Memorial's Contribution to the Special Rapporteur's Thematic Report on Documenting Serious Human Rights Violations in Transitional Justice Contexts

Prepared by the International Memorial Association

With contributions from Memorial Vilnius, the Political Prisoners Support Project – Memorial, and the Anti-Discrimination Centre Memorial

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Part 1: Background Information

The civil society movement "Memorial" emerged in numerous cities across Russia and the former Soviet republics during the “glasnost” era of the late 1980s and early 1990s. Today, Memorial’s mission has expanded to include the protection and promotion of human rights, the documentation and pursuit of accountability for human rights violations, and ensuring that victims of such violations are not forgotten. This mandate has grown to encompass a global reach.

For over 35 years, Memorial has been documenting both historical and contemporary state-perpetrated crimes—ranging from human rights violations in the USSR and its legal successor, the Russian Federation, to abuses in other countries of the former USSR. Many of the Soviet-era victims originated from countries worldwide, including Italy, the Czech Republic, and others, and were either brought to or trapped within the Soviet Union. Over the past three decades, Memorial organizations have been established in numerous countries to document the experiences of victims, often collaborating with other Memorial groups on joint publications, exhibitions, and events.

Memorial has been a leading non-governmental organization (NGO) reporting on and defending human rights. Its work has extended to documenting the vast scale of human rights violations during the Chechen conflicts, including the internal armed struggles in the Russian Caucasus. Memorial facilitated critical meetings between victims, their families, and UN High Commissioner Mary Robinson during her mission to Chechnya in 2000. These meetings contributed to the High Commissioner’s report, which served as the basis for the first UN resolution condemning Russia for human rights violations.

Memorial also reported extensively on the situation in the occupied Donetsk and Luhansk regions of eastern Ukraine following the onset of Russian-supported armed conflict in 2014. The organization continues its work amidst the ongoing full-scale Russian war of aggression against Ukraine.

Memorial’s focus encompasses all forms of political violence, past and present, across the former USSR and countries affected by crimes committed by Soviet and post-Soviet regimes. Memorial organizations are not bound by a single legal structure but function as a community of like-minded entities sharing a commitment to human rights, democracy, and historical memory. On May 16, 2023, 15 Memorial organizations from nine countries established the International Memorial Association in Geneva, succeeding the International Memorial that was dissolved by Russian authorities in 2022.

Diverse Methods of Documenting Human Rights Violations

Memorial has developed a comprehensive and versatile approach to addressing mass human rights violations, both historical and contemporary. This work encompasses:

- Archival and historical research,
- Identification of mass burial sites of victims of political terror,

- Documentation and legal challenges targeting mass human rights violations in post-Soviet Russia, including those committed during the two Chechen wars and the ongoing war against Ukraine,
- Strategic litigation to secure access to archives, restore civil rights and freedoms (such as freedom of speech, assembly, and association), and combat discrimination,
- Maintaining a regularly updated and meticulously analyzed list of political prisoners in modern Russia. As of January 2025, this list identifies 821 individuals, representing a conservative estimate based on extensive data collection and analysis of politically motivated detentions,[1]
- Producing analytical reports that examine current human rights challenges and propose actionable measures for resolution. These publications underscore Memorial's dedication to preserving expertise for future reforms.

Context of Memorial's Work and Transitional Justice

The context in which Memorial operates has significantly influenced its broad range of activities. The onset of Perestroika in the USSR, followed by its dissolution and the creation of 15 new states, introduced varying transitional justice processes across these nations. In the Russian Federation, it soon became evident that mass human rights violations were not merely a legacy of the past but an ongoing reality.

The first Chechen war, which began in 1994, was marked by widespread human rights abuses in the region. This was followed by a second Chechen war, further military interventions, and Russia's escalation of armed conflicts, culminating in its current full-scale aggression against Ukraine. Meanwhile, within Russia, an increasingly authoritarian regime brought widespread human rights violations, discriminatory policies, repression of civil society, and the instrumentalization of history.

These historical and political dynamics necessitated Memorial's broad spectrum of activities, particularly its work on documenting human rights violations in the context of transitional justice. In the absence of a comprehensive transitional process or reckoning with the past, and amid ongoing mass human rights violations, civil society organizations like Memorial assumed roles typically expected of the state.

Focus of the Report

The following sections will present information primarily reflecting the work of various Memorial organizations in addressing the memory of Soviet-era terror in Russia. The response to the third question will also draw on Memorial's experience in supporting contemporary political prisoners in Russia and combating discrimination, with an emphasis on preserving expertise for potential future reforms.

