were recorded in the closing part of the document. Case witnesses were the persons presented in the court not only to attest to the authenticity of the proceeding but also to check the work of the court. These witnesses, recruited from the members of local communities, brought testimony to the truth of registered documents.

These basic rules apply to the record concerning Ismail, a Polish-Lithuanian Tatar, who sought the Khan’s justice in the year 1610/1611. Presumably, the young Polish-Lithuanian Tatar was taken into captivity during one of the Tatar raids on Poland-Lithuania, which took place during the period of temporary domestic chaos in the Khanate in the years 1610-1611. The inner troubles were caused by the struggle over the Crimean throne between Canibek Giray and two brothers, Mehmed and Şahin Girays. Although already in 1610, Canibeg Giray prevailed over his rivals and resumed peace negotiations with the Commonwealth, he could not restrain the Tatars from raids on Polish-Lithuanian borderlands.¹⁰ From the court record we learn that Ismail accused certain Sufi Bosaj that he held him as his slave although the Lipka Tatar, as a good Muslim, must not have been enslaved.¹¹ Sufi Bosaj defended himself and said that he has bought Ismail from another Crimean Tatar, who claimed to be a rightful owner of Ismail. Yet, the latter quoted a passage from the Quran and produced two witnesses who stated that he is a Muslim, and a son of Polish-Lithuanian Tatars; Allahkul and Hanife. The record ends with a closing formula that the sentence was issued according to the law. Presumably, Ismail left the court as a free person.

The purpose of presenting this case is two-fold: firstly to share an interesting story recorded in a typical way in the Crimean *sicils*;

10 D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy*, pp.123-124.

11 The record contains the following words ascribed to Ismail: “Ben vilayeti Koral’dan Lipka nam Tatar ta’ifesinden iken işbu Bosaj Sufi beni Tok? Mehmed nam malinden iştira edüb beni kul gibi kulanmak aldı. Ben Muslimanoğlu Muslimanım. Babam (...) Allahkuldur, annem (...) Hanifedir ve ben dahi İslami bi’ttamam ve elkelam bilirim/ I am from the Lithuanian Tatars from the [Polish-Lithuanian] kingdom. This Bosaj Sufi bought me from Tok? Mehmed and used me like a slave. But I am a Muslim and a son of a Muslim. My father is Allahkul, and my mother is Hanife, and I also know each and every word of Islam” (ORRN. Fond 917, 1/69a/1).

secondly: to bring to light the critical issue of slaves as parties in the judicial proceedings on the peninsula. Although this paper does not allow to discuss this problem in detail, it should be emphasized that the discussed case shows that slaves could act on their own behalves and bring their disputes concerning their status to the court. More detailed analysis of the Crimean court records shows that slaves formed a visible group of people of foreign origins who sought and could successfully defend their cases in front of the Khan's court.¹²

Accusation against Father Innocent Felici of Malta in August 1636

The second case concerning Father Innocent Felici of Malta, a Dominican missionary, is based on the materials preserved in the Archives of the Sacred Congregation for the Propagation of the Faith.¹³ The Italian Fathers of the Dominican Order were the first European missionaries to set foot in Crimea in January 1625.¹⁴ From that time

12 For bibliography of recently published studies on slavery in the Black Sea Region see: A. Lavrov, *Captivity, slavery and gender: Muscovite female captives in the Crimean Khanate and in the Ottoman empire in: Eurasian Slavery, Ransom and Abolition in World History, 1200-1860*, ed. C. Witzernath, Ashgate, Surrey-Burlington 2015, pp. 309-319; N. Królikowska, "Status społeczny, warunki życia i religijność niewolników z ziem Rzeczypospolitej na Krymie w XVII w." [Social Standing, Living Conditions and Religiosity of Slaves from the territory of the Commonwealth in the Crimea in the 17th Century], *Przegląd Historyczny*, (104) 2014, no 4, 545-563.

13 The letters exchanged between the missionaries and their correspondents in the Sacred Congregation for the Propagation of the Faith, to which both sides attached a variety of documents, contain abundant data on the missionaries' activities in the region and local Muslim-Christian relations. They are preserved in the Propaganda Fide Historical Archives in Rome (hereafter: APF). The most important sources are to be found in the following archival funds: 1 - Acta Sacrae Congregationis (hereafter: ACTA) containing the minutes of the monthly meetings of Cardinals and other members of the Congregation, the reports of the most important officials of the Congregation and the resolutions taken by the members; 2 - Scritture originali referite nelle Congregazione (hereafter: SOCG) containing documents used as a basis for discussion during the monthly meetings; 3 - Scritture referite nei Congressi (hereafter: S.C.), which groups the documents referred to during the weekly meetings. Although the Congregation considered this material as less important than the documents preserved in SOCG funds, modern historians praise the S.C. funds as a treasure-trove of information in regard to the daily life of the missionaries; 4 - Fondo Lettere e decreti della Sacra Congregazione e biglietti di Mons. Segretario (hereafter: Fondo Lettere) containing copies of the letters sent by the secretaries of the Congregation and informing of its decisions.

14 The two decades following the arrival of the Dominican fathers in the Crimea witnessed numerous changes on the Crimean throne and tensions between the Crimean rulers and their neighboring states, including the Ottoman Empire. It is beyond the scope of the present paper to describe even briefly the international and domestic policy of the Crimean Khans, who ruled in that period. For more information on the subject see D. Kołodziejczyk, *The Crimean Khanate and Poland-Lithuania International Diplomacy*, pp. 131-159; O. Khaivoronski, *Poveliteli dvukh materikov* [The Conquerors of the Two Continents], vol. 2: *Krymskie khany pervoi poloviny XVII stoletia v bor'be za samostoiatel'nost' i edinovlastie* [The Struggle of the Crimean Khans from the First Half of the 17th Century for Independence and Sovereignty], Majstermia Knyhy, Kiev-Baghchasaray, 2009, pp. 83-267.

