

MEMOCRACY

Newsletter III

Autumn 2023 – Summer 2024



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Volkswagen**Stiftung**

Forming the research consortium





Dear Reader,

We are pleased to share with you the third and final newsletter of the MEMOCRACY Research Consortium (2021–2024), sponsored by Volkswagen Stiftung (the [first](#) and [second](#) newsletters can be found at the MEMOCRACY website).

The MEMOCRACY project tackled the legal and political challenges posed by memory laws in contemporary Europe. The term "memocracy", coined specifically for this study, refers to "ruling on the basis of memory". MEMOCRACY adopted a transdisciplinary research approach to integrate knowledge across fields such as comparative constitutionalism, socio-legal studies, critical legal studies, international relations, and Central and Eastern European area studies. The project has significantly contributed to understanding the link between the erosion of fundamental democratic rights and the rise of nation-centric memory governance in CEE.

Key outcomes of our research consortium include:

- **Thematic Workshops with Stakeholder Engagement:** International workshops were held at the University of Cologne and the Polish Academy of Sciences (PAN) in 2022; the Vabamu Museum (Estonia) in 2023; and the T.M.C. Asser Institute in The Hague (The Netherlands) and the European University Institute in Florence (Italy) in 2024.
- **Policy Study Reports:** Comprehensive study reports on memory laws in (1) Germany, (2) Poland and Hungary, (3) the Baltic states, and (4) Russia and Ukraine have been published, including shorter policy documents in the national languages of each respective country. These are now available for free download and dissemination on the MEMOCRACY website.
- **Academic Publications and Media Engagement:** High-profile peer-reviewed journal articles and book publications by consortium members have been released, along with numerous expert commentaries in media outlets. These contributions have enriched public debates on the future of liberal democracy.
- **Online Webinars:** Recordings of webinars on the legal aspects of transitional justice and memory are now available for viewing.
- **Digital Presence:** [Our website](#), along with an active account on [X](#) (formerly known as Twitter), features comprehensive study reports, policy briefs, and other insights from MEMOCRACY consortium members.
- **Global Perspective:** The project has also extended its focus to examine memory governance on a global scale, comparing legal developments in Europe with those in Latin America and East Asia.



MEMOCRACY TEAM

(See the [First Newsletter](#) for full intros of all Team Members)

Principal Investigators



Prof. Angelika Nußberger ([@ahnussberger](#) on X)

Prof. Angelika Nußberger, head of MEMOCRACY research consortium, is currently a professor at Cologne University teaching international law and comparative constitutional law.

Dr. Uladzislau Belavusau ([@Ulad_Belavusau](#) on X)

Dr. Uladzislau Belavusau is a Senior Researcher in European law at the T.M.C. Asser Institute – University of Amsterdam (the Netherlands) leading the Dutch team of the MEMOCRACY project.



Dr. Aleksandra Gliszczyńska-Grabias

Dr. Aleksandra Gliszczyńska-Grabias is an Assistant Professor at the Institute of Law Studies of the Polish Academy of Sciences leading the Polish team of the MEMOCRACY project.

Prof. Maria Mälksoo ([@MMalksoo](#) on X)

Prof. Maria Mälksoo is a Professor of International Relations at the University of Copenhagen leading the Danish team of the MEMOCRACY project.





MEMOCRACY TEAM:

A New Member joining the Polish team in 2023



Dr. Patryk I. Labuda (@pilabuda on X)

Patryk I. Labuda (Polish Academy of Sciences, Institute of Legal Studies) is a researcher in the Polish MEMOCRACY team who joined the team in 2023. He was previously an Assistant Professor of (International) Criminal Law at the University of Amsterdam and a Swiss National Science Foundation postdoctoral fellow at the New York University School of Law, the Fletcher School of Law of Diplomacy, and the University of Zurich. Patryk holds a PhD from the Geneva Graduate Institute of International and Development Studies.

Patryk has 14 years of work and research experience in Africa, with a regional focus on the law, politics and history of the Democratic Republic of Congo, Central African Republic, Sudan and South Sudan. His current research focuses on global governance and relations

between the 'Global South' and 'Global East', in particular Eastern Europe and Africa, in the wake of the 2022 invasion of Ukraine.

Patryk's first book is '[International Criminal Tribunals and Domestic Accountability: In the Court's Shadow](#)' (Oxford University Press). His work has featured in the Yale Journal of International Law, Leiden Journal of International Law, European Journal of International Law, Journal of International Criminal Justice, Journal of Conflict and Security Law, Journal on the Use of Force and International Law, and numerous edited books.



MEMOCRACY Consortium events in 2023-2024

MEMOCRACY team 4th project meeting – at the T.M.C. Asser Institute in the Hague



On 11 March 2024, the consortium teams of the MEMOCRACY project represented by its members from the universities in Cologne and Copenhagen, as well as from the Polish Academy of Sciences (in Warsaw) gathered on the premises of the T.M.C. Asser Institute in the Hague, to unite for the project meeting with the Dutch team.

The project participants discussed plans for the final year of the project, including the joint publications and the dissemination of the research results at the remaining workshop in Florence and the upcoming project conference in Munich in September 2024.

Workshop: Connecting Memory Laws in Latin America, East Asia and Europe



On 12 March 2024, a unique – in its international scope – MEMOCRACY workshop took place at the premises of the T.M.C. Asser Institute in the Hague.

The MEMOCRACY project has brought [a cohort of scholars](#) from Latin America and East Asia to explore the topic of ‘memory laws’ and legal governance of history as a worldwide phenomenon. The [workshop](#) has unpacked how various legal measures govern the representation of the historical past. Most recently, the topic of memory laws

has been actively discussed in the comparative scholarship in the context of the legal bans on historical speech, proliferating in, particular, in Central and Eastern Europe, since the 2010s. The theme of the workshop explored memory laws further, beyond the geographic scope of Europe. The event gathered legal



scholars, experts from social sciences and practitioners from [Latin America and East Asia](#) discussing the diverse ways these regions have been dealing with memory laws and memory policies.