[1] See https://memopzk.org/

The International Memorial Association also includes the Kharkiv Human Rights Protection Group (KHPG), which currently focuses primarily on documenting war crimes in Ukraine and other consequences of the Russian regime's aggression. Due to the significantly different context in which the KHPG operates, this report places less emphasis on their work. For a detailed account of the Kharkiv Human Rights Protection Group's activities, please visit their website: https://khpg.org/en/

Part 2: Answers to the Questions

1. Please indicate any relevant norms, state practice and/or jurisprudence at the national and regional level regarding the obligation to document gross violations of human rights and serious violations of international humanitarian law in transitional justice contexts?

1.1. The Soviet totalitarian regime governed the state through systematic political repression for almost its entire existence.

1.2. In the final years of the USSR, the Soviet leadership adopted several directive documents that recognized mass repressions as unlawful and contradictory to fundamental civil and socio-economic human rights. For instance, the Decree of the Presidium of the Supreme Soviet of the USSR dated 16 January 1989[2] and the Decree of the President of the USSR dated 13 August 1990[3]. This approach was later reinforced by the Russian Parliament, which adopted the Law on the Rehabilitation of Victims of Political Repressions in October 1991[4]. This law condemned years of terror and mass persecution as incompatible with the principles of justice and the rule of law. The stated purpose of the law was to rehabilitate all victims of political repression, restore their civil rights, mitigate the consequences of arbitrary actions, and provide compensation for material damages to the extent possible at the time.

1.3. Under this law, the responsibility for identifying and documenting instances of repression against "victims" was assigned to law enforcement agencies. The Ministry of Internal Affairs was tasked with cases of administrative repression (e.g., exile, deportation), while the Prosecutor's Office handled cases of criminal repression (e.g., capital punishment, imprisonment). These authorities were required to verify instances of repression, issue conclusions, and provide victims or their relatives with rehabilitation certificates. In some cases, rehabilitation (and thereby documentation of the repression) could also be pursued through general procedures established under the criminal procedure legislation of the Russian Federation, including judicial proceedings.

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[2] See Decree of the Presidium of the Supreme Soviet of the USSR, dated January 16, 1989: https://docs.historyrussia.org/ru/nodes/75290-ukaz-prezidiuma-verhovnogo-soveta-sssr-o-dopolnitelnyh-merah-po-vosstanovleniyu-spravedlivosti-v-otnoshenii-zhertv-repressiy-imevshih-mesto-v-period-30-40-h-godov-i-nachala-50-h-godov-16-yanvarya-1989-g

[3] See Decree of the President of the USSR, dated August 13, 1990: https://www.alexanderyakovlev.org/fond/issues-doc/68188

[4] See Law of the Russian Federation "On the Rehabilitation of Victims of Political Repressions," dated October 18, 1991, No. 1761-1: https://www.consultant.ru/document/cons_doc_LAW_1619/

1.4. The law further stipulated that those responsible for crimes against justice should be held criminally liable under the applicable criminal legislation. Therefore, the documentation of crimes committed by organizers or executors of repressions required the initiation of criminal proceedings and the conduct of a trial.

1.5. However, the law on rehabilitation did not establish any specific mechanism for investigating political repressions outside the framework of criminal proceedings. As a result, no official investigation into political repressions has been conducted in Russia to this day.

1.6. Many episodes of Soviet-era political repressions could be classified as crimes against humanity or war crimes. Nevertheless, no specialized bodies for investigating such crimes have been established in the Russian Federation.

1.7. It is also important to note that the Russian Federation has yet to fulfill its obligations under the 1968 UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Crimes against humanity have not yet been incorporated into the Russian criminal code. For more details, refer to the report "Between Vengeance and Oblivion: A Concept of Transitional Justice for Russia" (2020, authored by N. Bobrinsky and S. Dmitrievsky)[5].

2. Please inform about State initiatives to register, map, collect and preserve (archive) evidence, data and testimonies (including victim's testimonies) of serious violations of human rights and humanitarian law in transitional contexts for truth-seeking, accountability and memorialization purposes, among others. How have States to date documented such violations? Which good practices, obstacles, challenges and gaps are found in State practice? Are documentary archives accessible to plaintiffs, victims and their legal representatives and what regulations govern such access?

2.1. The Russian state divides victims of Soviet-era repressions into two categories: rehabilitated and non-rehabilitated, based on the procedure established in the Russian Law on the Rehabilitation of Victims of Political Repressions.

2.2. Citizens who undergo the legal rehabilitation process and obtain a rehabilitation certificate receive formal documentation of their repression. This certificate allows them or their relatives to access the archival records related to the repression. After 75 years have passed since the repression occurred, historians may also access these materials, which can be published and disseminated.

2.3. However, records and documents related to non-rehabilitated individuals remain inaccessible. This information is withheld from both relatives and historians, even after 75 years. The files of non-rehabilitated individuals are stored in the departmental archives of law enforcement agencies (Ministry of Internal Affairs and the Prosecutor's Office) and the Federal Security Service (FSB).

