

INDEX

- abuse clause, 113–15, 117
- academic freedom, 15, 162, 173, 270, 271
- access to justice, 77, 400, 406
- access to the past, 212
- accountability, 72, 76, 104, 353, 371
 - United Nations, lack of, 87
- actio popularis* (complaint in the public interest), 32
- ad hoc tribunals, 48, 64, 68
- Afghanistan, 76
- Ahmadinejad, Mahmoud, 8
- aider and abettor, 65
- Akayesu*, 50, 63, 69
- Al Nashiri v. Poland*, 54
- Algeria, 43, 158
- Allied forces, 59, 61, 106, 144, 425
- Allied soldiers, 21, 107
- Al-Qaida, 76
- American Convention on Human Rights (ACHR), 75, 79, 83, 398, 399, 400, 405, 407
- American Historical Association, 142
- amicus curiae* briefs, 73
- amnesty, 41, 43, 47, 74, 73–4, 79, 85, 181
 - Germany, 54
 - IACtHR, 399
 - Peru, 402, 403
 - South Africa, 74
- anti-European sentiments, 265
- anti-Semitism, 45
 - activities, 113, 131, 170, 344
 - Article 17 of the Human Rights Act, 115
 - Holocaust denial, 128, 130, 346, 347
 - ideology, 118, 126, 131, 191
 - memory laws, vehicle for, 19, 45, 125, 156
- Antonescu, Marshal of Romania, 233, 235, 237, 242
- apology, 86, 380, 385
- archives, public access to, 42, 75, 84, 310
 - Ukraine, 318, 322
- Argentina, 43, 73, 185, 190, 333
- Aristotle, 415
- Armenian genocide, 12, 116, 130, 142, 146, 157
 - denial, 157, 329, 343, 344
 - differences with Holocaust, 173
 - France, 154, 331, 334
 - Germany, 336, 419
 - Switzerland, 329, 330, 346
 - Turkey, 172
- Armenians, 119, 122
 - deportations, 110
 - dignity, 118, 172
 - living in Turkey, 119
- Armistice agreement, 238, 239, 349
- Article 3 of the Human Rights Act, 54
- Article 8 of the Human Rights Act, 275
- Article 10 of the Human Rights Act, 16, 76, 113, 274, 275, 329
 - access to information, 83
 - admissability, 170
 - applicant's statements, 118
 - freedom of expression, 75, 153, 162
 - freedom of speech, 109
 - Hungary, 251

- Article 10 of the Human Rights Act
 (*cont.*)
 importance for truth activists, 77
 interaction with Article 17, 112,
 115, 125, 127
 limits that states may impose, 275
 refusal to consider right to truth, 83
 violations of, 120
 Assembly of First Nations, 388
*Association '21 December 1989' v.
 Romania*, 81
 atomic bombings, 8
Audiencia Provincial de Madrid, 184, 185
 Auschwitz, 53, 171, 355, 356
 Austria, 9, 172, 331, 333
 Holocaust denial, 132
 memory law, 307
 right wing parties, 265
- Bakri v. Film Censorship Board*, 361
 Baltic states, 14, 22, 25, 96, 106, 138, 216
 criminal laws, 217, 223
 deportation, 217
 entry to USSR, 97
 memory wars against Russia, 297
 Molotov-Ribbentrop Pact, 319
 occupation damages, 108
 Barbie, Klaus, 7
 Belarus, 37
 Belgium, 307, 333
 biographical narratives, 93, 95, 103,
 105, 108
 Bosnia, 64, 67
 Bosnia-Herzegovina, 86
 Brazil, 75, 79, 85
 Brezhnev, Leonid, 295
 Bulgaria, 137, 233
 burial grounds, 34
 burial places, 36, 80
 Burundi, 56
 Bush, George W., 76
- Cambodia, 4
 Canada, 7, 18, 20, 21, 24, 374–94
- Anishinabek, 376, 381, 383, 392
 Assembly of First Nations, 388
 class action settlement, 384
 evaluating truth and reconciliation
 commissions, 386–93
 Holocaust denial, 343
 Indian Residential Schools Truth
 and Reconciliation Commission
 (IRSTRC), 375, 386, 388, 392
 inspiration from South African
 truth and reconciliation
 commission, 385
 Ipperwash Inquiry, 376, 381–4,
 387, 392
 Mohawks, 378
 Mulroney, Brian, 378
 Ontario, 381, 387
 Quebec, 378
 residential schools, 384–6
 restitution, 383
 Royal Commission on Aboriginal
 Peoples (RCAP), 376, 377–81,
 384, 388, 391, 392
 statement of reconciliation, 380
 truth and reconciliation
 commissions, 377
- Carol II, king of Romania, 233
 censorship, 6, 15, 268, 339, 342
 Israel, 360
 Charter of the International Military
 Tribunal, 131, 132, 133, 153
 Chile, 43, 74, 185, 190
 Chirac, Jacques, 152, 155
 Churchill, Winston, 213
 CIA, 54, 76
Cifuentes v. Chile, 36
 civil liability, 281, 382
 closure, 72
 coercion, 38, 40, 47, 374
 Cold War, 302
 collective consciousness, 164, 165,
 169, 173
 collective identity, 19–20, 53, 177,
 295, 389

