

LACK OF LEGAL GROUNDS TO KEEP MATERIALS ON THE POLITICAL REPRESSIONS OF THE 1920S AND 1950S AS SECRET

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Abstract. In the methodological article, the author raises one of the fundamental, and therefore problematic, issues of the process of complete rehabilitation of victims of political repression. he carried out an in-depth study of the essence of such a phenomenon as the classification of the maximum amount of information about the most diverse spheres of life, politics, security, law, court, economics, science and culture. based on the study and critical analysis of the normative legal documents of the USSR, being familiar with the practice of declassification during many years of work in the central committee of the Kazakh SSR, the author comes to the conclusion that political censorship was generated by the very nature of the totalitarian system of power and management, which was established on the territory of the victorious "stalinist socialism."

Keywords: USSR, Kazakh SSR, censorship, GlavLIT, Stalin, KGB, declassification, archives, repression.

1920-1950 ЖЫЛДАРДАҒЫ САЯСИ ҚУҒЫН-СҮРГІН ТУРАЛЫ МАТЕРИАЛДАРДЫ ҚҰПИЯ ҰСТАУҒА ЗАҢДЫ НЕГІЗДЕРДІҢ ЖОҚТЫҒЫ

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Аңдатпа. Әдістемелік мақалада автор саяси қуғын-сүргін құрбандарын толық оңалту процесінің негізгі проблемалық мәселелерінің бірін көтереді. Ол өмірдің, саясаттың, қауіпсіздіктің, құқықтың, соттың, экономиканың, ғылым мен мәдениеттің әртүрлі салалары туралы ақпараттың максималды мөлшерін құпияландыру сияқты құбылыстың мәнін терең зерттеді. КСРО-ның нормативтік-құқықтық құжаттарын зерделеу мен сыни талдауға сүйене отырып, қазақ кср басшысында ұзақ жылдар бойы жұмыс істеген кезде құпиясыздандыру

тәжірибесімен таныс бола отырып, автор саяси цензура жеңіске жеткен "сталиндік социализм" аумағында қалыптасқан билік пен басқарудың тоталитарлық жүйесінің табиғаты болды деген қорытындыға келеді.

Түйінді сөздер: КСРО, ҚАЗКСР, цензура, ГлавЛИТ, Сталин, КГБ, құпиясыздандыру, мұрағаттар, қуғын-сүргін.

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ОТСУТСТВИЕ ЗАКОННЫХ ОСНОВАНИЙ ХРАНИТЬ КАК СЕКРЕТНЫЕ, МАТЕРИАЛЫ ПО ПОЛИТИЧЕСКИМ РЕПРЕССИЯМ 1920-1950-х ГОДОВ

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Аннотация. В методологической статье автор поднимает один из принципиальных, и оттого проблемных, вопросов процесса полной реабилитации жертв политических репрессий. Им осуществлена глубокая проработка сущности такого явления, как засекречивания максимального количества сведений о самых различных сферах жизни, политики, безопасности, права, суда, экономики, науки и культуры. Основываясь на изучении и критическом анализе нормативно-правовых документов СССР, будучи знаком с практикой рассекречивания в период многолетней работы в ГлавЛИТе Казахской ССР, автор приходит к выводу, что политическая цензура порождена было самой природой тоталитарной системы власти и управления, которая утвердилась на территории победившего «сталинского социализма».

Ключевые слова: СССР, КазССР, цензура, ГлавЛИТ, Сталин, КГБ, рассекречивание, архивы, репрессии.

The phenomenon of classifying as much information as possible about the most diverse spheres of life, politics, security, law, court, economics, science and culture is generated by the very nature of the totalitarian system of power and management, which was established on the territory of the victorious "Stalinist socialism."

In order to strengthen his personal power, Stalin invented a theory expressed in his speech "On Industrialization and the Grain Program" on July 9, 1928 at the plenum of the Central Committee of the CPSU (b): "As we move forward towards socialism, the resistance of capitalist elements will increase, the class struggle will intensify" (1).