onward as long as the missionaries stayed on the peninsula, the Congregation in Rome received letters and reports, to which various documents were attached concerning the Crimea and the Northern Caucasus. First letters sent by Father Innocent Felici of Malta from Fociola¹⁵ (Foti-sala) in the Crimea date back to the year 1630,¹⁶ but he must have arrived on the peninsula already in the year 1625.¹⁷ In that period, he served to the local Catholics.¹⁸ During next years, he must have gained the trust of the Khan's court since he was sent as an interpreter of the Tatar envoy to Vienna in 1633.¹⁹ Apparently, the Congregation urged him to return as soon as possible from the Habsburg Empire to to his abandoned flock in the Crimea, because in his letter dated in mid-October 1633, Innocent made an effort to justify his long protracted stay in Vienna.²⁰ In a letter sent in August 1636, Father Innocent Felici of Malta, described his encounter with the Crimean judicial system. He reported to the Congregation of Propaganda Fide in Rome that his fellow missionary Anthony of Flanders²¹ accompanied

15 A 17th-century Ottoman register of the Caffa province dated in the year 1682 is one of the sources confirming that Fotsala, or Focciola as it was called by the brothers, was indeed inhabited by people of mixed Italian (Genovese)-Circassian origins. Here they are called simply "Circassians". For Fotsala, see the entry: "Fotsala" in: Henryk Jankowski, *A Historical–Etymological Dictionary of Pre–Russian Habitation Names of the Crimea*, Leiden and Boston 2006, pp. 475–476, and the Defter of the Caffa Province from the year 1682 preserved in the Oriental Department of the SS. Cyril and Methodius National Library in Sofia, Fond 310A, no. 241, f. 25v. The Italian missionaries used the name Focciola cf. APF, SOCG, vol. 104, f. 255v.

16 The letter dated on 20.05.1630, APF, SOCG, vol. 115, f. 359r-360v.

17 The letter sent by Innocent Felici from Messina dated in 8.01.1625, APF, SOCG, vol. 209, f. 496r.

18 In the Early Modern Period, the Catholics in the Crimea could be divided into two main groups: people of mixed Italian(Genovese)-Circassian origins, who retain religious beliefs of their ancestors, and slaves or war prisoners brought to the peninsula by the Tatars during raids or military campaigns against their Christian neighboring states.

19 Maria Ivanics mentioned that Khan Canibeg Giray sent the mission to Vienna in 1633 in order to inform on the change on the Crimean throne. The mission reached the Habsburg capital at the end of February, cf. eadem, *Posol'stva krymskikh Tatar pri Venskom dvore v 1598-1682 gg.* [Diplomatic Missions of the Crimean Tatars to the Habsburg Court in the Years 1598-1682] in: *Turcica et Ottomanica. Sbornik statei v chest' M.C. Meiera* [Turcica et Ottomanica. The studies in honor of M. C. Meier], Vostochnaja literatura RAN, Moscow 2006, pp. 226-236.

20 The letter dated in 15.10.1633, APF, SOCG, vol. 104, f. 269r-270r.

21 Anthony of Flanders (Antonio Fiandrese or Antonio Fiandrini) was a Dominican missionary, who took part in the missions in the Eastern Mediterranean in the 1630s-1640s. There are some ambiguities concerning his origins, which Rudi Matthee described as follows: "Petrovski was originally Flemish, judging by his original name, Antonio Fiandrese. He had assumed the leadership of the Polish delegation after the original head of the mission, Ilicz, had died in Isfahan. Fiandrese's account of his experience in Iran is contained in a letter from 28 March 1649, in Berchet, (ed.), *La repubblica di Venezia e la Persia*, pp. 218-225. He is clearly the same person as the Antonio von Flanderen mentioned in Eszer, *Giovanni Giuliani di Lucca*, pp. 411-414, as the one who was supposed to accompany Di Lucca to the Crimea in 1634" (Rudi Matthee, "Poverty and Perseverance: The Jesuit Mission of Isfahan and Shamakhi in Late Safavid Iran", *Al-Qantara* 36, 2015, no. 2, p. 463–501).

by a merchant called Mathew, who inhabited the village Foti-sala, accused him before the khan's Vizier²² that he had been having extramarital affair with a local woman for last eight years. After making this allegation, Anthony testified that Father Innocent Felici of Malta brought 10 000 sequins from Vienna given by the Emperor for a new church. It is worth asking why Anthony volunteered to share this piece of information with the Vizier. Perhaps, he believed that the Crimean official would be tempted to act against Innocent in order to seize money donated by Ferdinand II. Such presumption indicates that Father Anthony did not hesitate to act against the best financial interests of the Dominican mission in order to stand out against Father Innocent. Since an accusation of illicit sex, continued the accused missionary, was a criminal act, he was imprisoned in the home of the Khan's captain of musketeers.²³ His friends had not left him, and immediately he was relieved thanks to the intervention of one of the Khan's wives. Accusation against Father Innocent Felici of Malta were to be judged by a *kadi* from the khanate.²⁴ During the trial, neither Anthony of Flanders nor Matthew could confess that they actually have seen the defender having illicit sex with the said woman. Thus, the *kadi* strongly reprimanded both of them, and threatened to give them flogging for making serious, but groundless, accusations. They made an attempt to defend themselves saying that they believed it was the Khan's vizier, well aware of the Emperor's donation, who insisted on incarceration of Father Innocent. . The Vizier knew that the woman, who was accused of being the missionary's concubine, was a milk sister of a Khan's wife. For this reason, as Father Innocent stated, the official was sympathetic towards him. Yet, the latter wanted the conflict to be solved by the *kadi*, who ordered the Dominican father to cease his relationship with the woman. Father Innocent Felici of Malta accepted it and declared that from that time onward they would live separately. Eventually, he was set free. He also assured the Congregation that he was looking forward

22 In the Khanate, the vizier was the most important minister of the khan and a member of his council.

23 Perhaps the author referred to the commander of *tifenkçis*. From an entry in the Kara Su *sicils* concerning a special tax collected for the purchase of guns, we learn about a unit of musketeers (*tifenkçis*) in the Khan's service, see ORRNB, Fond 917, defter 25/119b/4.