- Colombia, 85, 87, 411
 colonialism, 6, 12, 154, 167, 377, 392
 communicative monopoly, 422
 Conducător (Leader), 236, 242, 243
 confiscation of property, 35, 42, 317
 continuing violations, 33, 46, 47
 Convention on the Prevention and Punishment of the Crime of Genocide, 140
 Council of Europe (CoE), 320, 322, 419
 coup d'état, 176, 178, 234, 238
 Covenant (International Covenant on Civil and Political Rights), 29, 32
 crimes against humanity, 33, 50, 60, 61, 131, 151, 153
 Allied forces, 144
 crimes against peace, 59, 60, 131, 133, 209, 221
 culture of remembrance, 192, 193
 Czech Republic, 16, 22, 140, 195–215
 Act of Judicial Rehabilitation, 202
 ANO movement, 196
 communist past, 199
 history, 195–8
 Institute for the Study of Totalitarian Regimes, 197, 199, 201, 202, 207–10, 210–12, 212, 213
 Jewish population, 334
 Kundera case, 197, 198–201, 206, 214
 lustration law, 197, 203–5
 Nation's Memory Institute of Slovakia, 207–10
 rehabilitative and restitutive justice, 201–3
 secret police information, 206–7
 Velvet Revolution, 204
- Daesh, 69
 Darfur, 143
 Declaration of Independence, 5
 defamation, 45, 158, 171, 269, 271, 272
 degree of consensus, 125
 Deir Yassin, 351, 356
- Demjanjuk, Ivan, 6
 Denmark, 136, 341
 disappearance of persons, 41, 77, 80
 Dobrynin, Konstantin, 305, 306
 documentary films, 179, 360, 361
 domestic penal law, 52
 double occupation, 99, 226, 319
 dual presumption, 128
 due process, 406
 Durkheim, Emile, 57, 164, 165, 426
 duty to cooperate, 83
 duty to remember, 6, 11, 13, 38, 70, 71, 332
- Eichmann, Adolf, 6, 53, 333
Ein Gal case, 360, 361
 El Salvador, 74
El-Masri v. Macedonia, 76, 81, 83
 epistemic communities, 49, 415, 425, 427
Erdemović case, 54, 56
 Estonia, 96, 216, 220, 225
 criminal code, 225, 226
 deportation, 217
 war memorial, 300
 ethnic cleansing, 212, 232, 325
 EU Framework Decision 2008, 11, 133, 134, 135, 174, 308
 collective consciousness, 173
 communist regimes, 138–40
 crimes, 129–30
 criticism by historians, 142
 genocide denial bans, 335
 Greek implementation, 163
 Holocaust denial, 303
 implementation, 138
 opposition to, 337
 overview, 151
 pitfalls, 142–7
 purpose, 153
 Spain implementation, 192
 Europe for Citizens Program, 10
 European Commission for Democracy through Law (The Venice Commission), 326

