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Lecture given on

“Dealing with communist dictatorship in Germany and in Bulgaria”.

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The reappraisal of the Communist Dictatorship is aimed, in the first place, at detecting repressions, crimes and the abuse of power.

On the other hand the research of the past should be used to elucidate the benefits of freedom that people have in a country under the rule of law.

People often value freedom only once they lost it.

Last not least dealing with the past is a tool for preventing similar things from happening again, which means the processing of the past is not an end in itself.

In 1989 all the parties in Germany agreed that research and a public debate regarding the East German dictatorship are urgently required. That fact the SED (Socialist Unity Party of Germany, i.e. Communists) established a dictatorship was much more obvious in those days than it is today; perhaps this is the case because the experience was still in the memory of the people

and crimes and repressions are covered today more often with nostalgia for the past according to the slogan: Everything was better in the old days. This nostalgia appeared in the middle 1990s due to the statement "After all, not everything had been that bad" It considered the question "What was actually so bad? " However, today almost nobody refers back to the old situation and this statement should be taken more as an expression of the personal life in a dictatorship, not as a defence of the communist system. The situation should be similar in Bulgaria. Therefore a very clear distinction has to be made between a dictatorship and its tools and the people who had to live in a dictatorship.

The crucial moment for the beginning of the dealing with the past was the opening of the Stasi files and other archives of the former GDR. The files revealed especially the secret agents of the system.

A drawback of the past 25 years was the fact that the focus was mostly on the topic "Stasi" which put the Communist Party, in fact the Socialist Unity Party of Germany, in the background. As a result the secret service has been recognized more or less unwillingly, even after 1989 as the party's "sword and shield", as used in the slogan. However, the old SED staff can hide even today behind the Stasi issue

A few weeks ago we conducted a survey about the historical knowledge among young Bulgarians. You access the data and the results on our webpage. They indicated that the nature of communism, the crimes and repressions are almost unknown to young people.

Germany is facing a similar situation, although the State and many organizations and societies, as well schools inform intensely about the dictatorship and the issue is successful integrated in classes.

Positively in the Germany study, however, was that 80% of the young people recognized the difference between dictatorship and democracy.

In the end of 1989 the files of East Germany's Secret Service were relatively quickly seized by the Civil movement when people occupied the Stasi-buildings, at last even the Stasi headquarter in Berlin in January 1990. A law about the use of the files was passed quickly and an authority to manage and administrate the Stasi-files was established. Its first superior was Joachim Gauck, currently President of Germany. In the GDR he was a rebellious pastor. There are totally about 170 km files.

The public administration staff, in other words the employees of the State, were screened for collaboration with the Secret Service by 2006.

Collaboration with the Stasi excludes from public service, although there was not a specific law to stipulate that. It is therefore only a question of morals that former Stasi-collaborators are not allowed to work in senior and decision-making positions in public service. Therefore most of those who had worked for the secret service went into private business or established themselves as self-employed workers after 1990. Some, however, were elected as mayors; here the state has to accept the will of the voters, because it is not punishable having been a collaborator of the East German secret police, the Stasi or a member of the Socialist Unity Party of Germany. This is rather only morally questionable.

Over the past 20 years more than 2 million requests for access to their files have been submitted from private persons who have been spied on by the Stasi. They wanted to know the details in the files, who had been spying on them and what the Secret Service had in store against them and their families and about their lives.

In addition to the Secret Service-files the archives of the party and the government of the GDR have been also opened without the usual vesting period of 30 years.

After the German reunification in October 1990 the political elite on the territory of the GDR was replaced: At the universities and schools teachers and lecturers who had been teaching Marxism and Leninism were fired, all top

positions in police and military were replaced. Not one general of the National People's Army of the German Democratic Republic was transferred to the Federal Armed Forces and only very rarely a colonel. In the judiciary Judges and Prosecutors have been replaced.

So far these high ranking civil servants of the GDR received from the Federal Republic a very good pension according to their position and so they are situated higher than the normal GDR citizen. But to sum up, it may be said, the ex-elite was softly removed. This situation is disappointing especially for the victims, but puts the country on the path of social peace. This agreement was rightly accepted even from the highest German courts. All this was only possible because in West Germany there were enough experts, who were able to fill the vacancy positions in the East. Back then, West Germany had a population of 60, the GDR only of 15 million. However, many experts were reactivated from retirement, many students, who had graduated the course, took the East German opportunity to launch a career.