24 As it has been already mentioned, Foti-sala was situated in the Caffa province. Thus, one would expect the accusations against the Innocent to be brought in front of the Ottoman judge. Yet, the Dominican Father was taken to the khan's court. The reasons standing behind such a decision remain unclear. One should not overlook the fact that the Crimean court registers contain numerous cases involving the subjects of the sultan. Moreover, the data extracted from the *sicils* suggest that many Ottoman subjects preferred to apply to the khan's judges rather than to the Ottoman ones cf. N. Królikowska, *Law and Division of Power in the Crimean Khanate. A Study on the Reign of Murad Giray (1678-1683)*, PhD defended at the University of Warsaw, 2010, pp. 201-204.

to leave Crimea in order to keep company to Father Giovanni of Lucca in his mission to Circassia.²⁵ Yet, the Congregation decided to recall Father Innocent Felici of Malta to Italy where his good command of Ottoman-Turkish was in great demand to help publishing books for the missionaries serving in the Ottoman Empire.²⁶

It should be emphasized that the letter sent by Ludovico Carrera, a Dominican father, who joined the mission in 1635²⁷ confirms the version of events as described by Father Innocent Felici of Malta.²⁸ Both accounts as well as letters authored by other missionaries provide evidence to the sharp conflicts within the local Dominican community, which were increased after the first head of the mission, Emiddio Portelli d'Ascoli left the peninsula and Reginaldo Paolini was nominated on his place in October 1635.²⁹ The letters sent by Ludovico Carrera contain the most severe accusations addressed towards three of his co-missionaries: Anthony of Flanders, Reginaldo Paolini and Giovanni of Lucca. He depicted them as corrupted drunkards sleeping with local women and involved in the trade of Christian slaves³⁰ Leaving aside these fascinating issues, here one should stress that the case indicates that the court proceeding was influenced by the politics. Father Innocent Felici of Malta seems to confess himself that he has regain his freedom not only because of lack of evidence, but also thanks to the elevated status of his lady-friend and her close contacts with one of the Khan's wives. The letter also informs us on certain aspects of the prison organization in the Khanate. The case of Father Innocent demonstrate that a house of a khan's officer could be used in this capacity, Innocent was put into

25 APF, SOCG, vol. 106, f. 335r-337v. On Giovanni of Lucca see: Raymond Loenertz, "Le origini della missione secentesca dei Domenicani in Crimea", *Archivum Fratrum Praedicatorum*, 5, 1935, pp. 261–288; Ambrosius Eszter, "Giovanni Giuliani da Lucca O.P. Forschungen zu seinem Leben und zu seinen Schriften", *Archivum Fratrum Praedicatorum*, 37, 1967, pp. 353–468; idem, "Die 'Beschreibung des Schwarzen Meeres und der Tatarei' des Emidio Portelli d'Ascoli O.P.", *Archivum Fratrum Praedicatorum*, 42, 1972, pp. 199–249; idem, "Missionen in Randzonen der Weltgeschichte: Krim, Kaukasien und Georgien" in: *Sacra Congregationis De Propaganda Fide Memoria Rerum 1622–1972*, ed. Josef Metzler, vol. 1, part 1: 1622–1700, Herder, Rome 1971, pp. 650–679; idem, "Missionen im Halbrund der Länder zwischen Schwarzem Meer, Kaspisee und Persischem Golf: Krim, Kaukasien, Georgien und Persien", in: *Sacra Congregationis De Propaganda Fide Memoria Rerum 1622–1972*, ed. Josef Metzler, vol. 2: 1700–1815, Herder, Rome 1971, pp. 421–462.

26 APF, Fondo Lettere, vol. 17, f. 91r-v.

27 APF, SOCG, vol. 135, f. 483r-484r.

28 APF, SOCG, vol. 135, f. 480r-481v.

29 APF, Fondo Lettere, vol. 15, f.123r.

30 APF, SOCG, vol. 106, f. 323 r-v, 324 r.

custody there instead, for example, to be placed in the Khan's prisons in Çufut Kale, which was quite close to Foti-sala.

A German Merchant Robbed in the Crimean Khanate

The third case concerns Nicolas Kleemann, a merchant from the Habsburg Monarchy, who undertook a trade travel to the Middle East through Crimea in 1768-1770. In April 1769, he was robbed in Kara Su by his Armenian interpreter, Khachatur Kyriagos. Local inhabitants advised him not to waste his time for seeking justice in front of the district court, but to set his claims directly in Bahçesaray, the capital of the Khanate. Consequently, Kleemann moved to the capital city, where he asked for the help of French consul, Monsieur Jérémie, who was most probably a deputy left by Baron de Tott who then accompanied Khan Kırım Giray³¹ during his campaign in Moldavia and Bucak. He was accompanied by the *kalga*,³² *nuraddin*,³³ vizier, *kadiasker* and many other officials. Apparently he left the mufti as his *kaymakam*³⁴ in Bahçesaray. The Khan died in Moldavia in March 1769 and his successor was sent to the Crimea not earlier than April.³⁵ On April 12th, Monsieur Jérémie presented Kleemann to the *kaymakam*. At the end of this month, Kleemann had not yet learnt about the Khan's death.³⁶ When the *kaymakam* heard about the merchant's misfortune, he sent janissaries³⁷ to various Crimean cities such as Kara Su or Kefe to search for Khachatur and bring him before the court. In three days, on April 15th, the emissaries returned to Bahçesaray along with the Armenian.

31 Kırım Giray was the Crimean ruler in the years 1758 – 1764 and 1768 – 1769.

32 The dignity of the *kalga*, the first deputy of the khan, dates back to the second reign of Mengli I Giray (1478-1515). The *kalga* was assigned a part of the Khanate's territory with the capital in Ak Mescid. For more on the subject see J. Matuz, 135. Joseph Matuz, "Qalga", *Turcica* 2 (1970), pp. 101-129.

33 The post of *nuraddin*, the second deputy of the khan, dates back to the year 1579. The *nuraddin* enjoyed the right to participate in the khan's council, to use the appropriate title and to receive a relatively high income. His exalted position was also stressed by his right to maintain direct diplomatic correspondence with foreign rulers.

34 In the Khanate, the *kaymakam* was a deputy of the khan or *kalga*.

35 Cf. F. Tott, French version, pp. 109-110.

36 See F. Tott, French version, pp. 109-110, 139-142, 146; N. Kleemann, *Voyage de Vienne à Belgrade et à Kilianova, dans le pays des Tartares Budziacs & Nogais dans la Crimée, & de Kaffa à Constantinople, au travers de la mer Noire, avec le retour à Vienne, par Trieste : fait dans les années 1768, 1769 et 1770*, Neuchâtel 1780, pp. 108-109.

37 In the Crimean Khanate, existed the regular military units directly subordinated to the khan or the *kalga*; their formation was patterned to some extent on the janissary corps, hence they were also called "janissaries" in the Crimean sources.