The current workshop was the result of earlier exchanges with East Asian researchers in [Tokyo](#) and [Seoul](#), as well as with Latin American researchers in [Brazil](#), culminating in the unique connection of the workshop organised in The Hague.

Prof Yunjeong Joo (Pusan National University, South Korea), Prof Satoshi Yokodaido (Keio University, Japan), Prof Junko Kotani (Shizuoka University, Japan), Dr Vincent K.L. Chang (Leiden University, the Netherlands), Dr Sandra M. Rios Oyola (Utrecht University, the Netherlands), Prof Carlos Pérez Ricart (Centro de Investigación y Docencia Económicas, and Commissioner in the Commission on Access to Truth, Historical Clarification and Justice for Serious Human Rights Violations in Mexico, 1965-1990, Mexico), Prof André Andrade (Judge and Professor at UNESA, Universidade Estácio de Sá, Brazil), and Dr Mirosław Sadowski (University of Strathclyde, UK) provided their insightful presentations.

A joint workshop by MEMOCRACY and European University Institute (EUI) on memory laws in Russia and Ukraine





On 30 May 2024, a workshop, jointly organized by the Dutch MEMOCRACY team (Dr. Ulad Belavusau and Dr. Andrii Nekoliak) and Prof. [Monika Báar](#) (EUI), took place at the premises of the European University Institute (Florence, Italy).

This was the last of the [MEMOCRACY](#) consortium [workshops](#) dedicated to the [country studies](#) (with previous workshops covering Estonia, Germany, Hungary, Poland, Latvia, and Lithuania), this time co-organized by the History Department of the EUI and the Asser Institute, and dedicated to memory laws and policies of Russia and Ukraine.

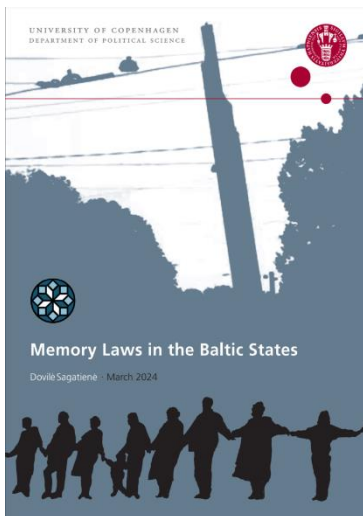
The first panel of the workshop, chaired by Dr. Ulad Belavusau (Asser senior researcher in European law), focused on the presentation and critical discussion with scholars and practitioners in the field of the Study Report by Dr. Andrii Nekoliak (T.M.C. Asser postdoctoral researcher). His study report that will be finalized in the summer 2024, taking on board the recommendations received during the workshop, in particular, from the leading specialists on transitional justice, European law and memory politics, including Prof [Adam Łazowski](#) (University of Westminster, UK), Prof [Buhm-Suk Baek](#) (Kyung Hee University Law School, South Korea), Prof [Nikolay Koposov](#) (Georgia Tech, USA), [Anastasiia Vorobiova](#) (Polish Academy of Sciences, Poland).

In his presentation, Dr. Andrii Nekoliak unpacked the various legal measures that regulate the representation of the historical past, comparing the legal developments in Russia and Ukraine. In recent years, the topic of memory laws has been actively discussed in [the comparative scholarship](#) in the context of the legal bans on historical speech, proliferating in Central and Eastern Europe, since the 2010s. The diverse ways in which states approach the historical past as well as the compatibility of such legislation with international and European law, in particular with the European Convention on Human Rights, are often at stake. Moreover, the ramifications of memory laws are profound internationally and domestically. Russia's war in Ukraine spotlights the mobilization of historical memory for a military conflict. Vladimir Putin's rationale for Russia's invasion of Ukraine in February 2022 advanced a [quasi-historical justification](#) that denied the legitimacy of Ukraine's statehood and a claim about denazification. Domestically alike, Russian memory laws bear a particularly [repressive character](#).

In the second part of the workshop, a panel of the renowned scholars and experts discussed and contextualized Russia's and Ukraine's trajectories of legal regulation of historical memories further. The study reports and policy briefs (including in national languages) from these workshops can be found [here](#), including the study report of on Ukraine and Russia, that will be finalized during the summer 2024, taking on board the recommendations received during this workshop in Florence.



New MEMOCRACY Study Reports are out in 2024



[“Memory Laws in the Baltic States”](#)

by Dovilė Sagatienė

The report provides an overview of the memory laws that codify the remembrance of the Nazi and Soviet eras in the three Baltic states: Estonia, Latvia and Lithuania. The report summarizes the distinct patterns of mnemonic legal regulation in the Baltic states, including national and international case law, the related controversies and the background of memory legislation in a compact format.

The pertinent Baltic legislation is contextualised against the backdrop of the relevant European standards, largely set before the Baltic states became part of the European Union (EU) in 2004. Memory laws in the Baltic states were adopted in the course of dealing not only with their past during the Nazi German occupation (1941-1944), but also with the two Soviet occupations (1940-1941 and 1944-1990, respectively). Whereas the ruling Nazi party (National Socialist German Workers’ Party) was held

accountable for their crimes, the Communist Party of the Soviet Union never assumed any responsibility, and attempts at a ‘Russian Nuremberg’ failed in 1992. The Baltic accounts are further complicated by the domestic collaboration with the Nazi destruction of the local and European Jewry (especially in Latvia and Lithuania) and the role of local communist parties during the Soviet occupations of the Baltic states. The legacy of communism continues to shape politics and society in this region to this day. Shorter policy briefs of the report are available also in [Lithuanian](#), [Latvian](#), and [Estonian](#) on the MEMOCRACY website.