JUDICIAL REDEFINITION

There were about 250.000 political prisoners in the GDR between 1949 and 1989. After 1990 they could be rehabilitated lodging an application, because unified Germany has established corresponding legislation. 170.000 victims have been subsequently freed from any blame. Everybody received a compensation of 300 euro per month of detention; a total of more than 660 million Euros was paid.

Prosecution of the injustices that occurred in the former GDR started in the GDR era, because in March 1990 the citizens of the GDR had elected a new government democratically. Charges were the breach of trust, electoral fraud, failure to prevent the perversion of justice and personal enrichment: Beginning in early December eleven of the 21 politburo members, the highest body of the communist party, were arrested. Erich Honecker was detained in January 1990, but a day later released because of ill health. His wife Margot, then Minister for Education, lives now in Chile and enjoys her

pension there. Up to the Day of Reunification on October 3th, 1990 there were more than 100 verdicts by the GDR courts. However, the independent justice in GDR didn't focus on serious crimes such as murder, killings at the border, torture, failure to prevent the perversion of justice, deprivation of personal liberty. This was to happen later in the courts of a united Germany. These courts conducted indeed more than 100.000 investigations between 1990 and 2003. 10 years ago the possibility of persecution of the injustices that occurred in the former GDR came to an end, because they were lapsed. The yield was more than poor: only 1000 prosecutions, only 300 convictions, most of them on probation.

This was not due to the inability of the German Justice, but rather because the proceedings against the accused ought to be treated by the GDR-law. This means that German courts have to apply GDR criminal law, because of a judicial principle that new laws could not be applied with retroactive effect. Nulla poena sine lege - no punishment without law - this is the basic principle. Let us assume that the use of hashish is legal in Bulgaria and you smoke a joint every day. You should have guarantees that you will not be convicted if a new government should decide to criminalize the consumption of hashish in the next months. And because many deeds, classified as wrong according to West German standards, remained legal under GDR law, convictions remained well below expectations. The result has been that the victims were disappointed, but the perpetrators were subsequently viewed as warranted. A "justice of winners", however, which German judges were often accused of, is something quite different.

INSTITUTIONAL REDEFINITION

More successful than the judicial redefinition was the institutional process of dealing with the communism. The German Parliament set up a commission for years focused intensely on the history of communism in Germany. The result was 34 volumes with 30.000 pages!

Further, there are numerous memorials and museums, mostly former prisons for political detainees such as the infamous prison in Berlin-

Hohenschönhausen or the worst prison for women in Hoheneck. Luckily the old equipment of the cells still exists, so visitors can obtain a realistic impression of the prison conditions. Wherever possible, the groups are guided within the memorials by former prisoners. About 180.000 young people visit just Hohenschönhausen in a year. Altogether, there are 700 places of memory, 80 of them are located in West Germany.

In 1998 the State established its own foundation named "Redefinition". The mission of the foundation is to support projects for studying communism. The foundation "Redefinition" has at its disposal about 30 million euro per year, which fund about 2400 projects.

The foundation has also co-financed the exhibition of the Konrad Adenauer Foundation on communism in Bulgaria. It can be presented as a mobile, touring exhibition. If you want to present it here in Blagoevgrad, we can do that together in the spring.

Germany experienced first the brown than the red dictatorship and this combination is unique in Europe. This required the conflict of the crime interpretation at an early stage. The victims of Nazism and Communism entered into a direct competition.

However, I think that every dictatorship has its own story to be told; they can be of course compared and I am quite certain, that there is much conformity. But we should not equate both dictatorships. The crimes of Nazism should not be relativized; crimes of communism shouldn't be downplayed or trivialized.

Let us now look at the situation in Bulgaria. On September, 9 this year Sergei Stanishev said that this day had been a "bright day" for Bulgarian history. What he meant was the Red Army's intervention and the conquest of Bulgaria in 1944 without a declaration of war and the subsequent establishment of the communist dictatorship. This initially brought in Bulgaria even more bloodshed than in other parts of the Soviet Union's sphere of influence. In the months after 9 September 1944 thousands of Bulgarians were executed without a trial. This generally involves members of

the old elite as police directors, military officers, priests, and also journalists. They were denounced as traitors, spies and fascists and later liquidated. The number of the murdered by the people's militia and the mysteriously disappeared varies depending on the sources of information between 18.000 and 30.000 people. The so called "People's courts" started their work later. The legal proceedings violated all the principles of the rule of law: Chief Prosecutors were not trained judges, but rather party activists. The accused did not have the opportunity to defend, they didn't receive legal advice. Later their assets were confiscated and their families became victims of repressions. Until July 1945 more than 11.000 people were brought before the People's courts, only 1.500 were acquitted.