- European Court of Human Rights, 54,
 81–84, 92, 152, 170, 216, 251, 329
 European Day of Remembrance for
 Victims of Stalinism and Nazism,
 140, 321
 European Union, 97, 129, 133, 134,
 138, 139, 142, 151, 153, 174, 175,
 215, 331, 337
 exhaustion of local remedies, 221
 European Court of Human Rights
 exhumation of bodies, 84, 185, 186,
 188, 189
 funding, 189, 191
Farbtuhs case, 219, 223
Faurisson v. France, 38, 169
 film festival, 366
 Final Solution, 333
 Finland, 44, 136
 forensic science, 34, 84, 85, 403
 France
 Armenian genocide, 152, 154
 Armenian population, 334
 collective consciousness, 169
 Constitutional Council, 156
 Court of Cassation, 156
 French Revolution, 4, 26, 158
 Gayssot, 19, 38, 130, 131, 141, 146,
 154, 156, 303, 343
 Holocaust denial, 20, 422
 Mekachera, 154, 165
 memory laws, 152, 154–9, 307
 right wing parties, 265
 Taubira, 154, 157, 158
 War in Algeria, 158
 Franco, Francisco, 178, 179, 180, 188,
 193, 194
 freedom of association, 136, 152, 153,
 160, 161, 164, 173
 freedom of expression, 15, 120, 127,
 146, 162, 163, 173, 272
 balancing of interests, 274
 Belarus, 37
 consideration of, 280
 Holocaust denial, 46, 170
 Hungary, 246
 Israeli-Palestinian conflict, 361
 limits, 164
 matters of public interest, 276
 Peru, 401, 407
 Poland, 273
 preserving democracy, 9
 United Nations, 40, 45
 freedom of research, 130, 144, 146, 147
 Fujimori, Alberto, 401, 402, 405
 fundamental rights, 9, 26, 81, 406
Gacaca, 68
Garaudy v. France, 115, 169–71
Garzón case, 189, 190
 General Assembly of the International
 Committee of Historical Sciences
 (ICHHS), 142
 Geneva Conventions, 395
 genocide, 7, 14, 19, 33, 45, 50, 56, 116
 colonial, 143
 crimes, 153
 definition of, 62, 69, 143, 219, 221,
 223
 emergence as a legal category, 60
 jurisdiction, 69
 shared concern, 340
 specific intent, 65, 66
 targeting of groups, 223
 Ukraine, 320
 Genocide Convention, 63, 218–21, 223
 Genocide in the Vendée of 1793–1794,
 155
 George III, king of England, 5
 Germany
 Armenian genocide, 336, 418
 battle of Crete, 162
 crimes against humanity, 137
 global media, 338
 Holocaust denial ban, 343, 421
 homosexuals, 431
 Hungary, relations with, 257
 loss to Russia in World War II, 296,
 314, 318
 memory law, 8, 132, 307

- nexus arguments, 331, 332, 333
- Nuremberg Tribunal, 48
- right wing parties, 265
- Gomes Lund v. Brazil*, 79
- Gorbachev, Mikhail, 294, 295
- Great Patriotic War, mnemonic
 - narrative, 93, 97, 103, 105, 106, 295, 314
- Greece, 21, 137, 138, 152, 153, 164, 165
- Guatemala, 74
- guillotine effect, 112, 113, 114, 123, 127
- Gypsy Genocide, 155
- Haïti, 74
- Hartikainen v. Finland*, 44, 45
- hate speech, 45, 122, 126, 128
 - criminalization of, 7, 344
 - genocide denial ban, 341, 342
 - Peru, 408
 - Poland, 280, 281
 - Russia, 299
 - spread of, 265
- heirs, 32, 46, 284
- historians, 44, 47, 201
 - analysis of historical facts, 167, 168
 - Armenian genocide, 334
 - challenges of, 414
 - criticism of institute of national memory, 214
 - expert testimony, 171
 - Framework Decision criticism, 141–2
 - France, 141, 155, 331
 - Israeli New Historians, 351, 352
 - Kundera case (Czech Republic), 199
 - matters of public concern, 275
 - Palestinian, 351
 - Poland, treatment of, 271
 - prosecution of, 157, 161
 - Russia's Yarovaya Act, 307
 - standards expected of, 279
 - Ukraine, 325
 - World War II impact on Soviet people, 295
- historical narratives, 55, 96
- Canada, 376, 377, 379, 388
- Hungary, 246, 248, 261
- Israeli-Palestinian conflict, 364
- manipulation, 409
- meta-narratives, 392
- micro-narratives, 390–1, 392
- Poland, 279, 285, 289
- Rwanda, 49
- truth commissions, 389
- use in prosecutions, 50
- Hitler, Adolf, 193, 344
- Hobbes, Thomas, 3
- holidays, 179, 256
- Home of Macedonian Civilisation, 159
- homosexual acts, 431
- Hopu and Bessert v. France*, 34
- human dignity, 39, 209, 251, 288, 305, 342
- Human Rights Committee, 46, 47
 - view of memory as a right, 35–40
 - view of time, 31–5
- Hungary, 13, 22–23, 25, 137, 138, 140, 191, 195, 233, 246–62
 - 1949 constitution, 257
 - 1989 constitution, 259, 260
 - Act 1 of 2000, 249, 254, 255
 - Act 20 of 1949, 259
 - Act 23 of 1994, 248
 - Act 90 of 1993, 249
 - communist takeover, 257
 - democratic transition, 258
 - disabling of checks and balances, 265
 - free elections in 1990, 257
 - freedom of expression, 250–2
 - Fundamental Law, 246
 - Fundamental Law, Christianity, 254–5
 - Fundamental Law, Holy Crown, 255–7
 - Fundamental Law, making of, 252
 - Fundamental Law, National Avowal, 252, 254, 258
 - Fundamental Law, post-war periods, 257–60, 262
 - German occupation, 257