Kleemann, accompanied by Monsieur Jérémie, immediately arrived to the *kaymakam*'s palace for the court proceeding. The Khan's deputy, seated on an elevated sofa and with a staff in his hand, was surrounded by numerous officials. Khachatur was already there. As soon as Kleemann greeted the *kaymakam*, he and his proxy were allowed to sit. The merchant testified first. Then *kaymakam* asked Khachatur to reply to the accusations. The interpreter, instead of commenting on Kleemann's grievances, started to talk at length about his work for Kleemann since their departure from Vienna. While he was describing the cruelty of the German merchant, *kaymakam* ordered him to be quiet. Then he asked Kleemann whether he preferred to conclude an amicable settlement with the defendant or he would rather rely on the court's justice. When the merchant chose the second option, *kaymakam* warned the accused about the horrible consequences of his crime. Moreover, he advised Khachatur Kyriagos not to deny the accusation any longer by warning that his testimony would be extorted by flogging. Out of fear, the Armenian promised to return everything what he had stolen from Kleemann. Next day, on April 16th, (April 16th), Khachatur left Bahçesaray to return to Kara Su. Kleemann, before his departure, obtained from *kaymakam* a letter to the *kadi* of Kara Su, which contained the record of the proceeding. In Kara Su, Kleemann had to demonstrate this letter in the local court, because Khachatur Kyriagos appeared to be unwilling to return the stolen goods. When the district *kadi* saw *kaymakam*'s letter, he extended help to the German merchant.³⁸

This case confirms that people had the right to seek justice in front of the Khan's council. Surrounded by the council members, the ruler or his deputy during his absence acted as a judge to his subjects from various parts of the Khanate. They also judged difficult cases such as that of Kleemann. The hearings were open to the public. The legal practice before the Khan's court resembles the procedures utilized in the courts headed by *kadi* and *kadiasker* in the Crimea. All three cases confirm that in the courts in the Khanate cases were judged according to the sharia law interpreted by the Hanafi school.³⁹

38 N. Kleemann, *Voyage de Vienne à Belgrade et à Kilianova*, pp. 90-107.

39 More on the judicial proceedings before the khan's council see: N. Królikowska, *Law and Division of Power in the Crimean Khanate*, pp. 98-107.

Conclusion

The stories described above offer an insight into the way the Crimean court treated foreigners. It is worth to emphasize that three cases involve individuals of different origins and religion. Moreover, the parties appeared in front of the Crimean judges from diverging reasons and in dissimilar circumstances. It is also has a special special importance as data on the court proceedings were preserved in three different types of sources written down by both: the adjudicated foreigners and a writer of the Crimean court. Therefore, the sources used in the present study offer different perspectives. All described cases confirm that foreigners used the Crimean courts and could successfully defend themselves in these judicial fora. The cases of Ismail and Kleemann verify the uncorrupted and efficient system in which even a person turned against law into slave or a robbed foreigner could eventually regain his status or goods thanks to the actions of the Khan's officials. The case of Father Innocent Felici of Malta, on the other hand, leaves rather ambiguous picture of the Khan's justice. The role played by the khan's harem indicates that the judicial courts were influenced by the local elite. Yet, both letters sent by the Dominican fathers as well as the reaction of the Congregation indicate that there was no legal proof of the guilt of Father Innocent Felici of Malta. Therefore, the Khan's judge acted in accordance to the sharia, when the court cleared him of all charges.

Clearly, the cases discussed above do not allow us to draw general conclusions on the Crimean-Tatar attitude towards the foreigners visiting the peninsula and on the latter' situation in the Crimean Khanate. Yet, they offer a valuable insight since they describe the way the judicial officials behaved towards the individuals, who were not the subject of the khan. Obviously, there is still much to learn about the status of the foreigners in the Khanate. A better understanding of this subject could follow from deepening of our knowledge not only on their legal status but also on all other aspects concerning their daily life in the Khanate.

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Book Review / Kitap Tahlili

Yuliya BILETSKA

*Assist. Prof. Dr.
Department of International Relations
Karabük University*

THIS BLESSED LAND: CRIMEA AND THE CRIMEAN TATARS

BU KUTSANMIŞ TOPRAK: KIRIM VE KIRIM TATARLARI

Author: Paul Robert Magocsi

Title: This Blessed Land: Crimea and Crimean Tatars

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This Blessed Land: Crimea and the Crimean Tatars is the latest book by Paul Robert Magocsi, a professor of history and political science at the University of Toronto and one of the renowned specialists in the history of Ukraine. Magocsi defines *This Blessed Land: Crimea and the Crimean Tatars* as a story of peoples and the civilizations that belong to Crimea. He aims at tracing the vast history of Crimea from pre-historic times up to the time when Crimea became a part of independent Ukraine, paying special attention to the Crimean Tatars whose ethnogenesis is

connected to the peninsula. Prof. Magocsi's book is a significant contribution to the limited list of the English-language sources about the history of Crimea and its people.

In his previous studies, among which the most comprehensive one is *A History of Ukraine: the Land and its People* (2010, 2012), the approach of Magocsi is to examine the history of a country with respect to the history of all the lands that are included within the current borders of the state. Therefore, *A History of Ukraine*, for example, incorporates ancient civilizations in Crimea, the conditions of the Crimean Tatars under different historical circumstances, and in the latest edition of this book,¹ author introduces also a new chapter devoted to the Crimean Khanate. In *This Blessed Land*, Magocsi combines information about Crimea that was presented in his previous books with additional chapters about historical events in Crimea that were not covered before. He makes an attempt to write a history of the peninsula, which in fact was never an independent state itself.² Nevertheless, the way how information is presented in this book does not contradict the historical approach adopted by the author in his previous works. Magocsi explicitly evaluates the history of Crimea in terms of being a part of the history of Ukraine.

Unlike *A History of Ukraine*, which is a detailed historical research, *This Blessed Land* provides a reader with the generic account of the history of the Crimean peninsula. It is not overloaded with facts, dates, references or archival documents. Instead, Magocsi enriches his book with an elaborately selected list of maps, illustrations, and photographs that fill almost every page in the book. The language of the book is unambiguous and lucid that renders the book more reader-friendly particularly for the non-specialized reader. *This Blessed Land* is a balanced combination of the milestones of the history of Crimea with the description of the amenities of the Crimean nature and the cultural heritage left from different peoples who belong to the peninsula. For this reason, Magocsi's book can be an excellent introduction and guideline for the wider English-speaking audience to get acquainted with the region.

