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# MELA

Memory Laws in European and Comparative Perspective

## Welcome to the MELA newsletter!

**Memory Laws in European and Comparative Perspectives (MELA)** is a four-nation, EU-sponsored consortium gathered to examine memory laws throughout Europe and the world. HERA (Humanities in the European Research Area) generously awarded a grant totalling over € 1.2 million for MELA in March 2016.

**Memory laws** enshrine state-approved interpretations of crucial historical events. They sometimes impose criminal penalties on speech or conduct deemed offensive to the plight of national heroes or tragic victims. In that punitive form, memory laws impose limits on democratic freedoms of expression, association, the media, or on scholarly research.

**The MELA project asks:** When do memory laws conflict with values of democratic citizenship, political pluralism, or fundamental human rights? Are the punitive laws inevitably abusive? Are the non-punitive ones mostly benign? Are there optimal ways for states to propagate historical memory?

To read more about the project, [click here](#).

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We are glad to announce the **launch** of the **MELA website**:

[melaproject.org](http://melaproject.org)

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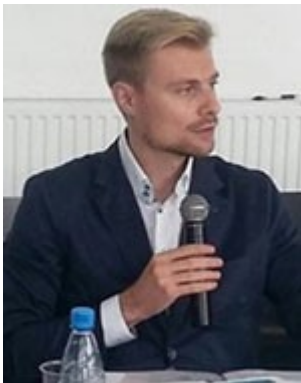
### [MELA Team](#)

The consortium encompasses **Queen Mary University of London** (UK), **University of Bologna** (Italy), **Polish Academy of Sciences** (Poland) and **T.M.C. Asser Institute** (Netherlands).

## Principal Investigators



The project leader is **Professor Eric Heinze** (UK). Having earned degrees from the Universities of Paris, Harvard and Leiden, Heinze has also won grants from the Deutscher Akademischer Austauschdienst, the US Fulbright Foundation, the French Ministère de l'Éducation nationale, and Harvard University. He has worked for the International Commission of Jurists, has advised several NGOs, and serves on the editorial boards of the *International Journal of Human Rights* and the *British Journal of Interdisciplinary Studies*.



**Dr Uladzislau Belavusau** (Netherlands) - a Senior Researcher in European law at the T.M.C. Asser Institute (University of Amsterdam), and was previously an Assistant Professor of EU law and human rights at the Vrije Universiteit Amsterdam. He holds a PhD from the European University Institute and an LLM from the Collège d'Europe. Dr Belavusau has held visiting fellowships at the University of California at Berkeley, Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, York University, and Tel Aviv University.



**Dr Gliszczyńska-Grabias** (Poland) - a Senior Researcher at the Institute of Law Studies of the Polish Academy of Sciences. A recipient of the 2015-2018 Fellowship of the Polish Ministry of Science and Higher Education, she was also the 2014 Bohdan Winiarski Fellow at the University of Cambridge. She is an expert in the Council of Europe 'HELP in the 28' programme and a member of the Board of Young Researchers of the Polish Ministry of Science and Higher Education and the Academic Advisory Board of the Community of Democracies.



**Dr Emanuela Fronza** (Italy) - a Senior Lecturer in Criminal Law at the Department of Juridical Sciences at the University of Bologna, after ten years as a Senior Lecturer in Criminal Law at the Faculty of Law of the University of Trento. Having served as a fellow of the *Alexander Von Humboldt Foundation* at the Humboldt University Berlin, she is also *Chercheur Associé* of the University of Paris 1 and a member of the *Grupo Latinoamericano de Estudios sobre el Derecho*



Senior researcher for the Italian team, **Dr Michele Caianiello** is the Professor of national, European and international criminal procedure at the University of Bologna, and the Deputy Head of the Department of Juridical Sciences. In 2015, he was admitted to the list of Assistants to Counsel of the International Criminal Court. Since December 2012, he is an editor of the *European Journal of Crime, Criminal Law and Criminal Justice*. He also created an inter-university research network on criminal justice – *The Future of Adversarial and Inquisitorial Systems*.

### Research Assistants



**Nanor Kebranian** (UK) is a Postdoctoral Research Assistant in Theory, History, and Human Rights. She completed her doctorate at the University of Oxford with fellowships from the Jack Kent Cooke Foundation and Oxford's Clarendon Fund. Her project for MELA considers the discursive effects of anti-denialist legislation in Turkey and Europe, focusing specifically on minority rights, cultural destruction, and post-conflict reconciliation.