- Hungary (*cont.*)
 historical continuity, 249–50
 Holocaust denial ban, 333
 regime change in 2011, 195
 responsibility under community
 regime, 247–9
 Romania, relations with, 242
 secret service, 248
- India, 24, 344, 345
 inhuman treatment, 36, 41, 42, 81
 institutes of national memory, 208, 211,
 214, 311, 318, 326
 internal armed conflict, 73, 395,
 403, 409
 International Court of Justice (ICJ),
 66, 67
 International Covenant on Civil and
 Political Rights, 29, 30
 Optional Protocol, 29, 31
 International Criminal Court (ICC),
 51, 52, 56, 62, 140
 international criminal justice, 69
 legitimacy, 59
 purpose, 52, 54
 symbolic function, 57
 International Day for the Right to the
 Truth, 84
 International Military Tribunal (IMT),
 59, 60, 61, 101, 145, 293
 Iran, 8, 355
 Ireland, 136
 Islam, 8
 Israel
 Holocaust denial law, 130
 home to Holocaust survivors, 334
 Israeli-Palestinian conflict, 14, 18, 24,
 26, 348–73
 1948–49 Arab Israeli war, 349
 challenging avoidance of 1948, 367–8
 collective memory legal footprints,
 358–61
 Holocaust denial, 361–3
 ideological roots, 353–4
 Israeli-Palestinian Truth
 Commission (IPTC), 371–3
 joint acknowledgement, 370–1
 mutual notions of victimhood,
 353–8
 Nakba law, 363–7
 Nationality Law, 358
 New Historians, 351–3, 371
 origins, 348–51
 Oslo accords, 352, 367
 Palestinian National Authority
 (PNA), 357
 transitional justice, 368–70
 Italy, 138, 141, 307
- Janowiec v. Russia*, 76, 82
 Japan, 6, 9, 144
 Japanese Embassy, 400
 Jewish National Fund (JNF), 370
 Joint Action to Combat Racism and
 Xenophobia, 133
 journalists, 199, 286
 Juan Carlos I, king of Spain, 181
 Judt, T., 282, 283
- Kayishema*, 63
 Keegstra, James, 7
 Khmer Rouge, 14
 Kim II-Sung, 4
 Kim Jong-il, 428
Knonov v. Latvia
 reaction, 100–2
Kolk and Kislyiy v. Estonia, 225
Kononov v. Latvia, 17, 21, 97, 226
 decision, 96–100
 implications, 106–8
 introduction, 91–6
 ontological security, 102–6
 Kononov, Vasily Makarovich, 98
 Kosovo, 87
Kovalenko v. Belarus, 37
Krstić, 50, 64–6
Kühnen v. Germany, 113, 114
 Kundera, Milan, 198

- Laptsevich v. Belarus*, 37
Laptsevich and Tess v. Latvia, 220, 221, 223, 224
 Latin America, 13, 18, 70, 73, 398, 405, 411
 Latvia, 21, 22, 96, 97, 137, 138, 216–27
 Constitutional Court, 221
 Criminal Code, 217, 218, 220, 221, 222
 deportation cases, 216, 217–23, 227
 double occupation, 226
 European Court of Human Rights (ECtHR), 220–3, 227
 genocide, definition of, 218
 Russian mnemonical disagreement, 95
 leaflets, 37
 legitimacy, 56, 195
 attempts to de-legitimize, 315
 Israeli-Palestinian conflict, 354, 371
 memory laws, 430
 Poland, 268
 Romania, 240, 241
 Russia, 294
 Spain, 191
Lehideux and Isorni v. France, 114
 LePen, Jean-Marie, 422, 425
 Lewis, Bernard, 157, 334
 libel, 7
Liberté pour l'histoire, 141
 Lipstad, Deborah, 7
 Lithuania, 96, 137, 138, 140, 216, 332
 memory law, 309
 Vilnius ordinance, 413, 417, 419, 428, 429
loi Taubira, 146
Lowes v. United Kingdom, 113
Lund v. Brazil, 75
 Luxembourg, 132
 Maastricht Treaty, 9
 Malta, 137, 138
 Marxist theory, 166
 mass graves, 84, 188, 189
 appropriations, 191
 media
 criticism by progressives, 430
 duty to report, 275
 lack of coverage, 380
 law shaping understanding of
 history, 419
 state operated, 426, 428
 stirring up a new controversy, 282
 Medvedev, Dmitry, 302, 303, 305, 431
Mein Kampf, 344, 345
 memorial complexes, 316
 memorials, 80, 320, 369
 Diana, Princess of Wales, 417
 Hungary, 417
 Soviet soldiers, 300
 memory capture, 265, 266
 politics of, 289
 rationale, 267
 memory laws
 commemorative purpose, 431
 contexts and state action, 433
 cultural context, 414
 declaratory-punitive distinction, 417, 418, 432
 distinction with laws affecting public
 memory, 396
 expansion, 342
 Israel, 358
 laws affecting historical memory, 415, 421
 laws affecting public memory, 417
 penalties, 432
 prescription and proscription, 419, 420
 promoting understanding of
 history, 419
 truth and reconciliation
 commissions, contrast with, 387
 memory wars, 93, 145, 297
 Kononov v. Latvia, 106
 Russia, 297, 300, 309
 mens rea, 221
 Mexico, 411

