

CONTENTS

<i>List of Contributors</i>	page ix
<i>Acknowledgements</i>	xi

Introduction: Memory Laws: Mapping a New Subject in Comparative Law and Transitional Justice	1
--	---

ULADZISLAU BELAVUSAU AND ALEKSANDRA
GLISZCZYŃSKA-GRABIAS

PART I International Law 27

1 The United Nations Human Rights Committee's View of the Past	29
--	----

ANTOON DE BAETS

2 The Role of International Criminal Tribunals in Shaping the Historical Accounts of Genocides	48
--	----

MARINA AKSENOVA

3 The 'Right to Truth' in International Law: The 'Last Utopia'?	70
---	----

PATRICIA NAFTALI

PART II European Law (Council of Europe and the European Union) 89

4 <i>Kononov v. Latvia</i> as an Ontological Security Struggle over Remembering the Second World War	91
--	----

MARIA MÄLKSOO

- 5 Testing the 'Uniqueness': Denial of the Holocaust vs Denial of Other Crimes before the European Court of Human Rights 109

PAOLO LOBBA

- 6 Legislating History: The European Union and the Denial of International Crimes 129

LUIGI CAJANI

PART III National Perspectives within the European Union 149

- 7 Challenging Historical Facts and National Truths: An Analysis of Cases from France and Greece 151

IOANNA TOURKOCHORITI

- 8 Legal Silences and the Memory of Francoism in Spain 175

ALFONS ARAGONESES

- 9 Politics of Public Knowledge in Dealing with the Past: Post-communist Experiences and Some Lessons from the Czech Republic 195

JIŘÍ PŘIBÁŇ

- 10 Adjudication in Latvian Deportation Cases: References to International Law 216

IEVA MILUNA

- 11 Judging the *Conducător*: Fascism, Communism, and Legal Discontinuity in Post-War Romania 228

COSMIN SEBASTIAN CERCEL

- 12 Dealing with the Past in and around the Fundamental Law of Hungary 246

MIKLÓS KÖNCZÖL

- 13 On the Politics of Resentment, Mis-memory, and Constitutional Fidelity: The Demise of the Polish Overlapping Consensus? 263

TOMASZ TADEUSZ KONCEWICZ

PART IV Perspectives beyond the European Union 291

- 14 Defending Stalinism by Means of Criminal Law:
Russia, 1995–2014 293
NIKOLAY KOPOSOV
- 15 Cutting the Umbilical Cord: The Narrative
of the National Past and Future in Ukrainian
De-communication Policy 310
LINA KLYMENKO
- 16 Banning Genocide Denial – Should Geography
Matter? 329
ROBERT A. KAHN
- 17 “From Banning Nakba to Bridging Narratives”: The
Collective Memory of 1948 and Transitional Justice for
Israelis and Palestinians 348
JEREMIE M. BRACKA
- 18 Historical Revisionism and the Settler State: The
Canadian Experience 374
MICHAEL MORDEN
- 19 Defense of Democracy and the Preservation of
Collective Memory through Criminal Legislation:
The Challenges of Reconciliation in Peru 395
SALVADOR HERENCIA CARRASCO

*Epilogue: Beyond ‘Memory Laws’: Towards a General Theory of
Law and Historical Discourse 413*

ERIC HEINZE

Index 435