[“Memory Laws in Russia and Ukraine”](#)

by Andrii Nekoliak

The report provides an overview of memory laws in Russia and Ukraine. The current Russia’s war against Ukraine highlights the mobilization of historical memory for a military conflict. Russian official rationale for full-scale invasion of Ukraine in February 2022 was enshrined in the quasi-historical argumentation drawing from ‘historical memory’. In contrast, Ukrainians present the current warfare as a step in a continuous struggle against Russian imperialism. It is against this backdrop that the report analyses how politics of memory in both nations has nurtured distinct legal frameworks on memory governance codified in memory laws over time. It examines and explains several variations in law-making on historical memory between two countries: (a) the variation in the ideational profiles (content) of the memory legislation; (b) the variation in the punitive constellations of the memory legislation – that is in the intended ‘punitiveness’ of Russian and Ukrainian memory laws; (c) the variation in socio-legal consequences of punitive memory laws as measured vis-à-vis ECHR law, and in practice by national law enforcement and courts. Among findings of the report, the repressive and non-repressive character of laws, the differing mechanisms of law-making in Russia and Ukraine, respectively, are highlighted.

The full report in [English](#), as well as shorter policy briefs based on the report are published in [English](#), [Russian](#), and [Ukrainian](#) and available for download.



MEMORY LAWS IN RUSSIA AND UKRAINE

Andrii Nekoliak

A study report for the research consortium
 “The Challenge of Populist Memory Politics for Europe:
 Towards Effective Responses to Misleading Legislations on the Past (MEMOCRACY)”
 University of Cologne
 T.M.C. Asser Institute
 Polish Academy of Sciences
 University of Copenhagen

August 2024



Major other academic events in 2023-2024

MEMOCRACY principal investigator Prof. Maria Mälksoo (University of Copenhagen) and postdoctoral researcher Dr Dovilė Sagatienė (University of Copenhagen) participated at the Sixteenth Pan-European Conference on International Relations held at the University of Potsdam in Germany from 5th to 9th September 2023.



On 14-16 September 2023, Anastasiia Vorobiova of the Polish MEMOCRACY team had presented a paper entitled “Russian Imperialism and Mnemonic Dominance: The International Law Perspective on Changing Memory Landscape of Russia-Occupied Territories of Ukraine” during a research symposium hosted by the Kiel University.

On 4 October 2023, Prof. Maria Mälksoo (University of Copenhagen) took part in an invited online roundtable discussion on “Decolonizing Effects of the War in Ukraine: Baltic and Ukrainian Perspectives”. The webinar” hosted by the Association for the Advancement of Baltic Studies addressed the full-scale war in Ukraine as a potential move toward decolonization. Decolonization refers to resisting Russia and asserting new identities and subjectivities. Which processes of decolonization are taking place in Ukraine and the Baltic states?





On 11 October 2023, Dr. Andrii Nekoliak of the Dutch MEMOCRACY team, presented a paper at the KonKoop workshop in Regensburg dedicated to the legal dynamics of Ukraine’s memory politics since Russia’s 2022 full-scale invasion. The next day, Dr. Nekoliak presented a paper entitled ‘The Politics of Memory Laws in the Parliaments of Russia and Ukraine in 1991–2022’ at the 10th Annual Conference of the Leibniz Institute for East and Southeast European Studies (IOS).

On 12-13 October 2023, Dr. Grazyna Baranowska (a post-doctoral researcher in the Polish team of the MEMOCRACY project) and Dr. Ulad Belavusau (a senior researcher in the Dutch team of the MEMOCRACY project) attended a conference titled ‘Precarious Constitutionalism’ discussing the rule of law in Europe and Latin America, organized by the Czech Academy of Sciences (Villa Lana, Prague). Dr. Baranowska presented a paper on ‘Protecting the Good Name of the Nation as Memory Law’ and Dr. Belavusau presented a paper on ‘The Rise of Mnemonic Constitutionalism in Central and Eastern Europe’.



On 5 December 2024, Maria Mälksoo, the Principal Investigator of the Danish MEMOCRACY team, delivered an inaugural lecture at the University of Copenhagen. Previously, she was appointed Professor of International Relations at the Department of Political Science in July 2023.

Dr. Dovilė Sagatienė of the Danish MEMOCRACY team attended the Forum on Dialogue, Remembrance and Solidarity in Berlin on October 16-17, organized by European Network Remembrance and Solidarity





On 24 October 2023, Dr. Uladzislau Belavusau (Senior Researcher at the T.M.C Asser Institute / University of Amsterdam and the Principal Investigator at the Dutch team of MEMOCRACY consortium) dispensed a guest lecture on “Memory Laws and Constitutional Policies in the Context of the Russian Aggression in Ukraine”, at Korea University’s Peace & Democratic Institute (Seoul, South Korea).



The MEMOCRACY Consortium exchanged research accounts with Leading East Asian scholars at Keio University in Tokyo

On 30 October 2023, Dr. Aleksandra Gliszczynska-Grabias (Head of the Polish team), Dr. Uladzislau Belavusau (Head of the Dutch team) and Prof. Maria Mälksoo (Head of the Danish team) presented their research at a workshop on memory laws in East Asia and Europe at Keio University (Tokyo, Japan). The event was organized by Prof. Junko Kotani (Shizouka University), who presented on the “Introduction to Memory Laws in Japan”, and Prof. Satoshi Yokodaido (Keio University), who presented on the topic of “Engraving Memory in Constitutions: In the Case of the Japanese

Constitution’s Preamble”. Their panel was joined by a South Korean scholar, Prof. Buhm-Suk Baek (Kyun Hee University), who discussed “Memocracy in South Korea”.

Prof. Mälksoo (University of Copenhagen) presented her research “Deterrence by Means of Memory Laws and Policies: Examples from China and Russia”; Dr. Gliszczynska-Grabias (Polish Academy of Sciences) presented on the “History, Memory and Populist Politics in Poland”; Dr. Belavusau (Asser Institute – University of Amsterdam) presented about “The Rise of Mnemonic Constitutionalism in Europe”.



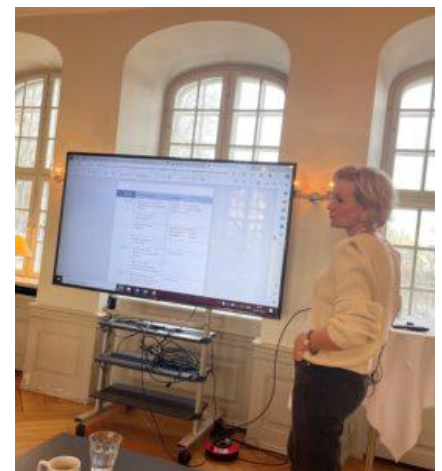
On 13 November 2023, Dr. Uladzislau Belavusau delivered a presentation on “Belarus as a Missing Particle of the Puzzle in the Memory Wars in the Context of Russia’s War against Ukraine”. The Hybrid Conference was titled “Genocides and Memories: Russia’s War Against Ukraine in Comparative Perspective”.