- Michael, king of Romania, 234
 Middle Ages, 241, 242
 militant democracy (*streitbare or wehrhafte*), 9
 Mill, John Stuart, 44
 mismemory
 definition of, 266
 manifestations, 267
 Poland, 282, 288
 politics of, 267, 269, 289
 mnemonic narratives, 92, 93, 94, 103, 105
 Molotov-Ribbentrop Pact, 96, 140, 226, 308, 314, 319
Monnat v. Switzerland, 275
 monuments, 178, 180, 188, 193, 413, 420
 impact on public, 428
 moral narratives, 391
 moral relativism, 158, 169
 moral retribution, 205
 Morocco, 85
 mourn, right to, 35–7, 46
 museums
 funding, 10
 Hungary, 249
 Israeli-Palestinian conflict, 356
 memory laws, 19
 Peru, 402, 409
 purpose, 5
 reforms, 4
 Muslim organizations, 300
 Myjer, Egbert, 98, 99, 102

 name calling, 344
 national identity, 153, 159, 166
 definition, 165
 Spain, 177
 national security, 40, 73, 76, 160, 310
 Israeli-Palestinian conflict, 355
 NATO, 319
 Nazi emblems, 325
 neo-Nazi propaganda, 113
 Netanyahu, Benjamin, 355

 Netherlands, 98, 136, 333
 neurotic collective memory, 197, 215
 neutrality, 420
 nexus of arguments, 23, 329–47
 academic study, 343–5
 definitional problem, 333–5
 geographic determinism, 343
 global media problem, 337–40
 normative objections, 340–3
 nuanced understanding, 345–7
 practical objections, 333
 purposes, 330–3
 state reification problem, 335–7
 NGOs
 international human rights, 87
 Israeli-Palestinian conflict, 368, 371
 Zochrot (Israeli), 369
Nicaragua v. United States of America, 67
 Nietzsche, 166
 North Korea, 413, 414, 426, 428, 430
Noviks case, 218, 223
 Nuremberg Charter, 219, 220
 crime of genocide, 61
 crimes against humanity
 standard, 225
 deportations, 226
 jurisdiction, 60
 predecessor of international criminal courts, 52
 standard for denial of Nazi crimes, 307
 Nuremberg Tribunal, 48, 59, 60, 134, 307, 308
 basis for memory laws, 307
 conspiracy charge, failure of, 66
 genocide not prosecuted, 61
 Russia, 101
 standard for crimes against humanity, 97, 100, 170