[5] See Report: "Between Vengeance and Oblivion: A Concept of Transitional Justice for Russia" 2020, Authors: N. Bobrinsky, S. Dmitrievsky, Chapter 6: https://trjustice.ilpp.ru/

2.4. Memorial and other organizations have repeatedly attempted to access information about the repressions of individuals who remain non-rehabilitated under Russian law, with the goal of documenting these cases. However, these efforts have so far been unsuccessful. Requests for information have been denied, and appeals have been brought before courts, including the Supreme Court of Russia, but to no avail. For further details, refer to the joint report published in December 2022 by the International Federation for Human Rights (FIDH) and Memorial: "Overcoming the Past: An Overview of Memorial's Transitional Justice Jurisprudence in Russia"[6].

2.5. A significant portion of archival documents on repressions during the Great Terror is held by the FSB, which formally succeeded the Stalin-era People's Commissariat for Internal Affairs (NKVD). In 1991–1992, Russian President Boris Yeltsin issued decrees mandating the declassification of all documents related to Soviet-era terror and their transfer to state archives for open access by researchers. However, the FSB failed to comply with these decrees, retaining the documents in its departmental archives. Since the mid-1990s, the FSB has increasingly restricted researchers' access to documents related to Soviet state terror, citing various pretexts.

2.6. For example, Memorial was denied access to information regarding the ranks and names of NKVD staff in the Moscow region during the 1930s who issued repression-related documents. The refusal was based on claims that such information constitutes a state secret of the Russian Federation. Similarly, FSB archives in Tula and Ivanovo regions denied Memorial access to protocols of extrajudicial bodies from 1938, known as "special troikas." Despite these documents being declassified, the FSB argued that the information they contain could incite religious, social, or national discord. Memorial challenged these refusals in court, but these efforts were unsuccessful (see FIDH and Memorial report, "Overcoming the Past"[7]).

2.7. According to the Russian Law on State Secrets, information classified as a state secret should not remain so for more than 30 years. However, in 2014, the classification period for most documents from Soviet security archives was extended by an additional 30 years, until 2044. As a result, any documents created between 1917 and 1991 containing information on intelligence, counterintelligence, or investigative activities, as well as on informants or operatives of the Soviet state security organs, remain classified until 2044.

2.8. The official recognition of Soviet political repressions as crimes did not lead to judicial proceedings in Russia. Criminal cases initiated in connection with the discovery of mass graves of repression victims in the late 1980s and early 1990s were terminated at the investigative stage. In cases where proceedings were discontinued due to the death of the perpetrators, investigators were required to name those responsible and describe their crimes. This process could have enabled the state to officially establish the circumstances of political

[6] See "Overcoming the Past: An Overview of Memorial's Transitional Justice Jurisprudence in Russia" December 2022, International Federation for Human Rights (FIDH) and Memorial: https://www.fidh.org/en/region/europe-central-asia/russia/russia-no-truth-or-reparations-for-victims-of-soviet-era-repressions

[7] Ibid.

repressions posthumously. However, neither Soviet nor Russian law required the publication of such decisions. As a result, facts established during investigations of political repressions were not made public and remain subject to controversy. For instance, the decision to terminate the investigation into the mass killings of Polish officers in Katyn Forest and Mednoye was classified (see "Between Vengeance and Oblivion"[8]).

2.9. The Russian government does not formally prohibit academic research on Soviet state terror. For example, the State Archive of the Russian Federation has published multi-volume collections of documents, such as "The History of Stalin's Gulag. Late 1920s–First Half of the 1950s" (seven volumes) and "The Tragedy of the Soviet Countryside. Collectivization and Dekulakization" (five volumes). However, in recent years, the government has actively promoted an alternative narrative of Soviet history—glorifying Soviet achievements, particularly victory in World War II, while downplaying or ignoring crimes of the Soviet era. This includes:

- Enacting laws that hinder the work of civil society, including in the field of historical memory,
- Censorship, such as banning research and publications on certain topics,
- Denying access to archives,
- Conducting defamation campaigns and intimidating independent civil society actors, such as International Memorial, as well as persecuting historians.

For further information, refer to the International Federation for Human Rights report, "Russia: 'History Producers' Attacked as Regime Attempts to Control Historical Narrative" (2021).[9]

3. Please inform about civil society initiatives to register, map, collect and preserve evidence, data and testimonies (including victim's testimonies) of serious violations of human rights and humanitarian law in transitional contexts for truth seeking, accountability and memorialization purposes, among others. How has civil society supported documentation efforts in transitional contexts? What lessons can be learnt from these experiences? What support has civil society received from concerned States and/or donor states and institutions to carry out initiatives in this field? What obstacles has civil society faced in implementing initiatives to document human rights violations (state blockages, lack of resources, insecurity for staff conducting documentation or archiving efforts, challenges to the preservation of documentation/evidence/archives, impeded access to archives or victims, etc.)?