According to M.N. Ryutin (politician, 1890-1937), in the revolutionary movement since 1912, a member of the RSDLP since 1914), who criticized Stalin's theory during his lifetime, this is: "A regime of unprecedented terror and colossal

espionage carried out through an extraordinarily centralized and at the same time extensive gigantic apparatus, which concentrated in its The main foundation of Stalin's dictatorship was in the hands of all the material resources of the country and the physical existence of tens of millions of people who were directly dependent on him. The entire system of the state apparatus, including the party, terrorizing others and at the same time living itself under the constant sword of Damocles of terror, contrary to the consciousness of each individual cell, like a machine, is forced to make its movements, received from the original source, and fulfill the will of the main "mechanic" (2).

In order to hide from the people, the methods of "fighting class enemies", mass repression against political competitors and the destruction of the middle class and the national intelligentsia in the republics, a total secrecy of all documents about these facts began. An atmosphere of suspicion towards everyone and in everything was artificially created in the country, searching for "class enemies and opportunists", just "enemies of the people", and then "Japanese and German spies". The role of the CHEKA, OGPU and NKVD was exaggerated, followed by the MGB and the KGB. Since the early 1930s, the OGPU authorities began to carry out mass political repression.

The struggle against slavery, dekulakization and the search for class enemies among the Kazakh intelligentsia began. The policy of forced collectivization in the country led to mass starvation of the Kazakh population, migration to other regions of the country and abroad.

The center considered Kazakhstan to be a "bottomless feed barrel", a raw material base, and did not take into account either the established foundations of the indigenous population or their capabilities (3). The village's products were actively exported to the industrial regions of the country.

On March 9, 1933, Deputy Chairman of the Council of People's Commissars of the RSFSR T. Ryskulov wrote in a secret letter to Stalin about political mistakes and the current critical situation of the Kazakh population: "The mortality rate of nomads is now taking on such proportions that urgent intervention by central authorities is needed. There is no such situation in any region or republic that has developed in Kazakhstan in a certain part of the Kazakh population.... It was forbidden even in Alma Ata itself, where the corpses of Kazakhs were being removed from the streets, to say officially that there was famine and deaths on this basis" (4).

The government also needed the unity of the special services and the court.

Between 1937 and 1938 alone, 1,575,259 people were arrested, 1,372,382 of them for counterrevolutionary activities (87%). A total of 1,344,923 were sentenced, including 681,692 (50.7%) to death. A special role in this was played by the NKVD troika, which convicted 1,101,433 people, i.e., 82% (5).

On June 30, 1937, Secretary of the Central Committee of the Communist Party of the Soviet Union K. L. Mirzoyan sends a top-secret message to Stalin, stating: "Recently (for more than two months), our organizations, in particular the NKVD, have uncovered and exposed a rather extensive national fascist organization associated with the right and Trotskyists." Therefore, the top-secret order of the NKVD of the USSR No. 00447 dated July 30, 1937 "On the operation to repress former kulaks, criminals

and other anti-Soviet elements" is signed on this occasion. The Bureau of the Central Committee of the Communist Party of Kazakhstan, signed by Mirzoyan, Isaev and other members of the bureau, on November 17, 1937, in a secret letter, requested the Central Committee of the CPSU (b) for an additional limit on repression to increase the number of those repressed in the 1st category (execution) in the Kazakh SSR, an additional 3,500 people. Official data show that in 1937-1938, 22,804 people were arrested by the NKVD of the Kazakh SSR during mass political repression, which was three times higher than the initial "plan limit." 9,500 people were shot, which is 3.8 times more than planned. 13,304 people were sentenced to imprisonment – 2.6 times over the "limit".

After Stalin's death on April 4, 1953, a top-secret order of the USSR Ministry of Internal Affairs No. 0068 was issued "On the prohibition of the use of any coercive and physical measures against the arrested." The newly appointed Interior Minister Beria on March 5, 1953, one of the active creators of the Soviet punitive system, signed the order. Soon, on June 26, 1953, he was arrested, and on December 23, 1953, he was convicted and shot.

Along with mass political repression and the physical destruction of the "enemies of the revolution," both open public and classified actions began to be practiced under V. Lenin. For example, Lenin reacted angrily to the disobedience of people during the requisition of their jewelry and demanded that they be shot. In this regard, on March 19, 1922, he wrote to Molotov: "It is strictly secret. Please do not make copies in any case, but to each member of the Politburo (Comrade Kalinin too) to give his notes on the document itself."