On 17 November 2023, Dr. Patryk Labuda of the Polish MEMOCRACY team gave a talk about ‘The international community’s responses to the Russo-Ukraine war and what it tells us about Central and Eastern Europe’s position in international legal hierarchies’ (Reakcje społeczności międzynarodowej na wojnę w Ukrainie jako przyczynek do dyskusji na temat pozycji Europy środkowo-wschodniej w hierarchiach prawnomiędzynarodowych’).

Commemorating the 100th anniversary of the Polish Branch of the International Law Association, the conference was held from 15 to 17 November 2023 by the University of Szczecin Law Department in Szczecin, Poland, with a dozen panels, a roundtable debate, and over 100 participants.

On 15 December 2023, Dr. Dovilė Sagatienė of the Danish MEMOCRACY team presented on memory regulation in the Baltics states during the Symposium on ‘The European Security Order Following Russia’s War in Ukraine.’





From 7 to 10 December 2023, Dr. Patryk Labuda of the Polish MEMOCRACY team attended a high-level summit in Lviv, Ukraine, co-organized by the American Society of International Law and the Ukraine Association of International Law. Attended by 75 international and 75 Ukrainian legal experts, the summit examined a variety of questions arising from Russia's full-scale invasion of Ukraine, ranging from sanctions and accountability to migration and post-conflict reconstruction. Dr. Labuda discussed his ongoing research on potential aggression prosecutions of Russian officials in a panel on 'Accountability for the Leadership Crime of

Aggression.'

On 8 February 2023, Dr. Uladzislau Belavusau (Head of the Dutch MEMOCRACY Team and Senior Researcher at the T.M.C Asser Instituut/University of Amsterdam) presented his research on memory laws and mnemonic constitutionalism at a two-day workshop titled 'Memory Politics and the Russo-Ukrainian War'. The event took place at the Central European University in Vienna (Austria).



On 21 March 2024, MEMOCRACY Team held a webinar "Memory Laws and the Rule of Law". At the webinar, presenters discussed the contributions to the Special Section "Memory laws and the Rule of Law" that has just come out in the *European Constitutional Law Review*.

Introduction: Dr. Anna Wójcik and Dr. Paula Rhein-Fischer

Prof. Gábor Halmai (European University Institute): The Misuse of the Past for Political Purposes: Memory Politics in Hungary

Dr. Aleksandra Gliszczyńska-Grabias (Polish Academy of Science) (paper co-authored by Adam Bodnar): Strategic Lawsuits against Public Participation (SLAPPs) and the Governance of Historical Memory

Dr. Grażyna Baranowska (Hertie School): Protecting the Good Name of the Nation as a Memory Law



Dr. Paula Rhein-Fischer (University of Cologne) and Dr. Anna Wójcik (Polish Academy of Science and Max Planck Institute for Comparative Public Law and International Law): Politicisation of Constitutional Review of Memory Laws

Moderator: Dr. Maria Mälksoo (University of Copenhagen).

In spring 2024, Dr. Paula Rhein-Fischer, the postdoctoral researcher in the German team, delivered two presentations to the audiences in Germany. On 19 March 2024, Dr. Rhein-Fischer spoke at the training event for the German Police University (online) on "Demonstrieren im Kontext internationaler Konflikte: Grenzen der Meinungs- und Versammlungsfreiheit" (Protesting in the context of international conflicts: the limits of freedom of expression and assembly). On 17 April 2024, Dr. Rhein-Fischer spoke about "Erinnerung per Gesetz: Von den Vorzügen und Gefahren von Erinnerungsgesetzen (Remembering through law: on advantages and downsides of memory law)", at the workshop "Der schwierige Umgang mit dem Holocaust" (The difficult dealing with the Holocaust) at the Leibniz Institute for Contemporary History in München.



On 21 March 2024, Dr. Uladzislau Belavusau, the head of the Dutch MEMOCRACY team, gave a public guest lecture on memory politics in Belarus at Ghent University. The lecture was dedicated to 'Historical Imagery and Mnemonic Constitutionalism: the Case of Belarus in the Context of the Russo-Ukrainian War'. It highlighted constitutional law and memory politics in Belarus.

Dr. Alina Cherviatsova from the Human Rights Center at Ghent University acted as a moderator of this event. The lecture was organized by the Ukraine-plus Knowledge Center and Marie Skłodowska-Curie research project "To Destroy or to Preserve? Monuments, Law and Democracy in Europe" (MELoDYE), in the framework of the Eureast Platform in Ghent.

On 25 March 2024, Dr. Dovilė Sagatienė of the Danish MEMOCRACY team presented a scientific report that provides a detailed overview of memory regulation models in Estonia, Latvia and Lithuania since 1990, challenges in implementing certain legal acts and the significance of memory laws for European memory policy and regional stability in the future after the war. The event was moderated by Prof. Dr. Tomas Janeliūnas.





On 15 May 2024, Dr. Dovilė Sagatienė of the Danish MEMOCRACY team delivered a keynote speech presenting the paper under the title “European Court of Human Rights as the Nuremberg for the Soviet crimes in the Baltic states?” for the international audience in Vilnius during the annual conference of the Platform of European Memory and Conscience.

Prof. Maria Mälksoo, the head of the Danish MEMOCRACY team, presented her work on the role of the past at the invitation of CERI (Le Centre de recherches internationales), Sciences Po seminar on ‘EU Enlargements 20 Years On: Lessons and Prospect’ in Paris, 13 May 2024. The event was organised in partnership with the Jacques Delors Institute/Grande Europe.



**Università
Bocconi**
MILANO



University of
Zagreb

In June 2024, Dr. Dovilė Sagatienė of the Danish MEMOCRACY team presented her research on memory laws, the recognition of Soviet crimes and decolonization in the Baltic states in three consecutive events: at the Universities of Latvia, Zagreb (Croatia), and Bocconi (Italy).

