**On the Erased, Crimean Tatars, and accountability of the perpetrator as a path to remedy and prevention of future atrocities**

The term "Erased" refers to the people who were unlawfully deleted from the Slovenian registry of permanent residence in 1992, after the dissolution of SFRY. The repercussion of the failure to apply for Slovenian citizenship by a given deadline was an arbitrary sentencing of these individuals to a situation resembling statelessness. As a result of this action, 25,671 persons suffered a civil death - the revocation of all legal rights - including access to education, the labor market, health care, and social benefits. The victims were given no notice, and many of them only learned of their new status upon attempting to use administrative services, where they were told the news of their non-existence.

For about a decade, the Erasure went unnoticed.

The path to justice for its victims has been strewn with financial and bureaucratic challenges for over two decades, and defined by the initial prejudice of Slovenian society towards the plight of this group. The discriminative and unsympathetic attitude of the public was shaped by the government’s unfavorable rhetoric, until the erasure was determined to be unconstitutional by Slovenian authorities in 1999 and again in 2003, when the resident status was ordered to be reinstated for the Erased. Of course, years of stigma have taken their toll on the quality of life and psychological well-being of the group in question, and no recognition or compensation can remedy the discriminative treatment, years spent in insecurity, and forbidden access to the benefits and services provided by one’s own society. It is an unimaginable predicament – to one day wake up without a legal status in your own home, and ultimately realize that you are powerless to influence your circumstances, or prevent the harsh consequences of dystopian bureaucratic abuse.

Nevertheless, European Court of Human Rights (ECtHR) ruling in 2012 ([Kurić and Others v. Slovenia](https://goo.gl/SgnhJ1) ) established a right to compensation, which paved the way for popular recognition of the Erasure as a human rights violation. The judgment of an international human rights court was what it took to bring about public cognizance and expedite the initiative of the state authorities to remedy the abuse.

The deadline to apply for the court-mandated compensation has passed on 18 June 2017. [Less than 6,000](https://goo.gl/ZLMG5W) Erased individuals were successful in claiming what they are owed. Nearly 12,000 have not managed to regularise their status within the allotted timeframe. According to a [report](https://goo.gl/nHjpwF) by Nils Muižnieks, Council of Europe Commissioner on Human Rights, this may have been a result of "restrictive conditions in the 2010 Legal Status Act" or missing the deadline. Representatives of the “erased” challenge the compensation amount, arguing that the damages that resulted from the erasure exceed it. Activists working on the issue in Slovenia consider it to be far from resolved, while the media and international organizations previously vocal about the right to remedy of the Erased people seem to be mostly content with the ECtHR judgment and Slovenia’s implementation of the recompense framework. Notably, after much pressure from the international community, a public state apology was recently issued by the President of the National Assembly to commemorate the 25th anniversary of the Erasure.

I have found that there is a lack of accessible information on the individuals responsible for the erasure. While compensation to the Erased people is a remedial measure that holds priority over the symbolic significance of 'naming and shaming', the latter is crucial in combating impunity. The lack of consequences for brutally discounting the inviolability of thousands of lives sets a horrendous precedent for future violations.

As a cautionary case, it is interesting to consider the issue of restitution for the Crimean Tatar population, which has undergone forcible displacement in the 1940s, and is currently facing daily threats from Russian occupants in the Crimean peninsula. Despite the numerous efforts throughout history to expel the Crimean Tatars from their land, the two most recent instances of abuse by totalitarian regimes form a prime illustration of “history repeating itself” due to the violations being prevented from being properly documented and disseminated.

The Crimean Tatars are an indigenous people that have formed an ethnic group in the Crimean peninsula as early as the 13th century. The Sürgünlik, an unlawful deportation of the Crimean Tatar population by the Soviet regime in 1944, resulted in the death of 46.2% of the population. The ethnic cleansing has gone unrecognized by the Soviet, and later, the Russian government. The return of those who have been deported was only permitted in 1988 under Gorbachev’s regime, and it wasn’t until March 2014 that the Crimean Tatars have been legally granted the status of an indigenous population of Ukraine. For many years, the facts and details of what the Verkhovna Rada of Ukraine has formally recognized as a genocide in November 2015, was completely wiped from history books in the former Soviet Union region. Described as the ["the near erasure of an entire people"](https://goo.gl/xw4RKE), one of the threats facing the surviving population during their exile was the symbolic erasure of the event itself.

Since the Russian occupation of the Autonomous Republic of Crimea, the so-called “Supreme Court of Crimea” has issued a ban on the democratically elected representative body of the Crimean Tatar People – the Mejlis. Russian authorities continue to place unlawful restrictions on civil liberties and ensure severe consequences for freedom of expression, association, and peaceful assembly. There have been many cases of disappearances, imprisonment, intimidation, and physical and mental abuse of Crimean Tatar activists and sympathizers, in addition to their lack of access to remedy for the historic dispossession of land and resources. There is no accountability at the central or the local level for targeted persecution and violation of human rights of the Crimean Tatars. In the current political state, despite having received legislative recognition from the Ukrainian government, they are a long way from restitution or due concessions from Moscow.

I am aware that this is not to be justified as a direct comparison of remedial approaches. There are different redresses for abuse of administrative powers versus acts that lead to genocide. In my view, the uniting factor is the attribution of responsibility to the guilty, and the responsibility of all parties – the perpetrators, the victims, the onlookers – to preserve the abuses in the collective memory of many generations. The Council of Europe Commissioner on Human Rights recommended to include the history and analysis of the Erasure in school curricula in Slovenia. I’m not certain how many generations will pass before a student in a Russian school will open a history textbook to a page that openly details the lesser-known atrocities of Stalin’s regime, or Putin’s, for that matter. I know that from the case of the Crimean Tatars, which is, at the current stage, still fighting for international and domestic recognition and the right to existence, it is important to acknowledge the successful efforts of all those who advocated for the cause of the Erased, and reminded Slovenian society of the injustice that transpired, through protests, research, legal procedures, and publications.

I believe that in regards to the ongoing matter of the Erased, and any future matters of systemic injustice, one of the focuses of Slovenian activists and political and legal authorities should be the matter of timely identification of duty bearers and individual criminal accountability for human rights violations. And attached to the responsibility of the judicial system, is the obligation of our generation to ensure that the violations are duly memorialized for years to come.