Thus, both the public and highly secret administrative and regulatory documents represented a single whole for punitive activities. Therefore, in order to conceal its true policy and the actions of the repressive apparatus, the Soviet state imposed total censorship of everything and everyone in the country.

As part of the Cultural Revolution, the Central Directorate for Literature and Publishing Houses, GlavLIT, was established by decree of the Council of People's Commissars of the RSFSR on June 6, 1922. The main purpose of creating Glavlit was to "unite all types of censorship of printed works" (6).

The decree on the creation of the GLAVLIT initially formulated general, quite civilized principles that should have guided the GlavLIT in prohibiting the publication or distribution of works:

- agitation against the Soviet government;
- disclosure of military secrets of the Republic;
- Arousing public opinion by providing false information;
- Incitement of nationalist and religious fanaticism;
- pornographic in nature.

Later, the principles of censorship were secretly significantly expanded and differentiated in different directions.

In 1925, under the heading "top secret," GlavLIT issued the first "List of information that constitutes a secret and is not subject to dissemination in order to

protect the political and economic interests of the USSR." The text of the first list had 16 pages and contained 96 secrets.

In addition to the lists, separate secret circulars were often issued. Subsequently, the number of GLAVLIT circulars prohibiting the publication of certain information grew rapidly. By 1936, the number of mysteries was already 372, and in 1937 it was 300 more.

In 1932, the first issue of the special departmental bulletin was published. The bulletins, issued quarterly with a circulation of 100 copies, were sent to the authorized heads of the Central Committee at publishing houses, to the heads of the Central Committees of the Union republics, territories and regions and contained "the most important material capable of being instructive and warning the organs of our censorship."

In the 1930s, GLAVLIT's representatives appeared at all publishing houses, radio stations, telegraph agencies, post offices and customs offices. If by 1927 the central office of GLAVLIT consisted of 86 employees, then in 1934 there were already 197 people. Subsequently, the number of censors grew and reached 2,400 people. By 1939, it had reached 6027 people. In 1947, the number of employees of Glavlit and the All-Union Book Chamber was already 6453 people.

The functions of the Central Committee were as follows: organization of preliminary and subsequent control over all types of print and radio broadcasting works; control over the import of foreign literature into the USSR and the export of Soviet literature from the USSR abroad; control over information from foreign correspondents from the USSR abroad; permission and prohibition of the release of book and magazine products in the USSR, state registration of publishing houses; state bibliographic registration of all printed works published in the USSR; publishing lists of politically harmful literature subject to seizure by censorship authorities from public libraries and bookstores and monitoring bookselling in second-hand bookstores; issuing permits for the right to have special literature funds at libraries, issuing mandatory rules on the procedure for storing and using special literature funds in libraries and special funds in museums.

In 1958 alone, GlavLIT controlled 1.6 million control copies of publications (newspaper and magazine issues, book titles and pamphlets) with a total circulation of 24 million copies from the general collections of libraries. Another 6 million copies "containing anti-Soviet and anti-Socialist materials" were sent to library special funds. In addition, the censors "destroyed more than 250 thousand copies. foreign purely hostile publications sent to the USSR."

In Soviet dissident circles, GlavLIT was often referred to as the "Ministry of Truth" by analogy with George Orwell's novel 1984, meaning that the closed activities of this body were aimed at distorting reality in favor of political attitudes.

After graduating from the Moscow State Historical and Archival Institute in 1977, the author, as a "national cadre", was placed at the disposal of the Council of Ministers of the Kazakh SSR, which in turn sent the graduate to work in the Main Directorate for the Protection of State Secrets in the Press under the Council of Ministers of the Kazakh SSR (GlavLIT KazSSR) as an editor (censor). Three years later, he was appointed head

of the First (secret) Department, then a member of the Board. He worked in this body of state censorship for 12 years. At the same time, it was forbidden to say that you work there, since "according to the Constitution there was no censorship in the Soviet country."

All regulatory and operational circulars were received from the USSR Central Committee, and almost all of them were labeled "secret" or "top secret." No newspaper, magazine, book, radio, television program, or even business cards could be published without the permission of the editors of GLAVLIT. All libraries of the country, theatrical productions, films, concerts, printing houses and printing enterprises, post offices where parcels and parcels were sent abroad were under control. GLAVLIT's offices operated in all areas, and the structural divisions were numbered, without disclosing their functions. All employees were checked by the state security agencies for loyalty and granted access to classified documents and jobs. In the case of a ban on any work or part of it, the editorial offices of newspapers and magazines, publishing houses were forbidden to refer to the organs of the Central Committee.