The most important persons were put on trial in Sofia.

The trial began four days before Christmas and was held in the ceremonial hall of the Palace of Justice and simultaneously in the Aula of the Sofia University. Accused were three Regents, three former Prime Ministers, 26 former Ministers, 122 members of the last Parliament from 1940 and eight close advisors of Tsar Boris. Overall 162 defendants were brought to justice. They appeared before the lay assessors in prison uniform and made a very miserable impression after several months in prison. The verdicts of the court were announced on 1 February 1945. The court imposed the death penalty one-hundred times. The executions took place in the night of the 2 February. The convicts shoveled their own graves at the Sofia Central Cemetery at temperatures of about -19 degrees. Then they had to undress completely and were shot by machine-guns. The last words of Prince Kyrill were „Long live The Kingdom of Bulgaria! “. Today, a small commemorative plaque at the cemetery reminds of the crime.

It remains a mystery why according to Mr. Stanishev the beginning of this dictatorship should be considered a good event for Bulgaria.

However, it can be observed that all Bulgarian governments from 1990 till today were hardly able to contribute to the clarification of the past: There are no memorials, no publicly funded research institutes or research projects,

no state supported discussions about communism, no museums, only a few films, few commemoration ceremonies. In schools the issue is treated sidelined. Everything that so far has been gathered in Bulgaria about communism is based on the initiative of single persons or non-government organizations. So it is not surprising that the knowledge of young people on the recent history is very poor. And this ignorance is masked by stories told by the older generation, who in their turn don't want to devalue their life in communism and developed a nostalgic look of "the good old days" instead.

The only laudable exception was the "Commission for administration and disclosure of the Secret Police files" established in 2006 and the transfer of the files into an own archive. The associated law about the files of the former secret police is one of the best in Europe. The creation of the authority was based on a European Union requirement as one of the conditions for Bulgarians accession in 2007. Since then there have been numerous revelations concerning the cooperation of famous persons and public figures with the Secret police. Until now more than 8.000 persons have been exposed as employees of the State Security. For example, it was a terrible shock in February 2012 when it became known that most of the metropolitans of the Church had been Secret police informants. However, nobody has drawn the necessary consequences from this situation. In all cabinets, with exception of the years 2011 – 13, there were figures with relations to the Stasi. This also applies to a third of the current parliamentarians from the Party Ataka.

I am not surprised that the existence of the file-commission was recently put into question. In an interview for the magazine Monitor Mr. Stanishev explained some weeks ago, that for reasons of cost the files should be subordinated to the State Archive and the Commission should be dissolved. But such measures would result in a paralysis of the redefinition, because the Commission is responsible only to Parliament and the State Archive to the Minister of the interior.

Moreover, a few weeks ago a former employee of the communistic State Security Service became director of the State Archive.

As you can see, the issue of the communistic past is not a closed episode, but the past is affecting and largely shaping the present. And this is because in 1990 there wasn't a real revolution, but only a change of the political system without any change of the old elites. Ilja Trojanov as a matter of fact also speaks about an "invented" or faked revolution. The elite, including many officers of the Stasi, have had ample opportunity to adapt to the new situation and to incorporate in the government apparatus, in the security sector and in the economic networks. The recent oligarchic structures are based mainly on this fact. The State Security founded companies abroad already in the eighties, which helped to transfer money out of the country. After 1987 the government lost the control over these companies; some of them went bankrupt; where the money has gone is unclear until today.

Equally unclear is where the 2 billion US-Dollars of the Bulgarian national bank, extended in 1991 as loans abroad, remain. But this money is working and acting till this day.

A feature of the functioning of these informal, hidden networks is the lack of qualitative criteria for professional advancement and success; for example for young people who do not have any connections to these circles acquaintances are important instead. A remarkable example for the influence of the State security is the Ministry of Foreign Affairs, where the high percentage of Stasi-employees among the career diplomats and directors demonstrated the absence of a system that binds career development and merits. As a result no new elite has been established yet in the diplomatic service. This opposition against the principle of merit is one of the greatest problems facing the state administration in Bulgaria, but also the young private economy. This also explains why so many Bulgarians are pinning their hopes of overcoming this legacy on the European Union. The tensions between the old communist staff and the still young business elite are one of the reasons for the protests in summer 2013. They are also an

attempt to make a carrier breakthrough based on personal performance and knowledge instead of relations and power structures.