 Obama, Barack, 303
 oblivion, act of, 213
 oblivion model, 3, 4

- ontological security, 92, 93, 95
 - Baltic states, 93
 - definition, 91
 - ECtHR, 92
 - Russia, 105, 106
- Open Society Justice Initiative (OSJI), 75, 76, 77, 78, 79
- Ottoman Empire, 111, 118, 130, 142, 337
- pardons, 3, 8, 409
- Pătrășcanu, Lucrețiu, 240
- peaceful assembly, 37
- peacekeepers, 390
- Penart v. Estonia*, 224
- Perinçek v. Switzerland*, 172, 277, 279, 281, 329, 333, 334, 335, 340, 343
 - anti-Armenian sentiment in Turkey, 344
 - application of decision, 120–5
 - criticism of decision, 346, 347
 - decision, 116–18
 - distinguished from other cases, 125–8
 - factual issues, 342
 - Grand Chamber decision, 119–20
 - introduction, 109–11
 - no evidence of serious friction, 331
 - reference to “States”, 335
 - statements at issue, 118–19
 - uncertainty, 334
- Perinçek, Doğu, 115
- Peru, 24, 395–412
 - comparison to Holocaust denial laws, 408
 - Criminal Code, 406
 - criminalization of terrorism-denial, 404–10
 - Inter-American Court of Human Rights (IACtHR), 398–401
 - memory museum, 402
 - MOVADEF, 403, 406
 - Movimiento Recolucionario Túpac Amaru (MRTA), 397, 400, 402, 406, 409, 410
 - National Museum of Memory, 403, 409
 - Peruvian Truth and Reconciliation (TRC), 402, 403, 406
 - public opinion polls, 403
 - public pardons, 409
 - reparations, 409
 - Shining Path, 397, 400, 401, 402, 403, 406, 409, 410
 - transitional experience, 401–4
- Pétre-Grenouilleau, Olivier, 157, 169
- Pezoldova v. Czech Republic*, 42
- Pol Pot, 4
- Poland, 25, 77, 96, 138, 195, 263–90
 - anticipated litigation, 272–81
 - Art. 55a, 270
 - Article 10 of the Human Rights Act, 274
 - Article 8 of the Human Rights Act, 275
 - Constitution Preamble, 285
 - Criminal Code, 270, 271, 273
 - criminalizing historical debate, 268–72
 - culture of treason, 290
 - defamation, 272
 - disabling of checks and balances, 265
 - foreigners, liability of, 269
 - freedom of expression, 271, 273
 - institute of national memory, 208, 211
 - Jewish population, 334
 - Law and Justice party (PiS), 267
 - memories contrasted with Western Europe, 283
 - memory law, 309
 - memory wars against Russia, 297
 - mismemory and memory capture, 265–8, 290
 - Molotov-Ribbentrop Pact, 319
 - new memory law shortcomings, 285–6
 - nexus with Holocaust, 335
 - “Polish death camps” expression, 269, 272, 279, 280, 281, 286

- Poland (*cont.*)
 Polish Institute of National Remembrance (IPN), 267
 politics of resentment, 263–5, 287, 288, 290
 revisionist rationale, 271
 Third Republic, 268
 unconditional protective principle, 269
 political speech, 118, 172
 political will, lack of, 85
 Polynesia, 34
 populism, 195, 263, 425
 Portugal, 6
 postage stamps, 420
 post-communist liberal democratic politics, 195
 post-totalitarian transformations, 202
 pragmatic meaning, 203
 pre-existing law, 33
 preservation of memories, 209
 propaganda, 180, 210, 298, 299, 429
 Nazi symbols, 299
 of fascism, 299
 proportionality, 53, 123, 124, 281
 Prussian empire, 6
 public access to information, 401
 public apologies, 80
 public discourse, 282, 421
 public health, 40
 public morals, 40
 public opinion polls, 403, 405
 public order, 40
 punishment rationales, 53
 Putin, Vladimir, 16
 authoritarian regime, 295
 criticism of, 139
 as prime minister, 303
 Yarovaya Act, 293
- Quinteros v. Uruguay*, 41
- racial discrimination, 116
 racist crimes, 129
 racist motive, 118
ratione temporis, 31, 32, 46
 reconciliation, 56, 397
 red judicata, 144
 REDRESS, 77, 78, 81
 refugees, 367, 372
 Palestinians, 359
 regime of truth, 94
 rehabilitation, 202
 relatives as victims, 41
 religious beliefs, 80
 religious freedom, 255
 religious rituals, 57, 58
 Remembrance Days, 19
 reparations, 73, 77–8, 82, 184, 185, 202, 397
 Germany, homosexuals, 431
 Peru, 396, 400, 402, 409
 Report to the European Parliament and to the Council, 19
 republican citizenship, 5
 researchers, 380
Respekt magazine, 200, 201
 restitution, 203, 204, 248, 403
 Canada, 383
 United States, 67
 retroactive application of criminal law, 99, 220
 Richter, Heinz, 146, 161, 162, 163, 165, 167, 168
 right to fair trial, 221
 right to history, 47
 right to obtain information, 71
 right to silence, 214
 right to truth, 20, 41, 55, 70, 71, 72
 alternatives, 74
 historians, 42
 limiting state secrecy, 75–7
 punitive justice, 79
 substantial violation, 83
 right wing parties, 265, 267
Rizvanović v. Bosnia and Herzegovina, 42
 Rodrigues, Almiro, 65