GlavLIT performed the main task of protecting state secrets in the press in accordance with the secret "List of information constituting a state secret that is not subject to publication in the open press, broadcasts on radio and television," and other operational instructions of the Center. In addition to protecting strictly state secrets in the fields of military, state security, science and technology, and technology, Glavlit was a secret tool of the Central Committee of the CPSU to prevent information harmful to the political interests of the government, its ideological attitudes, and the authority of party and state bodies. GLAVLIT's political censorship activities throughout its history, from its creation in 1922 to its abolition in 1991, were aimed at taking care of "the ideological sterility of its citizens, (the government) She sought to remove from the official culture any hint of the presence of problems, especially conflicts, in the life of Soviet society. ... Moreover, the Central Committee, as one of the links of power, pursuing such a policy, deprived the authorities of true information about the state of society, did not give them the opportunity to conduct a dialogue with the intelligent legal opposition." (7)

The peculiar counter-reforms in ideology that demonstrated the new course of power in the mid-1960s began with the restoration and expansion of the functions of state censorship - first of all, the Office for the Protection of State Secrets in the Press under the Council of Ministers of the USSR was restored. August 18, 1966 secret decree of the Council of Ministers of the USSR No. 693c approved the regulation on the Main Directorate for Literature and Publishing Houses (GlavLIT), which was later transformed into the Main Directorate for the Protection of State Secrets in the Press under the Council of Ministers of the USSR (following a secret decree of the Secretariat of the Central Committee of the CPSU of 1969). This state body becomes one of the parties to the control and ideological triangle (Central Committee of the CPSU, Glavlit, KGB). This course gave the censors an extremely broad interpretation of the concept of state secrets, political and ideological errors, information discrediting the Soviet socialist system, etc. (8)

For example, the List contained information about emergencies that could not be made public. And the prohibition of information about the explosion at the world's largest Chernobyl nuclear power plant at the end of April 1986 led to thousands of people becoming ill with radiation sickness and dying, and on May 1, authorities held mass festive demonstrations and celebrations in Ukrainian and Belarusian cities at a time when a radioactive cloud covered the cities. And there were many such emergencies that were closed from the people with severe consequences.

Together with the State Security Committee, the Main Directorate for Literature and Publishing Houses turned into a body that supplied the Central Committee of the CPSU with secret information about the sentiments of the artistic intelligentsia, actively correcting its opinion about writers and artists, regardless of authority. Based on secret instructions, hundreds of writers and their books were banned from publication or were placed in so-called "special funds" that were closed to readers. Special funds were formed in central libraries for the convenience of Glavlit control. The conditions of their detention were equated to classified documents. A limited number of people knew about their existence.

The special fund, kept in the Republican Library of Kazakhstan, includes all publications of prominent figures of the 1916-1938's who were shot during the years of repression, including the prohibition of mentioning the leaders of the government of Alash-Orda, the Kazakh and Turkestan autonomies, as well as theologians, scientists and writers (Mashkhur Zhusup, Shakarim Kudaiberdy, Gumar Karashev, Ermukhan Bekmakhanov, Mukhtar Auyezov (novel "Kili Zaman" (Time of Troubles), and others. Tens of thousands of copies of books by these authors were seized from libraries and destroyed.

The political vigilance of Soviet censorship intensified during the years of "stagnation" – according to secret operational instructions, even popular artists Vladimir Vysotsky and Alla Pugacheva, classic writer Mikhail Bulgakov, author of the book "The Heart of a Dog", American teacher-writer Dale Carnegie, author of the bestseller "How to Win Friends and Influence People", were recorded as anti-Soviets.

Despite increased censorship, talented works appeared in print in the 1970s. This was made possible by the professional honesty of the censor editors, which required great civic courage, a sense of patriotism, and a hidden protest against the dictates of the Center, which forbade any free thought and printed word. This allowed the publication of the book "Az and Ya" by Olzhas Suleimenov, the trilogy "Koshpendiler" – "Nomads" by Ilyas Yesenberlin (editor – author), etc.