On 19-20 June 2024, Dr. [Aleksandra Gliszczyńska-Grabias](#), PI of the Polish MEMOCRACY team, presented in Israel at a panel on governmental, professional, and judicial approaches to fighting antisemitism. The pane was a part of the 3rd Annual Law vs. Antisemitism Conference “Democracy Under Fire” and co-organized by the Rubinstein Center for Constitutional Challenges and Friedrich Naumann Foundation.

Photo by Friedrich Naumann Foundation.





Dr. [Ulad Belavusau](#) and Dr. [Aleksandra Gliszczyńska-Grabias](#), PIs of the Dutch and Polish MEMOCRACY teams, presented their research on memory politics and constitutional law at [the annual ICON-S](#) (International Society of Public Law) conference, this year held at IE University in Madrid on 8-10 July 2024. Dr. Belavusau also chaired a panel on the role of judges in transitional memory politics. Likewise, Dr. Gliszczyńska-Grabias chaired a panel on constitutional resilience in Argentina, Hungary, and Poland.



LRT.lt Aktualijos Epika Mediateka Radioteka Kultūra Sportas Vaikams Laisvalaikis Proj

Nuomonės 2024.06.14 11:09

Ar EŽTT tapo Niurnbergu sovietų nusikaltimams Baltijos šalyse? 55

RA Rūta Adamonytė, Lietuvos gyventojų genocido ir rezistencijos tyrimo centras 2024.06.14 11:09

NAUJAUSI

Prieš 23 MIN.
Linas Kojala. Kuo skiriasi demokratija ir autokratija?

Prieš 18 VAL.
Loreta Vaicekauskienė. Aš net bart gavau

Prieš 23 VAL.

Dr. Dovilė Sagatienė gave an interview on the role of European Court of Human Rights in the field of the Baltic memory for the Lithuanian national media outlet LRT.LT. The post-doc researcher was interviewed about the perspectives of historical justice for the Soviet victims in the Baltics in view of the anniversary of the Soviet mass deportations in June 1940. The text in Lithuanian is [here](#).



MEMOCRACY Webinars available online

**THE ROLE OF EASTERN EUROPEAN HISTORY
IN ICJ PROCEEDINGS**

**WEBINAR, 17 MAY 2024
11:00 PM CET, MS TEAMS**
featuring

Iryna Marchuk,
University of
Copenhagen

Dmytro Koval, National University of
"Kyiv-Mohyla Academy" / Truth
Hounds NGO

Moderated by **Grażyna
Baranowska**, Polish Academy
of Sciences / Hertie School

Wikisorgen-Stiftung

In 2024, the Polish MEMOCRACY team has organized two webinars with distinguished speakers. The first webinar on 17th of May 2024 discussed 'The Role of Eastern European History in International Court of Justice (ICJ) Proceedings'. It discussed contested memories of history have been central to proceedings before the ICJ in recent years. Russia's justification for invading Ukraine and Ukraine's complaint before the ICJ against Russia alleging pretextual [claims of genocide](#) are steeped in history, including contested memories of Second World War victimhood, Ukrainian self-determination, and Soviet liberation. This [MEMOCRACY](#) webinar focuses on Eastern Europe and how contested regional memories of victimhood and oppression have shaped proceedings before the ICJ, while also exploring the role of history before international courts and tribunals.

Speakers: [Iryna Marchuk](#), University of Copenhagen; [Dmytro Koval](#), National University of "Kyiv-Mohyla Academy" / Truth Hounds NGO; Moderator: [Grażyna Baranowska](#), Polish Academy of Sciences

The [second webinar](#) on 7th of June 2024 was dedicated to the 'Memory Landscapes between Eastern Europe and the Global South(s)'. The global fallout from Russia's 2022 full-scale invasion of Ukraine has revealed contested memories of imperialism, colonialism and oppression in different parts of the world. For Ukrainians and other peoples of the former Soviet space, Russia's invasion constitutes imperial and colonial expansion by a revanchist hegemon who never came to terms with the collapse of the 20th century's '[last empire](#)'. At the same time, some Global South actors view Russian actions on the global stage through an anti-imperialist and anti-colonial lens, echoing the Soviet Union's struggle against Western powers during the Cold War. While the latter perspective effaces the Soviets' subjugation of peoples across Eastern Europe and central Asia, Eastern Europeans' fragmentary understanding of Western rule across the Global South generates misunderstandings and missed opportunities in their mutual relations.

Speakers: [Dovilė Budrytė](#), Georgia Gwinnett College; [Lauri Mälksoo](#), University of Tartu; [Erica Resende](#), Brazilian War College; Moderator: [Patryk Labuda](#), Polish Academy of Sciences

**WEBINAR
MEMORY LANDSCAPES BETWEEN EASTERN
EUROPE AND THE GLOBAL SOUTH(S)**

SPEAKERS

Erica Resende,
Brazilian War
College

Lauri Mälksoo,
University of
Tartu

Dovilė Budrytė,
Georgia Gwinnett
College / Vilnius
University

Moderated by **dr. Patryk Labuda**,
Polish Academy of Sciences

When? 7 June 2024
12:30 PM CET
Where? MS Teams

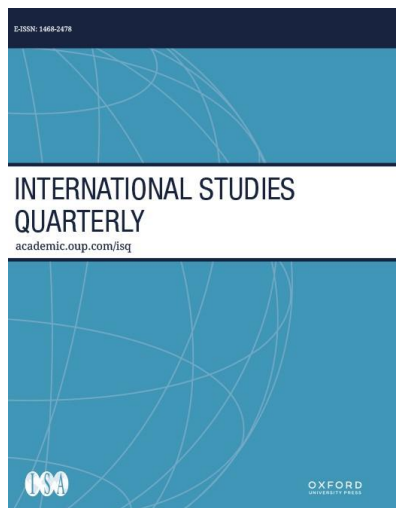
Registration via link above

Wikisorgen-Stiftung



New PUBLICATIONS in 2023 and 2024

Anna Wójcik and Paula Rhein-Fischer (ed.), [Special Section “Memory Laws and the Rule of Law”](#), *European Constitutional Law Review*, 19 (4)