In *This Blessed Land*, Magocsi asks "to whom does this land belong?"

1 Paul Robert Magocsi, *A History of Ukraine: the Land and its people*, 2nd ed. (University of Toronto Press: Toronto, Buffalo, London, 2013)

2 The Crimean Khanate included not only the territory of Crimea but also some steppe regions to the North of the peninsula.

His answer is that “Crimea is a common patrimony of all people past and present who have ever lived on its territory”. This statement and the way how Magocsi presents historical events speaks in favor of the objectivity of the book. One can conclude that the author managed to succeed in his aim to explain the emotional connection to Crimea among all people who have lived there. In other words, the book gives the reader an understanding of why different states and people have been claiming their ownership over this piece of land and devoting special place for it in their national memories.

The book consists of ten chapters. It also contains several essays by different authors and a list of selected English-language bibliography about Crimea and Crimean Tatars. Magocsi starts the book with the geographical description of Crimea. The second chapter is devoted to the earliest civilizations focusing on Cimmerians, Taurians, Greeks, Scythians, Sarmatians, Alans, Goths, Huns, Khazars, as well as the influences of the Byzantine Empire and Kievan Rus on different parts of Crimea. The third chapter deals with the medieval period of Crimean history, when Kipchaks, Mongols, Tatars, Seljuk Turks, Armenians and Genoese arrived in Crimea, and Crimea became a part of the Golden Horde. Importantly, as to the origins of the Crimean Tatars, Magocsi says that they are “an amalgam of ethnic groups, many of whom have lived in Crimea since immemorial”.³ He devotes a chapter to the history of the Crimean Khanate, from its succession from the Golden Horde, following Ottoman vassalage and till the Russian annexation in 1783. The next five chapters cover the history of Crimea under the Russian rule, from imperial to Soviet one. Magocsi shows how the Crimean Tatars first became a minority as a result of Russian policies that caused mass migration of the Crimean Tatars to the Ottoman Empire and later lost their homeland following the brutal deportation in 1944 by Soviet regime. At the same time, Magocsi addresses how the Russians became the majority in the peninsula and tried to eliminate all the traces of the power of the Crimean Tatars in Crimea. Magocsi also pays special attention to the process of incorporation of Crimea into the cultural space of the Russian Empire and then the Soviet Union, focusing mainly on the role of Crimea in the life of numerous painters, poets, and writers. Even though this approach resembles closely Russian historiographical tradition, it helps to understand the way myths about Crimea have been constructed in the Russian historical memory. The

3 Paul Robert Magocsi, *This Blessed Land: Crimea and Crimean Tatars*, (University of Toronto Press, Scholarly Publishing Division, 2014), p.52

period after the World War II and the deportation of the Crimean Tatars is described as two parallel historical fluxes. On the one hand, Magocsi examines Soviet Crimea without Crimean Tatars, where he shows how Crimea and Sevastopol had gained importance in the Soviet discourse. On the other hand, he focuses on the Crimean Tatars in exile, explaining conditions under which the Crimean Tatar national movement had appeared and the achievements it had made in the repatriation process. The last chapter is devoted to challenges that both Russians and the Crimean Tatars have to face in Crimea being a part of independent Ukraine.

Despite the competence of the book, there are few remarks to be mentioned. Similar to *A History of Ukraine*, in *This Blessed Land*, Magocsi evaluates the Crimean and Ottoman slavery by giving the particular example of Roxelana, or Hürrem Sultan, as a success story. He makes a controversial conclusion that “Crimean and Ottoman slavery was not necessary all that bad”.⁴ Following the logic of Magocsi, however, one may, as well, argue that American slavery was not “all that bad” because the descendant of Africans was able to become the president of the United States. A minor point as regards to Roxelana/Hürrem Sultan is that Roxelana’s mausoleum is in Süleymaniye Mosque, not Blue Mosque, as Magocsi states.⁵ Another point that shall be highlighted is that Magocsi states that after the deportation, Tatar names of villages and cities were replaced by Russian and later by awkward Ukrainian forms.⁶ However, it should be mentioned that Ukrainian forms of toponyms had never been used in Crimea during the Soviet times. Only after the independence of Ukraine, existing Soviet names were transliterated according to the Ukrainian rules of spelling. Another minor remark refers to the statement where Magocsi argues that Turkish “government-funded General Center of Crimean Tatar Associations and the Kirim (Crimea) Foundation has provided several million dollars in aid”.⁷ The author probably confused diaspora organization, which is not government-funded, with Turkish Cooperation and Coordination Agency (TIKA), which provided the above-mentioned aid. Finally, the title of Chapter 9 in the notes refers to “Crimean Tatar Diaspora”, instead of “Exiled Crimean Tatars” which definitely carries another meaning, but probably it is just a clerical error.

4 Ibid, p.48

5 Ibid, p.48

6 Ibid, p.123

7 Ibid, p. 146

This Blessed Land was published simultaneously in Ukrainian and Russian, and the Turkish translation of the book is being prepared for publication. The Ukrainian and Russian versions of the book have a different title and cover design. In Ukrainian/Russian, the title is “Крим: Наша благословенна земля/ Крым: наша благословенная земля”, which means “Crimea: Our Blessed Land” without any specific reference to the Crimean Tatars unlike in the English version. It seems that the author tries to adapt the book to different discourses. Whereas, in the Western academia there is a certain interest to the Crimean Tatars, the Crimean Tatar issue had almost been excluded from the Ukrainian political discourse up until the Crimean crisis. In that context, a particular emphasis on the Crimean Tatars in the title of Ukrainian version of the book would switch the accent of the book, to a possessive pronoun as “our” was probably supposed to underscore Ukrainian sovereignty over Crimea. At the same time, the Russian translation of the book with possessive pronoun “our” in the title may have an ambiguous meaning and even negative reaction in Ukraine because it resembles the propaganda campaign Russia has launched after the annexation of Crimea.⁸

The title says that this book is about Crimea and the Crimean Tatars, but its cover shows the Swallow’s Nest castle of neo-gothic design by a Russian architect. It was built at the beginning of the twentieth century and has become the symbol of Crimea. Therefore, this picture was probably chosen as it is easily recognizable in the world. However, it represents the times in Crimea, when the Crimean Tatars were almost erased from the peninsula’s cultural landscape. Such an inconsistency of the title and the cover can be considered as an inaccuracy but in fact, it fits the Crimean reality in the best way. The reality, where the Crimean Tatars, indigenous people of Crimea who were about to lost their homeland, are striving to be again included in the Crimean cultural landscape, which is now predominantly Russian.