There were practically no cases of declassification of documents in the activities of Soviet party and state bodies: if they were classified, then it was forever. As you know, this field of activity in the USSR was not regulated at the legislative level.

With the beginning of perestroika and glasnost, democratic processes began, primarily demanding the condemnation of the totalitarian regime, the abolition of censorship, the opening of secret archives of the State Security Committee and the Ministry of Internal Affairs, and the rehabilitation of all victims of mass repression in the 30s and 50s.

“The GULAG Archipelago”, an artistic and historical work by A.I. Solzhenitsyn about the repressions in the USSR in the period from 1918 to 1956, produced a shock effect in the public consciousness (9). It was her first Soviet complete publication in 1989, although she was on the list of the General Directorate for Literature and Publishing Houses banned from publication and mention in print (it was first published in Paris in 1973).

The Soviet and Russian historian Vladimir Kozlov wrote: "In the 1970s, the GULAG Archipelago, a universal symbol of total evil, became part of the world's historical and cultural experience thanks to Alexander Solzhenitsyn's great book. ... In a certain sense ... Solzhenitsyn's research transformed the history of the GULAG from "terra incognita" into a real, intellectually comprehended space, into a fact of world history" (10). According to the Russian director Andrey Zvyagintsev: "This is the main book that the whole country would like to read. Everyone should read it. And there will no longer be this idiocy, the ideas of restoring Stalin's name, all these political flirtations with Stalin's name as an effective manager" (11).

In Kazakhstan, through the efforts of reputable historians (12) and writers, the first interdepartmental commission for the political rehabilitation of victims of Stalinist repression was established, which included the author, as a representative of the republic's Central Committee, who had full information about secret lists and special funds. As a result of the commission's activities in 1988-1989. The leadership of the republic was recommended to open special funds for researchers and rehabilitate, first of all, prominent historical figures of Kazakhstan Akhmet Baitursynov, Alikhan Bukeikhanov, Mirzhakyp Dulatov, Mustafa Shoka, Turar Ryskulov and others mentioned above.

After Kazakhstan gained independence in December 1991 and the self-dissolution of the CPSU, approaches to classifying the documentation activities of the state apparatus changed dramatically. If earlier, as a rule, all resolutions of the Central Committee of the party were classified, 90% of which were then published in the press, then only those falling into the lists of such information were classified in the highest authorities of the Republic of Kazakhstan. In order to regulate this work, the Law of the Republic of Kazakhstan No. 350 "On the Protection of State Secrets of the Republic of Kazakhstan" was adopted on January 19, 1993.

Taking into account the lessons of recent history, this law provided for the most important provision: in article 4 "Restrictions on the classification of information": it was stated that "Information classified as state secrets cannot be classified.: - encroaches on the rights, freedoms and legitimate interests of citizens, creates a threat to their personal safety; - hides violations of legality, inaction or illegal actions of state bodies and officials;". Further, as in the legislation of civilized states, Article 9 provided for an important factor No. 350 classification period: "Terms of classification of information" it is stated that "The classification of information constituting state secrets is carried out for up to 20 years.

The period for classifying information may be extended, taking into account the relevance of the information to the defense, security, economic and political interests of the Republic of Kazakhstan, in accordance with the procedure established by the

President of the Republic of Kazakhstan. Information constituting state secrets should be reviewed in a timely manner in connection with the emergence of factors that require their correction. In cases where the validity period of classified information has not been extended in accordance with the established procedure, the information is considered to have lost its secrecy." This is a crucial rule of law.

The Law of the Republic of Kazakhstan "On State Secrets" dated March 15, 1999 No. 349- I further limited the range of information that cannot be classified. In article 17, "Information not subject to secrecy," the Law clearly stated:

"1. Information about:

6) facts of violation of human and civil rights and freedoms;

10) facts of violation of legality by state bodies and organizations, their officials;

11) mass repressions for political, social and other reasons, including those in archives, with the exception of information provided for in Article 14 of this Law.

2. Officials who have decided to classify the listed information or to include it for these purposes in the media of information constituting state secrets, are responsible in accordance with the laws of the Republic of Kazakhstan. Citizens have the right to appeal such decisions in court."