- Romania, 22, 81, 133, 228–45
 Antonescu trial, 242, 243–5
 Constitution of 1923, 233, 234, 238
 Constitution of 1938, 233, 234
 dictatorship and fascism, 233–8
 Holocaust, participation in, 237
 paradox of the exception, 231
 postwar trials, 242
 return to democracy, 238–44
 royal dictatorship, 233
 royal-dictatorship, 235, 236
 state of exception, 229, 230–3
- Ross v. Canada*, 44, 45
- Russia, 23, 25, 293–309
 administrative liability for fascist ideology, 298
 Chechen struggle for independence, 300
 Civil Tribunal, 302
 Criminal Code, 103
 cult of the war, 295
 Duma, 101
 Federation Council, 304, 305, 306
 Framework Decision, 139
 Holocaust denial, 298
 Katyn massacres, 77, 82
 memory laws of 1990s, 297–300
 memory wars with former Soviet states, 93
 Penal Code, 145
 Penal Code of 1996, 299
 politics of history and cult of the war, 294–7
 Putin regime, 103, 302, 309, 318
 Yarovaya Act, adoption of, 304–7
 Yarovaya Act, contrast with other memory laws, 307–9
 Yarovaya Act, introduction to, 293–4
 Yarovaya Act, prior versions, 300–4
- Russian
 Putin regime, 104, 295, 296, 306
 Yeltsin government, 294
- Russian Ministry of Foreign Affairs, 100
- Russian–Ukrainian relations, 296, 297, 312, 316
 criticism of Ukraine memory law, 324
 memory use of World War II, 314
- Rutuganda*, 64
- Rwanda, 14, 24, 339
 genocide, 343
 Hutu, 56
 International Criminal Tribunal for Rwanda (ICTR), 49, 50, 54, 56, 58, 63, 64, 68
 Tutsi, 63
- satire and ridicule, 420, 428
- Savenko case*, 219, 223
- Schedko v. Belarus*, 36
- scholarly research, 346
- schools, 420, 426
 Canada, 384–6
 delegated powers under memory laws, 432
- secret police, 205, 206
 KGB, 307
 Poland, 267
- secret service, 236
 Hungary, 248
- separation of church and state, 250
- Serbian, 65
- shared narratives, 313
- Sharon, Ariel, 359
- Siberia, 217, 218, 219
- Sidiropoulos and others v. Greece*, 160, 161
- slave trade, 154, 157, 419
- slavery, 5, 33, 425
- Slovakia, 137, 138
 institute of national memory, 208, 209, 211
- Slovenia, 138, 139
- social media, 338, 339
- social performances, 58
- social space, 165

- South Africa, 74, 207
 - Constitution Preamble, 416
 - Truth and Reconciliation Commission, 211, 385
- Spain, 13, 26, 132, 175–94
 - Amnesty Act, 181, 182, 184, 190
 - Balearic Parliament, 189
 - Catalan Parliament, 189
 - Civil War, 179, 183
 - condemnation of Francoism, 187
 - Constitutional Court, 183
 - cultural references to World War II, 193
 - Francoism, 178–80
 - Historical Memory Act, 176, 185–91, 193
 - Holocaust denial law, 176
 - lack of financial support, 191
 - Mass Graves Act, 189
 - Ministry of Justice, 187
 - pact of silence, 182, 184
 - rebellion of the grandchildren, 185, 186
 - Sephardic Jews, 192
 - silence on fascist past, 420
 - Spanish Inquisition, 331
 - special tribunals, 187
 - Valley of the Fallen, 188
 - war memories, 175–8
- speech
 - academic, 153
 - chilling effect, 16, 123, 154, 271, 366
 - dangers of limiting, 270
 - freedom of, 12, 109, 110, 250, 329, 341, 360, 429, 431
 - incitement to violence, 153, 276, 360
 - justification for interference, 277
 - restrictions, 127
 - rights of third persons, 277, 278
 - vagueness, 249
- Spiegel, Boris, 304, 305
- Srebrenica, 49, 64, 65, 86, 143
- Stalinism, 176, 229, 233, 298, 299, 309, 317
- state secrets, 81
- state secrets privilege, 76
- statues and plaques, 188, 332, 347, 401
- status quo, 424
- statute of limitations, 249
- Stephen I, king of Hungary, 249
- Strasbourg jurisprudence, 109
- street names, 178, 188, 316, 328
 - Peru, 401
- subjectivity of reflection, 167
- substantive and expressive weight
 - distinction, 422, 423, 424, 425, 426, 428, 429
- summary executions, 59
- Sweden, 136
- Swiss Federal Tribunal, 116
- Switzerland, 132
 - Armenian genocide, 346
 - Armenian population, 335
 - ban on genocide denial, 329
- symbolic laws, 362, 430
- symbolic meaning, 203, 204, 205
- symbols, 251, 256
 - Communist era, 251
 - Deir Yassin, 356
 - end of communism, 413
 - fascism, 298, 299
 - Nabka, 357
 - Palestinians, 356
 - removal of, 188
- system criminality, 66
- Tadić*, 67
- Tahiti, 34
- Tel Aviv University, 366
- Tess* case, 219, 220
- textbook reform, 369
- Tokyo Charter, 52
- torture, 33, 54, 71, 76, 77
- totalitarianism, 175, 234, 298, 317, 323
- transitional justice, 202, 368
- transnational resonance, 94
- treason, 267, 290
- Treaty of Versailles, 6