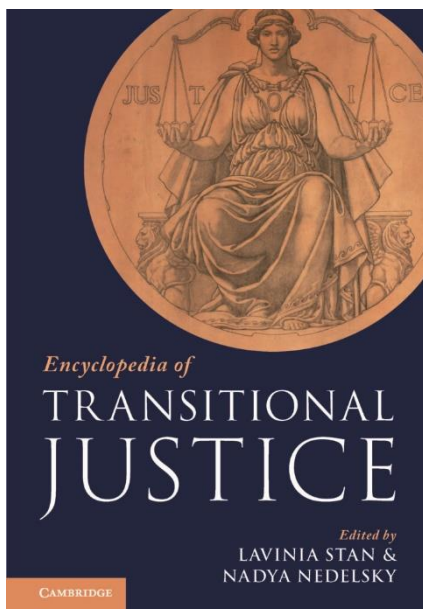
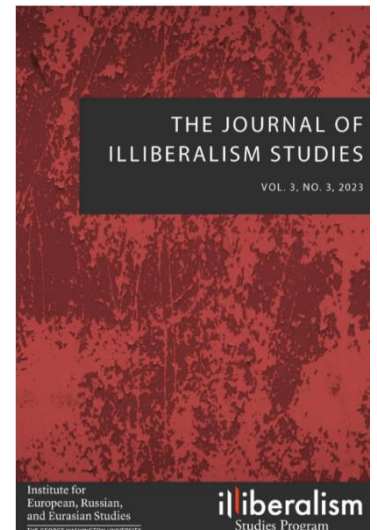


Karl Gustafsson and Maria Mälksoo, [“Memory-Political Deterrence: Shielding Collective Memory and Ontological Security through Dissuasion”](#), *International Studies Quarterly*, 68 (1), 2024, pp. 1-12.





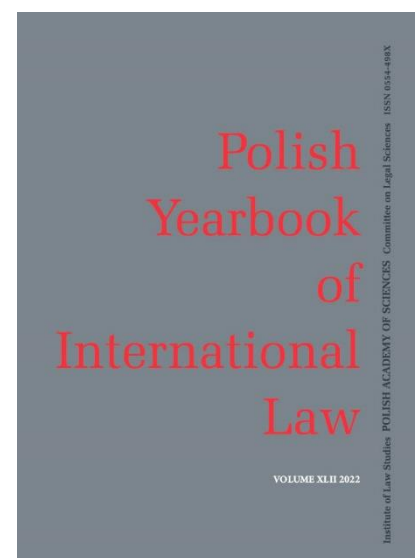
Anna Wójcik, '[Memory Laws, Rule of Law and Democratic Backsliding: The Case of Poland Memory Laws, Rule of Law, and Democratic Backsliding: The Case of Poland](#)', *The Journal of Illiberalism Studies* 3 (3), 2023, pp. 71-87.



Andrii Nekoliak, 'Institute of National Memory / Український інститут національної пам'яті (Ukraine)', in L. Stan and N. Nedelsky (eds.), *Encyclopedia of Transitional Justice*, Cambridge University Press, 2023, pp. 1346-1351.



Anastasiia Vorobiova, 'The "Lessons of Nuremberg": Their Use and Abuse in the Current Russia-Ukraine War', *Polish Yearbook of International Law*, 42, 2022, pp. 55–82.

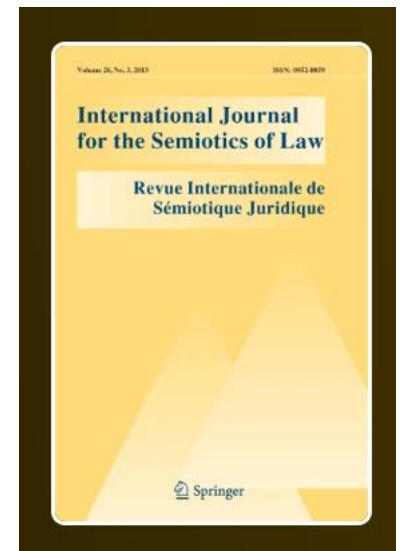




Maria Mälksoo, '[Illiberal Memory Politics](#)', in M. Laruelle (ed.), *The Oxford Handbook of Illiberalism*, Oxford Handbooks Online, 2023.



Mirosław Sadowski, Rui Maia Rego, and André Carmo, '[Memories of a Glorious or Difficult Past? Portugal, Padrão dos Descobrimentos and the \(Lack of a\) 21st Century Reckoning](#)', *International Journal for the Semiotics of Law - Revue internationale de Sémiotique juridique*, 2024, pp. 1-24.



 Yale Journal of International Law

Patryk Labuda, '[Countering Imperialism in International Law: Examining the Special Tribunal for Aggression Against Ukraine through a Post-Colonial Eastern European Lens](#)', *Yale Journal of International Law*, 49, 2024, pp. 272-310.