However, as practice has shown, despite the legislative requirements, the inertia of the previous approach to secrecy persisted in relation to the secret archival funds remaining from the USSR. This approach was preserved not only in special and law enforcement agencies, but also in the Archives of the President of the Republic of Kazakhstan, who inherited the secret funds of the Central Committee of the Communist Party of Kazakhstan.

In order to declassify them, the Administration of the President of the Republic of Kazakhstan decided to establish an Interdepartmental Commission for the declassification of the archives of the Central Committee of the Communist Party of Kazakhstan and the Almaty Regional Committee of the Party, stored in the Archives of the President of the Republic of Kazakhstan, whose chairman was appointed by Order of the Prime Minister dated 05/18/2005 No. 129-r DSP the author. During 2005-2008. The Commission declassified more than 20,000 archival files of the CPC Central Committee for 1937-1991, the Authorized Party Control Commission under the Central Committee of the CPSU(b) for Kazakhstan for 1934-1947, and the Almaty Regional Committee of the Communist Party of Kazakhstan for 1937-1991. As a result, original protocols, transcripts, materials of congresses, plenums, minutes of meetings of the Bureau, the Secretariat of the Central Committee and materials to them, labeled "secret", "top secret", as well as "special folders", were made publicly available. Only 37 cases containing information of a defense and economic nature were classified.

At the same time, millions of classified documents and cases related to mass repressions during the Soviet period remained in other state archives of the republic, especially in the specialized state archives of the National Security Committee, the Ministry of Internal Affairs, the Prosecutor General's Office, the Ministry of Justice and the Supreme Court. A certificate available at the Project Office of the State Commission for the Complete Rehabilitation of Victims of Mass Political Repression

indicates 2,644,937 items of classified materials stored in departmental archives of special and law enforcement agencies.

A lot of work has been done since the creation of the State Commission by Decree of the President of the Republic of Kazakhstan dated November 24, 2020 No. 456 and the decision of the Government – its working structures. At the same time, an analysis of the performance of the tasks set shows that due to the lack of experience in such activities by their former managers, we believe that the members of the Commission and working groups faced problems with their access to the secret funds of specialized state archives.

Due to the fact that, without first declassifying all the cases of victims of mass political repression (based on paragraphs 3, 6, 11 of Article 17 of the Law of the Republic of Kazakhstan "On State Secrets"), they were transferred from regional and central special archives to the Archive of the President of the Republic of Kazakhstan in Almaty, this created a serious inconvenience for researchers from the regions and the city of Astana.

The former leadership of the National Security Committee approached this political task like ordinary "secretaries", observing all the routine formal requirements of departmental instructions that relate to secret documents of the Republic of Kazakhstan:

the Chairman of the National Security Committee approved the Procedure for access to the materials of the special state archive and a Memo on working with archival materials for representatives of the State Commission, extracts from which were sent to all the National Security Committee, the Prosecutor General's Office, the Ministry of Internal Affairs, the Ministry of Education and Science, the MCS (Ministry of Culture and Sports); approved the Rules of the special state archive, allowing access to representatives of the State Commission; jointly with the Ministry of Internal Affairs, developed an organizational plan, conducted special courses for law enforcement officers structures on the specifics of working in closed funds;

in order to ensure access to the funds of special state archives, which, in accordance with the requirements of the Law on State Secrets of 1993, should have been declassified by them and law enforcement agencies earlier (periodically, as planned, but at least every 5 years), they requested from representatives of the State Commission, according to the instructions, a whole package of personal documents and An admission was issued through the ministry and regional akimats, which, nevertheless, provides for the researcher to complete many more procedures for filling out various forms before accessing the funds., approvals and requests, as well as a set of restrictions on his civil rights;

The provisions of the legislation on state secrets were misinterpreted: in a letter sent to government agencies, they stated: "Secret information of the former USSR located on the territory of the Kazakh SSR was classified as state secrets of the Republic of Kazakhstan by the Law "On the Protection of State Secrets" of 1993. The period of secrecy of the specified information is calculated from the date of adoption of the above-mentioned Law" (13). There is no such reference in the text of this law.

Moreover, this law of 1993 became invalid by the Law of the Republic of Kazakhstan dated 03/15/1999.