The publication of Magocsi’s book coincided with the time when Russia annexed Crimea. The annexation completely changed the situation in Crimea and brought about new dramatic challenges for the Crimean Tatars. Even though the latest developments in Crimea are not included in the book, the level of attention paid to Crimea recently ensures a high relevance of it. Offering context information and historical background,

⁸ The campaign is called “Крым наш” (#крымнаш), which means “Crimea is our” and it became a popular Internet meme and the symbol of annexation.

Yuliya BILETSKA

This Bless Land may help an English-speaking audience to understand why Crimea became a bone of contention in world affairs on the one hand, and the positions of Russia, Ukraine and the Crimean Tatars in the current dispute on the other hand.

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INTERNATIONAL CRIMES and HISTORY

Uluslararası Suçlar ve Tarih / International Crimes and History (ICH) is an annual peer-reviewed bilingual (Turkish and English) academic journal dedicated to the study of inter-communal, inter-ethnic, inter-religious and international conflicts and crimes. First published in 2006, the ICH has been a platform for the scholarly investigation of conflicts and crimes registered in the Balkans, the Caucasus, the Eurasia Region, and the Middle East. The ICH is indexed in the Scientific and Technological Research Council of Turkey-Turkish Academic Network and Information Center (TUBİTAK-ULAKBİM).

Notes for Contributors

- Manuscripts should be submitted via email to the Managing Editor of the ICH Dr. Turgut Kerem Tuncel (tuncel@avim.org.tr).
- Manuscripts should be in English or in Turkish.
- Manuscripts should be word processed using Microsoft Word.
- Manuscripts should be 12 point font, Times New Roman, and 1,5 spaced throughout allowing good (1-1/2 inch) margins. Pages should be numbered sequentially.
- International Crimes and History adheres to the Chicago reference style.
- All manuscript submissions should include
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- The Editors welcome the submission of manuscripts as **Main Articles** and **Book Reviews**.

- **Main Articles** should be 7,000–9,000 words including footnotes and bibliography. They should include an abstract between 150–200 words and 4–6 keywords (in alphabetical order, suitable for indexing. Ideally, these words should not have appeared in the title).
- There should be a clear hierarchy of headings and subheadings.
- Quotations more than 40 words should be indented from both the left and right margins and single-spaced.
- **Book Reviews** should be 3,000–4,000 words including footnotes on recently published books on related subjects. The details of the book under review should be listed with the following details:
 - Author(s) or Editor(s) first and last name(s) of the book under review.
 - Title of book
 - Year of publication
 - Place of publication
 - Publisher
 - Number of pages
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 - ISBN number
- The editorial office will make every effort to deal with manuscript submissions as quickly as possible. All papers will be acknowledged on receipt by email.

ULUSLARARASI SUÇLAR VE TARİH DERGİSİ

ŞEKİL KURALLARI

DİPNOT VE KAYNAKÇA SİSTEMİ

I. Makalenin Düzeni

Başlıklar ve Altbaşlıklar

Makalelerin başlıkları, ortalanmış ve büyük harflerle yazılmış olmalıdır. Yazarlar, tercihen üç kademeli altbaşlık sistemi kullanmalıdırlar. Aşağıdaki örnek temel alınarak, bütün başlıklar metin içinde ortalanmalıdır:

I. Giriş

A. Birinci Altbaşlık

1. İkinci Altbaşlık

a. Üçüncü Altbaşlık

II. Noktalama

Blok Alıntı

Beş veya daha fazla satır olan alıntılar, tırnak işareti kullanmadan, blok alıntı şeklinde (1 cm girinti) gösterilmelidir.

Çıkarılmış Sözcükler

Alıntılanmış bir cümle içinde veya bir cümlenin sonunda kelimelerin çıkarılmış olduğunu göstermek için, üç nokta (her bir noktanın önünde, arasında ve sonrasında boşluk olacak şekilde) kullanılmalıdır.

Alıntı tam bir cümle ile bitiyorsa, orijinal metindeki cümle devam etse dahi, üç nokta kullanmaya gerek yoktur.

Alıntının ilk kelimesinden evvel üç nokta genellikle kullanılmamaktadır (orijinal metindeki cümleden kelimeler çıkarılmış olsa dahi).

Tarih Belirtme

Metin içindeki tarihler şu şekilde yazılmalıdır: Gün Ay Yıl (ör.: 8 Mart 2009). Ancak, İngilizce olarak yazılmış olan metinlerde şu şekil kullanılacaktır: Ay Gün, Yıl (ör.: March 8, 2009).

Dipnot Numaraları

Dipnot numaraları noktalama işaretinden sonra konulmalıdır (ör.: Bu açıklama BM Genel Sekreteri tarafından yapılmıştır.¹)

III. Dipnot ve Kaynakça Gösterme Kuralları

Yazarlar, yararlandıkları referansların doğru şekilde belirtilmesi hususunda azami özeni göstermelidirler.

Uluslararası Suçlar ve Tarih dergisinin tercih ettiği referans sistemi için, aşağıda dipnotlar için [D] ve kaynakça için [K] olarak gösterilen örnek referanslara bakınız. Dergimizde tercih edilen dipnot sistemi büyük ölçüde Chicago sistemini (Chicago Style) temel almaktadır.

Kitaplar

- [D] Guénaél Mettraux, *International Crimes and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), s. 114.
- [K] Mettraux, Guénaél. *International Crimes and the Ad Hoc Tribunals*. Oxford: Oxford University Press, 2005.

Makaleler

- [D] Rebekah Lee ve Megan Vaughan, "The Future of Human Rights in Europe," *The Journal of African History*, cilt 49 (Kasım 2008): s. 348.
- [K] Lee, Rebekah ve Megan Vaughan. "The Future of Human Rights in Europe." *The Journal of African History*, cilt 49 (Kasım 2008): ss. 341-359.