- Treaty of Westphalia, 3
 truth and reconciliation commissions
 Canada, 376
 Peru, 400
 proliferation of, 74
 right to truth, 84
 role of, 79, 369, 385
 South Africa, 385
 Turkey, 6, 77, 116, 119, 152, 336, 344
 Armenian genocide, 171, 336
 Ukraine, 25, 310–28
 access to archives, 318, 322
 condemnation of Nazism and Communism, 320
 contesting the national narrative, 322–7, 327
 Day of Remembrance and Reconciliation, 318
 de-communization laws, 327, 328
 EU and NATO membership, 319
 European Day of Remembrance for Victims of Stalinism and Nazism, 321
 famine, 142, 145, 155, 321
 Holodomor, 145, 321
 honoring fighters for statehood, 315–16
 joining European countries, 318–22
 memory law, 309
 memory law draft, 301
 memory wars against Russia, 297
 Molotov-Ribbentrop Pact, 319
 narrative history theories, 310–13
 narrative of Soviet past, 313–18
 national memory bloc, 310
 Opposition Bloc, 311, 323
 OUN (Organization of Ukrainian Nationalists), 314, 315, 325
 Ukrainian Institute of National Memory, 318
 Ukrainian language, 325
 Ukrainian People's Republic (UNR), 315
 UPA (Ukrainian Insurgent Army), 314, 325
 war veterans, definition of, 314
 United Kingdom, 337, 338, 339
 Brexit, 265, 337
 Diana, Princess of Wales, 417
 distinction with Germany, 421
 Framework Decision, 136, 139
 House of Lords, 136
 omission of Holocaust denial law, 421
 United Nations
 Convention on the Prevention and Punishment of the Crime of Genocide, 7
 General Assembly, 62, 355
 Human Rights Committee, 29, 169
 Human Rights Council, 85
 Independent Expert on the Promotion of a Democratic and Equitable International Order, 39
 memory laws, 419
 Office of the High Commissioner for Human Rights, 84
 peacekeeping missions, 390
 Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 349
 Security Council, 104
 Special Rapporteur on Free Expression, 39
 Srebrenica massacres, 86
 Ukraine famine, 321
 War Crimes Commission, 59, 60
 United States, 76
 crimes against Native Americans, 331
 hate speech, 344
 Holocaust Memorial Museum, 326
 Russia, relations with, 302
 Universal Declaration of Human Rights (UDHR), 221, 416
 Uruguay, 43, 85

- USSR
 Criminal Code, application to
 Estonia, 225
 deportation to Siberia, 217
 Member of the United Nations, 225
 Party to the London Agreement of
 1945, 225, 226
 Poland, relations with, 283
 Romania, relations with, 233, 239,
 240
 Romanian war, 234
 UN Human Rights Committee, 32
 utopias, 71, 72, 84, 85, 86
 Israeli-Palestinian conflict, 353, 371
- Valley of the Fallen, 180, 193
Varnava and others v. Turkey, 77, 81
Vasiliauskas v. Lithuania, 227
 victimhood, 25, 46, 348
 dangers, 279
 Israeli-Palestinian conflict, 353, 354,
 357, 372
 Victory Day, 314
- war coalition, 323
 war crimes, 19, 22, 33, 50, 60, 97, 105,
 131, 153
- by Allied soldiers, 107
 conviction, 226
 Ukraine, 320
 War Guilt Clause, 6
 Weber, Max, 46
 Weil, Simone, 171
 witness protection, 84
Witzsch v. Germany, 115
- xenophobia, 21, 129, 130, 131,
 136, 276
- Yalta System, 301, 309
 Yarovaya, Irina, 293
 Yazidi community, 69
 Yeltsin, Boris, 294, 295
 Yugoslavia, 14, 32
 International Criminal Tribunal for
 the Former Yugoslavia (ICTY),
 49, 55, 56, 58, 65, 67
- Zappa, Frank, 332, 347, 413
 Zatulin, Konstantin, 300, 301,
 302, 304
 Zionist Swindle case, 334
 Zündel, Ernst, 7
 Zypries, 141