As a result of such approaches, the central permanent commission of the Ministry of Internal Affairs decided: "The secrecy of archival criminal cases against politically repressive persons in the 20s and 40s of the twentieth century and filtration materials of prisoners of war of the Great Patriotic War, as well as Soviet citizens repatriated from Germany, should remain unchanged" (14). Although earlier, on 24.06.2022, by a joint order of the Ministry of Internal Affairs, the Archive of the President of the Republic of Kazakhstan and the MCS (Ministry of Culture and Sports), it was already decided to transfer these and other archival criminal, filtration and trophy cases to the Archive of the President of the Republic of Kazakhstan for permanent storage with the right of disposal (according to the Ministry of Internal Affairs, these are 172,462 cases and materials of "twos", "threes", and other non-judicial bodies).

The Prosecutor General's Office, having declassified 2,444,316 cases, ruled that 17,220 cases were not subject to declassification (the reasons were not specified).

In addition, it became known that 3 million cards, including 164,833 unclassified cases, are stored in the archive fund and card file of former special settlers in the Committee on Legal Statistics and Special Accounts of the Prosecutor General's Office. It is also known about 2,071 materials, according to the Committee, "which are not subject to declassification with statistics, documents of the special commissariats and the NKVD, minutes of meetings of the OGPU-NKVD and 11250 documents of the department of visas and registration for foreign nationals."

Of particular interest are the conclusions of the permanent commissions of special agencies, according to which they did not declassify intelligence and operational files and materials containing information about victims of political repression, with reference to the exclusion of information from paragraph 11 of Article 17 of the Law on State Secrets, provided for in article 14 of the same Law.

However, article 14 refers to "information in the field of intelligence, counterintelligence, operational-investigative and other activities classified as state secrets of the Republic of Kazakhstan," but not of the USSR. At the same time, it is not taken into account that further in paragraph 1 of the article it is stated: "State secrets in the field of intelligence, counterintelligence, operational search and other activities include: 1) information revealing the forces, means, sources, methods, plans, condition, organization, results of intelligence, counterintelligence, operational-investigative activities that were not used in the criminal process as factual data relevant for the proper resolution of the criminal case ...".

Paragraph 5 of the same article mentions "information about persons who cooperate (have cooperated) on a confidential basis with the authorities of the Republic of Kazakhstan engaged in counterintelligence or operational search activities."

The unclassified criminal cases of this category contain the specified information concerning the organs of the OGPU-NKVD and persons of the former USSR guilty of mass political repression. Therefore, we consider it incorrect to draw an analogy between information about the working methods of the special agencies of the Republic of Kazakhstan and them. Moreover, the secrecy of the methods of the NKVD and

OGPU, referring to article 14 of the Law, is currently seriously questionable. These are, as they say, the “secrets of Polichinelle”. Besides, 70-90 years have passed since these “secrets” of the OGPU.

And, most importantly, article 20 of the Law defines: “3. The period of secrecy of information constituting state secrets should not exceed thirty years. In exceptional cases, this period is extended by the conclusion of the authorized state body for the protection of state secrets.” Needless to say, this provision of the Law applies to the state secretaries of the Republic of Kazakhstan.

According to the very first law on the protection of State secrets of 1993, all classified archival files on repression, for which the validity period of classified information has not been extended in accordance with the established procedure, are considered to have lost their secrecy (see above, article 9 of the law).

Therefore, based on this logic, it should be assumed that classified materials stored in the departmental archives of special and law enforcement agencies, the period of secrecy of which was not extended in accordance with the established procedure, automatically lost their secrecy labels in accordance with the law of 1993.

Meanwhile, the Archive of the President of the Republic of Kazakhstan, which has established a Center for the study of materials of Political Repression of the twentieth century (with a staff of 20 people), having simultaneously accepted a huge number of about 700 thousand cases from specialized state archives, which made up almost half of the entire archival fund of the institution, must process this entire array using archival technology, declassify it and prepare it for research. This laborious work, even with the added staff (another 40 people), will take about 30 years.

Taking into account all these circumstances and based on the indicated norms of the legislation on state secrets, the State Commission could decide to consider the entire archive fund containing documentary materials on mass political repressions of the Bolshevik-Soviet period to be completely declassified.

Therefore, detailed knowledge and strict compliance with the legislation on state secrets allows us to prevent possible problems in working with the relevant categories of documents.

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