**Marina Bán** (Netherlands) is a PhD researcher supervised by Dr Uladzislau Belavusau and Professor Dr Janne Nijman at the T.M.C. Asser Institute. She holds a BA in History from Eotvos Lorand University and an MA in Human Rights from Central European University. In her thesis, she compares the legal governance of memory in France and Hungary, and studies its compatibility with European and international law.



**Dr Grażyna Baranowska** (Poland) defended her PhD thesis on “Enforced disappearances in Europe. Developing international standards of prevention and reaction” in the Polish Academy of Sciences. She completed her studies at the Adam Mickiewicz University, Humboldt University and Kafkas University. In her work in the MELA project, she will concentrate on conflicts between memory laws and freedom of speech, integrating ECtHR

jurisprudence and UN-level relevant norms and policies.



**Anna Wójcik** (Poland) is on the PhD track at the Polish Academy of Sciences. She holds Master of Arts degrees in Law from the University of Warsaw and in Sociology and Social Anthropology from the Central European University, alongside a semester abroad at Sorbonne Paris-IV. Her PhD project focuses on developments of memory laws in Central and Eastern Europe in the context of transitional justice and memory politics.



**Marco Bortoluzzi** (Italy) is a PhD student at the School of Comparative and European Legal Studies, University of Trento, specialising on *concursum delictorum* in Comparative and International Criminal Law. As a MELA researcher, Marco is working mainly on the memory laws legal database. He has held visiting fellowships at the Katholieke University of Leuven, and the Centro de Estudios de Derecho Penal y Procesal Penal Latinoamericano.



**Piergiuseppe Parisi** (Italy) is a PhD student at the University of Trento, specialising in the potential synergies between non-judicial human rights fact-finding and international criminal justice. He is also a member of the Advocacy Group of the Colombian Caravana UK Lawyers Group and has been a delegate in two independent civil society fact-finding missions to Colombia. He completed his studies at the London South Bank University and the University of Trento.



**Claudio Prezioso** (Italy) works as an attorney in Bologna. He holds a PhD in criminal law from the University of Bologna, with a thesis on international terrorism. He serves as an Academic Tutor at the “Scuola di specializzazione per le professioni legali” of Bologna.





**Aylin Gayibli** (Netherlands) is the EU and Human Rights Law intern at the T.M.C. Asser Instituut. She is completing her LLM in European Law at the University of Leiden after obtaining her BA Law from the University of Nottingham. As a MELA project assistant, her responsibilities include maintaining the website, social media and compiling the newsletter.

## EVENTS

- The first annual MELA conference "[Law and Memory in Established Democracies](#)" was held in Bologna, Italy on 25 March 2017. Read the conference report [on our blog](#).



- Aleksandra Gliszczyńska-Grabias, Marina Ban and Anna Wójcik took part in a workshop "[Memory Laws: Legal Regulation of Historical Interpretations](#)" at the Research Centre of the Slovenian Academy of Sciences and Arts (ZRC SAZU) in Ljubljana, Slovenia.



- At the **Annual Law & Society Association Meeting** in Mexico City, MELA-researchers Eric Heinze, Aleksandra Gliszczynska-Grabias and Ulad Belavusau held a round-table [Memory Laws: Walls or Bridges? The Legal Regulation of Public Memory](#).
- At the **15th EUSA Biennial Conference** in Miami, MELA researchers Uladzislau Belavusau and Grażyna Baranowska participated in a panel chaired by Aleksandra Gliszczynska-Grabias on [Different “Legal Memories” in Post Second World War Europe](#). Other invited panellists were Maria Mäklsoo and Antoine Buyse.



- MELA researchers Grażyna Baranowska, Marina Bán, Anna Wójcik and Alexandra Gliszczynska-Grabias presented on [Dealing with the Communist](#)

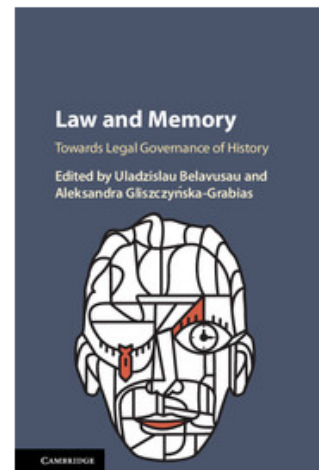
[Past in the Assessment of the European Court of Human Rights](#) at the 2nd Annual CEENELS Conference in Krakow.