Derlenmiş Kitaplar

- [D] Ian Scobbie, "Wicked Heresies or Legitimate Perspectives? Theory and International Law," *International Law*, ed. Malcolm D. Evans içinde (New York: Oxford University Press, 2006), s. 87.
- [K] Scobbie, Ian. "Wicked Heresies or Legitimate Perspectives? Theory and International Law." *International Law*, editör Malcolm D. Evans içinde, ss. 159-180. New York: Oxford University Press, 2006.

Ansiklopedi Makaleleri

- Not: İyi bilinen ansiklopedi kitapları tercihen kaynakçada gösterilmemelidir.
- [D] The New Encyclopaedia Britannica, Micropaedia, 15. ed., s.v. "Vietnam war."

Raporlar ve Tebliğler

Konferans Tebliğleri

- [D] Ferdan Ergut, "Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918," (Central Eurasian Studies Society, Fourth Annual Conference, Harvard Üniversitesi'nde sunulan tebliğ, 2-5 Ekim 2003), s. 8.
- [K] Ergut, Ferdan. "Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918." Central Eurasian Studies Society, Fourth Annual Conference, Harvard Üniversitesi'nde sunulan tebliğ, 2-5 Ekim, 2003.

Doktora Tezleri

- [D] Frederick Carleton Turner, "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare" (Doktora Tezi, Duke Üniversitesi, 1988), s. 54.
- [K] Turner, Frederick Carleton. "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare." Doktora Tezi, Duke Üniversitesi, 1988.

Resmi Belgeler

- [D] U.S. Congress, Senate, Committee on Armed Services, *Defense Organization: The Need for Change*, Staff Report, 99th Cong., 1st sess. (Washington, DC: GPO, 1985), ss. 521-522.
- [K] U.S. Congress. Senate. Committee on Armed Services. *Defense Organization: The Need for Change*. Staff Report. 99th Cong., 1st sess. Washington, DC: GPO, 1985.

Hukuki Metinler/Hukuk Kaynakları

BM Dokümanları

- Not: BM dokümanları şu sırayı takip etmelidir: yazar (kişi veya kurum), başlık, tarih, doküman numarası. BM dokümanı bir kitap olarak basılmış ise, başlığı italik olarak yazılmalıdır. İlk atıftan sonra, Birleşmiş Milletler Güvenlik Konseyi kararları, "UNSC Res." şeklinde; Birleşmiş Milletler Genel Kurul kararları ise, "UNGA Res." olarak kısaltılabilir.
- [D,K] UNSC Res. 1373 (28 Eylül 2001) UN Doc S/Res/1373.
- [D,K] UNGA Sixth Committee (56th Session) "Report of the Working Group on Measures to Eliminate International Terrorism" (29 Ekim 2001) UN Doc A/C.6/56/L.9.

Uluslararası ve Bölgesel Antlaşmalar

Uluslararası Antlaşma

- [D] Convention Relating to the Status of Refugees (28 Temmuz 1951 tarihinde kabul edilmiş, 22 Nisan 1954 tarihinde yürürlüğe girmiştir) 189 UNTS 137 (Mülteci Sözleşmesi), madde 33.
- [K] Convention Relating to the Status of Refugees (28 Temmuz 1951 tarihinde kabul edilmiştir, 22 Nisan 1954 tarihinde yürürlüğe girmiştir) 189 UNTS 137.

Bölgesel Antlaşma

- Not: Avrupa bölgesel antlaşmaları belirtilirken, tarihler genellikle yazılmaz; zira bunların tarihlerinin birçok defa değişikliğe uğramış olması muhtemeldir. Antlaşmanın başlığında mevcut ise, tarihin belirtilmesi uygun olacaktır.

[D] Convention for the Protection of Human Rights and Fundamental Freedoms (Avrupa İnsan Hakları Sözleşmesi), madde 3.

[K] Convention for the Protection of Human Rights and Fundamental Freedoms.

Uluslararası Mahkeme Kararları ve Davalar

Uluslararası Adalet Divanı

[D] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 Şubat 2007), para. 189.

[K] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 Şubat 2007).

Eski Yugoslavya ve Ruanda Uluslararası Ceza Mahkemeleri

[D] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 Eylül 1998), para. 42.

[K] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 Eylül 1998).

Sonraki Atıflar

Kaynaklara yapılan ilk atıflar yukarıdaki gibi gösterilecek; daha sonraki atıflarda Latin kısaltmaların hiçbir şekilde kullanılmaması ve aşağıdaki iki örnekte gösterildiği üzere, yazarın ilk ve soy ismi ile çalışmanın kısaltılmış başlığının kullanılması tercih edilmektedir.

Guénaél Mettraux, *International Crimes...*, s. 115.

Rebekah Lee, "The Future of Human Rights...", s. 349.

IV. Kısaltmalar

Referans belirtirken, uygun olduğu takdirde, aşağıdaki kısaltmaların kullanması rica olunmaktadır:

UNGA Res.: United Nations General Assembly Resolution (Birleşmiş Milletler Genel Kurul Kararı)

UNSC Res.: United Nations Security Council Resolution (Birleşmiş Milletler Güvenlik Konseyi Kararı)

UNCHR: United Nations Commission on Human Rights (Birleşmiş Milletler İnsan Hakları Komisyonu)

UNTS: United Nations Treaty Series (Birleşmiş Milletler Antlaşmalar Serisi)

YILC:	Yearbook of the International Law Commission (Uluslararası Hukuk Komisyonu Yıllığı)
ICJ:	International Court of Justice (Uluslararası Adalet Divanı)
ICC:	International Criminal Court (Uluslararası Ceza Divanı)
ICTY:	International Criminal Tribunal for the Former Yugoslavia (Eski Yugoslavya Uluslararası Ceza Mahkemesi)
ICTR:	International Criminal Tribunal for Rwanda (Raunda Uluslararası Ceza Mahkemesi)
T Ch:	Trial Chamber (Duruşma Dairesi)
A Ch:	Appeals Chamber (Temyiz Dairesi)
IMT:	International Military Tribunal for the Major War Criminals, Nuremberg (Nüremberg Uluslararası Askeri Ceza Mahkemesi)
para., paras:	paragraf, paragraflar
ed., eds.:	editör, editörler

THE JOURNAL OF INTERNATIONAL CRIMES AND HISTORY

STYLE SHEET

I. Layout of Manuscript

Headings and Subheadings

We ask that titles of submitted manuscripts be centered and written in full caps. Authors should preferably use only three grades of headings, although four can be accommodated. The hierarchy shown below should be used with all headings centered in the manuscript:

I. Introduction

A. First Subheading

1. Second Subheading

a. Third Subheading

II. Punctuation

Block Quotations

Quotations of five lines or more should be presented as a block quotation.