Blog Posts, Commentaries, Book Reviews

1. Belavusau, Uladzislau: *Jewish Past, Mnemonic Constitutionalism and the Politics of Citizenship*, *VerfBlog*, 2024/7/28, <https://verfassungsblog.de/jewish-past-mnemonic-constitutionalism-and-the-politics-of-citizenship/>, DOI: 10.59704/11dfd36d645abe01.
2. Mällksoo, Maria: *Teatatakse genotsiidist*, *Sirp*, 2024/08/02, <https://www.sirp.ee/s1-artiklid/c9-sotsiaalia/teatatakse-genotsiidist/>.
3. Nekoliak, Andrii; Klochkova, Elizaveta: *Weaponizing Russia's Memory Law: On Russia's Mnemonic Dissidents*, *VerfBlog*, 2023/7/11, <https://verfassungsblog.de/weaponizing-russias-memory-law/>, DOI: 10.17176/20230711-231203-0.
4. Nekoliak, Andrii, Klochkova, Elizaveta: "Wie sehr geht es bei der strafrechtlichen Verfolgung von »Rehabilitierung des Nazismus« um politische Repressionen?" *Russland-Analysen* Nr. 440 vom 30/09/2023, S. 15–17.
5. Sagatienė, Dovilė; Nekoliak, Andrii: *World War 2 Memories in Lithuania and Ukraine: Political and Legal Symbolism of May 9 in the New Era of War*, *VerfBlog*, 2023/5/08, <https://verfassungsblog.de/world-war-2-memories-in-lithuania-and-ukraine/>, DOI: 10.17176/20230508-204521-0.
6. Sagatienė, Dovilė: *Challenging the 'Post-Soviet' Label and Colonial Mindsets: NATO Summit in Vilnius*, *VerfBlog*, 2023/7/11, <https://verfassungsblog.de/challenging-the-post-soviet-label-and-colonial-mindsets/>, DOI: 10.17176/20230711-231150-0.
7. Vorobiova, Anastasiia : *Why education rights must finally be taken seriously: Exploring the perils of mnemonic indoctrination in Russia*, *EJIL:Talk!*, 2023/12/7, <https://www.ejiltalk.org/why-education-rights-must-finally-be-taken-seriously-or-exploring-the-perils-of-mnemonic-indoctrination-in-russia/>.
8. Vorobiova, Anastasiia: *Education as Indoctrination: Mnemonic Constitutionalism and History Teaching in Russia*, *VerfBlog*, 2023/4/25, <https://verfassungsblog.de/education-as-indoctrination-mnemonic-constitutionalism-and-history-teaching-in-russia/>, DOI: 10.17176/20230425-204435-0;

Book reviews

Book reviews

MEMORY STUDIES

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Noam Tirosh and Anna Reading (eds). *The Right to Memory: History, Media, Law, and Ethics*. New York and Oxford: Berghahn, 2023. 178 pp., \$120. ISBN: 9781800738577.

Reviewed by: Anne Whitehead, Newcastle University, UK

"The right to be forgotten" is increasingly familiar to us, as we become ever more accustomed to conceive of ourselves as an assemblage of data that is stored, shared, and circulated in ways that we are able to curate to some degree. For example, in Europe, individuals now have the legal right to request that digital content providers delete personal information that is held on file. Less familiar is the idea

The newest 'Memory Studies' includes a review by Anne Whitehead of a book 'The Right to Memory: History, Media, Law, and Ethics', edited by Noam Tirosh and Anna Reading (eds), which includes a chapter by MEMOCRACY Dr. Aleksandra Gliszczyńska-Grabias, and team member Dr. Grażyna Baranowska. The review highlighted that the book provides a critical understanding of the right to memory as a concept and makes a significant contribution to memory studies. The

chapter by Aleksandra Gliszczyńska-Grabias and Grażyna Baranowska analyzes the misuse of the legal "right to truth" in Polish 2018 legislation. It traces how it has been widened from the right of families to know about missing persons to a "right to historical truth."



A recent book published by a MEMOCRACY consortium member

Mirosław Sadowski, *Intersections of Law and Memory Influencing Perceptions of the Past* (Oxon/New York, NY: Routledge, 2024)

This book elaborates a new framework for considering and understanding the relationship between law and memory. How can law influence collective memory? What are the mechanisms law employs to influence social perceptions of the past? And how successful is law in its attempts to rewrite narratives about the past? As the field of memory studies has grown, this book takes a step back from established transitional justice narratives, returning to the core sociological, philosophical and legal theoretical issues that underpin this field. The book then goes on to propose a new approach to the relationship between law and collective memory based on a conception of 'legal institutions of memory'. It then elaborates the functioning of such institutions through a range of examples – taken from Japan, Iraq, Brazil, Portugal, Rwanda and Poland – that move from the work of international tribunals and truth commissions to more explicit memory legislation. The book concludes with a general assessment of the contemporary intersections of law and memory, and their legal institutionalisation. This book will be of interest to scholars with relevant interests in the sociology of law, legal theory and international law, as well as in sociology and politics.



INTERSECTIONS OF LAW AND MEMORY

INFLUENCING PERCEPTIONS OF THE PAST

Mirosław Michał Sadowski



Forthcoming Edited Volume of the Project

B L O O M S B U R Y

Uladzislau Belavusau, Aleksandra Gliszczyńska-Grabias, Maria Mälksoo & Angelika Nußberger (eds.), *The Politics of Memory Laws: Russia, Ukraine and Beyond*, Oxford: Hart-Bloomsbury (forthcoming in 2025)

This volume explores the political utility and consequences of memory laws, with a focus on how militant memory laws frame, underpin, and generate international conflicts. Proceeding from Russia's ongoing aggression against Ukraine, this examination highlights how memory wars have preceded, partially led to, and encouraged the outbreak of the war itself through Russian propaganda. It also offers a broader perspective by looking at developments in neighbouring countries of Russia and Ukraine. Bringing together scholars with diverse perspectives, this book provides both analysis and conceptual reflection for those assessing the politics of memory laws.