## PUBLICATIONS

We are pleased to announce the publication of "[Law and Memory: Towards Legal Governance of History](#)" (CUP, 2017) co-edited by two MELA principal investigators, Uladzislau **Belavusau** and Aleksandra **Gliszczyńska-Grabias**.

In this book, a range of contributors explore both the nature and role of legal engagement into historical memory in selected national, European and international law. They also reflect on potential conflicts between legal governance, political pluralism, and fundamental rights, such as freedom of expression. Against the background of mass re-writing of history in different parts of the world, this book revisits a fascinating subject of memory laws from the standpoint of comparative law and transitional justice.



The introductory chapter by Belavusau and Gliszczyńska-Grabias was published in the Asser Research Series as a paper '[Memory Laws: Mapping a New Subject in Comparative Law and Transitional Justice](#)'

## Recent publications on memory laws

A special issue on **Memory and Security** of the Polish quarterly [Res Publica Nowa](#) has been published, with a section devoted to memory laws.



- Aleksandra Gliszczyńska-Grabias, "Prawo i pamięć" ("Law and Memory")
- Anna Wójcik, "Argument z bezpieczeństwo" ("Argument from security")
- Grażyna Baranowska, "Prawo do prawdy" ("Right to truth")

- Uladzislau Belavusau, [Introductory Note to Perinçek v. Switzerland \(2015\): Judgement of the Grand Chamber \(ECtHR\)](#), *International Legal Materials*, 55, 2016
- Anna Wójcik, ['Does Europe need blasphemy laws?'](#) *Res Publica Nowa* 1/2017 (in Polish)
- Aleksandra Gliszczyńska-Grabias (co-author), ['Counteracting anti-Semitism in the Council of Europe legal regime – successes and failures'](#) *Europejski Przegląd Sądowy* 2/2017 (in Polish)
- Aleksandra Gliszczyńska-Grabias, Grażyna Baranowska ['The European Court of Human Rights on Nazi and Soviet Past in Central and Eastern Europe'](#) *Polish Political Science Yearbook*, 45, 2016
- Aleksandra Gliszczyńska-Grabias, ["Memory Laws and Historical Truth"](#) in A. Wiesand, K. Chainoglou, A. Śledzińska-Simon (eds), *Culture and Human Rights – The Wrocław Commentaries* (De Gruyter, Berlin/Boston and ARCult Media, Cologne 2016)
- Eric Heinze, ['Selecting the Memory, Controlling the Myth: The Propaganda of Legal Foundations in Early Modern Drama'](#) in K. Chainoglou, B. Collins, M. Phillips, and J. Strawson (eds) *Injustice, Memory and Faith in Human Rights* (chapter forthcoming 2016)
- Emanuela Fronza, 'Le rôle de la justice dans la transition démocratique en Italie après la seconde guerre mondiale' in J. Alix, M. Jacquelin, S. Manacorda, R. Parizot (eds) [Humanisme et Justice](#) (Dalloz, Paris, 2016)
- Aleksandra Gliszczyńska-Grabias, ['Debating Stalinism and Communism: 'equals' or 'versus' Nazism?'](#), *East European Politics and Societies and Cultures*, 30(1), 2016

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## MEDIA

Aleksandra Gliszczyńska-Grabias gave [a TED Talk](#) on the **role of law in fighting racism and anti-Semitism** at College of Europe Natolin



Uladizlau Belavusau was [interviewed by CivilnetTV](#) about **hierarchical approach to genocides**.

Eric Heinze was [interviewed by Radio Sputnik](#) about the responses by Germany and NATO to **Nazi memorabilia among troops**.

He also [spoke to Radio Sputnik](#) about the **status of Mein Kampf** in the public domain.

### [MELA external partners](#)



[Dr Paolo Caroli](#)



[Ana Milosevic](#)



[Dr Maria Mälksoo](#)



[Dr Ioanna Tourkochoriti](#)

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