Omission of Words

To indicate material has been omitted within a sentence or at the end of a sentence, ellipsis points (periods with a single space before, between, and after each period) are used.

When quoted material ends in a complete sentence as edited it is not necessary to add ellipsis points even if the sentence continues in the original.

Ellipsis points are normally not used before the first word of a quotation, even if the beginning of the original sentence has been omitted.

Date Format

Dates within manuscript should be written in the following format: Month Day, Year (e.g., March 8, 2009)

Footnote Numbers

Footnote numbers should be placed after the punctuation mark (e.g. This remark was made by the UN Secretary General.¹)

III. References

Authors are asked to pay particular attention to the accuracy and correct presentation of references. As a rough guideline, authors may refer to the Chicago Manual of Style with the exception of subsequent references.

For a guide to the preferred citation style of the *Journal of International Crimes and History* please find below examples of materials cited as footnote entry [N], followed by a bibliographic entry [B].

Books

- [N] Guénaël Mettraux, *International Crimes and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), p. 114.
- [B] Mettraux, Guénaël. *International Crimes and the Ad Hoc Tribunals*. Oxford: Oxford University Press, 2005.

Articles

- [N] Rebekah Lee and Megan Vaughan, “The Future of Human Rights in Europe,” *The Journal of African History*, vol. 49 (Nov. 2008): p. 348.
- [B] Lee, Rebekah and Megan Vaughan. “The Future of Human Rights in Europe.” *The Journal of African History*, vol. 49 (Nov. 2008): pp. 341-359.

Edited Books

- [N] Ian Scobbie, “Wicked Heresies or Legitimate Perspectives? Theory and International Law,” in *International Law*, ed. Malcolm D. Evans (New York: Oxford University Press, 2006), p. 87.
- [B] Scobbie, Ian. “Wicked Heresies or Legitimate Perspectives? Theory and International Law.” In *International Law*, edited by Malcolm D. Evans, pp.159-180. New York: Oxford University Press, 2006.

Encyclopedia Articles

- Note: Well-known reference books should preferably not be listed in the bibliography.
- [N] The New Encyclopaedia Britannica, Micropaedia, 15th ed., s.v. “Vietnam war.”

Reports and Papers

Conference Papers

- [N] Ferdan Ergut, “Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918,” (paper presented at Central Eurasian Studies Society, Fourth Annual Conference, Harvard University, October 2-5, 2003), p. 8.
- [B] Ergut, Ferdan. “Surveillance and the Public Order in the Late Ottoman Empire, 1908-1918.” Paper presented at Central Eurasian Studies Society, Fourth Annual Conference, Harvard University, October 2-5, 2003.

Ph.D. Dissertations

- [N] Frederick Carleton Turner, “The Genesis of the Soviet ‘Deep Operation’: The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare” (Ph.D. diss., Duke University, 1988), p. 54.

- [B] Turner, Frederick Carleton. "The Genesis of the Soviet 'Deep Operation': The Stalin-era Doctrine for Large-scale Offensive Maneuver Warfare." Ph.D. diss., Duke University, 1988.

Government Documents

- [N] U.S. Congress, Senate, Committee on Armed Services, *Defense Organization: The Need for Change*, Staff Report, 99th Cong., 1st sess. (Washington, DC: GPO, 1985), pp. 521-522.
- [B] U.S. Congress. Senate. Committee on Armed Services. *Defense Organization: The Need for Change*. Staff Report. 99th Cong., 1st sess. Washington, DC: GPO, 1985.

Legal Materials/Law Sources

UN Documents

Note: Cite UN documents in the following order: author, title, date, document number. Italicize the title of a UN document only if it has been published as a book. After the first citation, abbreviate "United Nations" to "UN"; "UN Security Council" to "UNSC"; "UN General Assembly" to "UNGA"; and "Resolution" to "Res".

- [N,B] UNSC Res. 1373 (28 September 2001) UN Doc S/Res/1373.
- [N,B] UNGA Sixth Committee (56th Session) "Report of the Working Group on Measures to Eliminate International Terrorism" (29 October 2001) UN Doc A/C.6/56/L.9.

International and Regional Treaties

International Treaty

- [N] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), art. 33.
- [B] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137.

Regional Treaty

- Note: Dates are generally not given when citing European treaties, as they may have been changed several times. Include the year if it appears in the standard title of the treaty.
- [N] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), art. 3.
- [B] Convention for the Protection of Human Rights and Fundamental Freedoms.

International Cases and Decisions

International Court of Justice

- [N] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 February 2007), para. 189.
- [B] *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgment) General List No. 91 [2007] ICJ 1 (26 February 2007).

International Criminal Tribunals for the Former Yugoslavia and Rwanda

- [N] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998), para. 42.
- [B] *Prosecutor v. Akayesu* (Judgment) ICTR-96-4-T, T Ch I (2 September 1998).

Cross References

When referring to the same work previously cited in the manuscript, avoid all Latin abbreviations and use the shortened form as provided:

Guénaël Mettraux, *International Crimes...*, p. 115.

Rebekah Lee, "The Future of Human Rights...", p. 349.

IV. Abbreviations

Where appropriate please refer to the abbreviations provided for below when citing references:

UNGA Res.:	United Nations General Assembly Resolution
UNSC Res.:	United Nations Security Council Resolution
UNCHR:	United Nations Commission on Human Rights
UNTS:	United Nations Treaty Series
YILC:	Yearbook of the International Law Commission
ICJ:	International Court of Justice
ICC:	International Criminal Court
ICTY:	International Criminal Tribunal for the Former Yugoslavia
ICTR:	International Criminal Tribunal for Rwanda
T Ch:	Trial Chamber
A Ch:	Appeals Chamber
IMT:	International Military Tribunal for the Major War Criminals, Nuremberg
para., paras:	paragraph, paragraphs
ed., eds.:	editor, editors



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 Armenian Diaspora / Turgut Kerem TUNCEL 35 TL
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