Major previous publications by the MEMOCRACY members in 2022-2023

1. Marina Bán and Uladzislau Belavusau, [Memory Laws](#), *Bloomsbury History: Theory and Method* (2022).
2. Uladzislau Belavusau, [On Ephemeral Memory Politics, Conversationist International Law and \(In-\)alienable Value of Art in Lucas Lixinski's Legalized Identities: Cultural Heritage Law and the Shaping of Transitional Justice](#), *Jerusalem Review of Legal Studies*, 25(1), 2022, pp. 200-211.
3. Uladzislau Belavusau, [Rule of Law and Constitutionalisation of Memory Politics in Hungary and Russia](#), in Martin Belov (ed.), *Rule of Law in Crisis: Constitutionalism in a State of Flux*, Routledge, 2022, pp. 87-107.
4. Uladzislau Belavusau, [Law and Politics of Memory](#), in Maria Mälksoo (ed.), *Handbook on the Politics of Memory*, Edward Elgar, 2023, pp. 65-80.
5. Aleksandra Gliszczyńska-Grabias and Grażyna Baranowska, Using and Abusing Memory Laws in Search of “Historical Truth”: The Case of the 2018 Amendments to the Polish Institute of National Remembrance Act, in N. Tirosh and A. Reading (eds.), [The Right to Memory. History, Media, Law, and Ethics](#), 2023, pp. 112-131.
6. Aleksandra Gliszczyńska-Grabias, ‘[Mnemonic Constitutionalism, Historical Memory, and Collective Identity in Poland, Germany and Russia](#)’, in M. Tushnet and D. Kochenov (eds.), *Routledge Research Handbook on the Politics of Constitutional Law*, Routledge, 2023: pp. 592–610.
7. Maria Mälksoo (ed.), [Handbook on the Politics of Memory](#), Edward Elgar, 2023.
8. Maria Mälksoo, [The Postcolonial Moment in Russia's War Against Ukraine](#), *Journal of Genocide Research*, 25(3–4), pp. 471–481.
9. Maria Mälksoo, [Militant democracy in International Relations: Mnemonical status anxiety and memory laws in Eastern Europe](#), *Review of International Studies*, 47(4), 2021, pp. 489-507.
10. Paula Rhein-Fischer, [Militant Democracy in the ECtHR Case Law on Genocide Denial Bans](#), in P. Czech, L. Heschl, K. Lukas, M. Nowak and G. Oberleitner (eds.), *European Yearbook on Human Rights 2022*, Intersentia 2022, 483-514.
11. Paula Rhein-Fischer, [Demonstrieren für einen Aggressor: Grenzen der Meinungs- und Versammlungsfreiheit](#) [Demonstrating for an Aggressor: Limits to Freedom of Expression and Assembly], *JuristenZeitung*, 2023, pp. 167-177.
12. Dovilė Sagatienė, [The Transformation of Lithuanian Memories of Soviet Crimes to Genocide Recognition](#), *International Journal of Transitional Justice*, 16(3), 2022, pp. 396–405.



Prizes, Awards, and Honorary Appointments



Prof. Dr. Angelika Nußberger, the Head of the MEMOCRACY consortium, received the prestigious Romano Guardini Prize 2024 for her professional commitment as the former Vice-President of the European Court of Human Rights (ECtHR) and for her academic achievements.

The Catholic Academy in Bavaria is honouring her outstanding commitment to human rights and the rule of law in Europe. The prize, named after a Catholic philosopher of religion Romano Guardini, is awarded to Prof Nußberger. The award ceremony took place on 27 June 2024 in Munich.

Dr. Aleksandra Gliszczyńska-Grabias, the PI of the Polish MEMOCRACY team, has been awarded with SONATA BIS 13 grant, funded by Polish National Science Centre for 2024-2027. The project is entitled HS5 "Militant Democracy: Friend or Foe of Democracy in Europe? Rethinking the Century-Old Concept" (Demokracja walcząca: przyjaciel czy wróg demokracji w Europie? Ponowne przemyślenie stuletniej koncepcji).

In June 2024, Dr. Gliszczyńska-Grabias has also been appointed as the Chairwoman of the Team of Advisors for Combating Hate Speech and Crimes Motivated by Bias by the Polish Prosecutor General.



Farewell: End of the Project Journey

We extend our sincere gratitude to all the colleagues who contributed to and cooperated with the MEMOCRACY project over the past years. We are also thankful for the administrative support provided by the T.M.C. Asser Institute in The Hague - University of Amsterdam, the Polish Academy of Sciences (PAN), the University of Cologne, and the University of Copenhagen, which was instrumental in organizing the workshops and project meetings. Additionally, we express our deep appreciation to Volkswagen Stiftung for their generous financial support.

The consortium's findings will be presented on 11–12 September 2024 at Ludwig-Maximilians-University in Munich (Germany). Although the project formally concludes on 31 October 2024, certain dissemination activities will continue until May 2025. Stay updated on the final conference and dissemination activities by following the MEMOCRACY account on X (formerly known as Twitter).



Memory Rights and Memory Wrongs

2024 11.—12.
September in Munich

Final MEMOCRACY Conference

Together with Ludwig-Maximilians-University
School of History and Center for Advanced Studies in
the Humanities and Social Sciences

Despite growing criticism of the role of memory politics in Germany's position vis-à-vis Israel and the ongoing war in Gaza, the idea that contemporary Germany politically and legally seeks to protect the memory of the Holocaust and other Nazi crimes is widely accepted until today both in society and academia. However, memory wars in Central and Eastern Europe demonstrate that memory politics and laws are prone to abuse and can assume a pivotal role in the erosion of democracy and rule of law. Russia's devastating war against Ukraine, which has been accompanied by an unprecedented distortion of history, tragically illustrates how mnemonic narratives are used to purportedly justify attempts to subjugate and colonise a sovereign state. Understanding the process of how memory politics are turned into a tool to erode fundamental democratic and human rights and even kill human lives has been the aim of the MEMOCRACY project – the term, coined for the purpose of the project, referring to the 'ruling on the basis of memory'.

The final conference of MEMOCRACY serves as a forum to present and discuss the project's findings and to venture into fields that are likely to be central to future debates of law and memory scholarship. The presentation of the four project case studies on memory laws in Germany, Poland and Hungary, the Baltics, and Ukraine and Russia will be followed by three panels about the relationship of memory with some key concepts of 'Memocracy': Remembrance and constitutional identity, remembrance and populism, and remembrance and foreign policy. A roundtable on remembrance in the digital age outlines ways of how the ruling of memory by states and private actors is currently changing.

The conference is co-organised by the School of History and the Center for Advanced Studies in the Humanities and Social Sciences of the Ludwig-Maximilians-Universität München. It brings together leading experts in the field from various disciplines, including law, history, political sciences, international relations, and sociology.

The conference will take place from **11 September** at 9h30 until **12 September** at 13h00 at the **Internationales Begegnungszentrum der Wissenschaft München**, Amalienstraße 38, 80799 Munich. It will be held in English. Interested audience from all disciplines and all career stages is more than welcome. While a livestream will be offered, we are encouraging on-site participation.

Please register until **6 September 2024** with
Ms Isabella Schüler-Pfeuffer:

kfg20@lrz.uni-muenchen.de