Working with the Memory of Soviet Political Terror

[8] See Report: "Between Vengeance and Oblivion: A Concept of Transitional Justice for Russia" 2020, Authors: N. Bobrinsky, S. Dmitrievsky, Chapter 6: https://trjustice.ilpp.ru/

[9] See Russia: "History Producers" Attacked as Regime Attempts to Control Historical Narrative 2021, International Federation for Human Rights (FIDH): https://www.fidh.org/en/region/europe-central-asia/russia/russia-history-producers-attacked-as-regime-attempts-to-control

3.1. The community of Memorial organizations, now united under the International Memorial Association (https://memo.site/home), has been documenting crimes committed across the USSR from 1917 to 1991 for over 30 years. Despite significant opposition from the authoritarian regime of Vladimir Putin (see report [6]), Memorial continues this work. In 2023, Memorial launched an online catalog of its central archive in Moscow (https://archive.memo.ru), containing millions of documents contributed by hundreds of thousands of individuals. These include interviews, memoirs, research collections, and more. Significant archives are also maintained by Memorial groups in St. Petersburg (https://arch2.iofe.center/), Krasnoyarsk (http://memorial.krsk.ru/), Ryazan (https://stopgulag.org/), and other cities. Memorial in the Czech Republic launched the "Memory of Repressions" unified search system (https://www.memsearch.org) that enables access to biographical information, burial sites, archival documents, memoirs, and reference data on the NKVD and Gulag systems. Meanwhile, Memorial Vilnius (Lithuania) and Memorial Zukunft (Germany) initiated the "The Right to Truth. The Right to Justice" program, continuing efforts to reflect on and document Soviet crimes (https://memorialinvilnius.org).

3.2. The Russian Law on Rehabilitation (1991)[10] required that lists of rehabilitated citizens, including biographical details and charges overturned, be periodically published. This allowed regional authorities and public organizations to demand such information from law enforcement and intelligence archives. This led to the publication of "Memory Books" in over 70 regions of Russia and other former Soviet republics during the late 1980s and 1990s. These volumes documented approximately 2 million people who were repressed criminally in Russia (https://visz.nlr.ru/pages/repressii-ssylki).

3.3. Based on these Memory Books and other sources, Memorial created a specialized database (https://base.memo.ru) in the late 1990s, which now includes records of over 3 million victims of Soviet political repressions. Additionally, Memorial maintains a database of more than 50,000 officials from the Soviet security services during the Great Terror (https://nkvd.memo.ru).

3.4. Memorial also documented the physical traces of Soviet terror, such as execution sites, secret burial grounds, labor camp and prison cemeteries, and graves of exiles. Its "Necropolis of Terror and Gulag" database (https://www.mapofmemory.org) includes information on over 400 such sites. Another database records 740 locations of Soviet terror in Moscow and its surrounding region (https://topos.memo.ru).

3.5. While the collapse of the USSR led to a greater societal awareness of Soviet political terror, the memory and documentation of these crimes did not result in accountability. The institutions and individuals responsible for the terror were never declared criminal. In 2011, Memorial proposed a national program for commemorating the victims of totalitarianism and

[10] See Law of the Russian Federation "On the Rehabilitation of Victims of Political Repressions," dated October 18, 1991, No. 1761-1: https://www.consultant.ru/document/cons_doc_LAW_1619/

achieving national reconciliation,[11] but this initiative, though endorsed by the then-President of Russia, was largely ignored. Consequently, the Russian government has taken no significant steps to prevent a recurrence of such crimes.

Working with Political Prisoners in Modern Russia

3.6. In 2024–2025, numerous human rights organizations and initiatives within the Russian Federation and among the democratic segments of the Russian diaspora continued their work to document serious human rights violations committed by the Russian authorities. Among these efforts, the Political Prisoners Support Project – Memorial (https://memopzk.org) carried out systematic research into politically motivated repression in contemporary Russia, focusing on the documentation of such cases.

3.7. The project involved analyzing criminal cases with clear indications of political motivation, preparing case summaries, and compiling lists of political prisoners and others prosecuted on politically motivated charges. This work provided both a reliable minimum estimate of the scale of repression and detailed documentation of human rights violations in individual cases, identifying those responsible. As part of its efforts, the project also produced annual analytical reports on political repression in Russia, which continue to be a critical resource.

3.8. The project collaborated with numerous civil society organizations and support groups for individual political prisoners. These partnerships provided valuable information on specific cases of political persecution, shared tools for analysis, and offered resources to sustain the project's work. Enhanced coordination of these efforts and further expansion of information collection—particularly from volunteers and journalists attending trials in Russia—are critical to documenting cases that the project currently lacks access to.

3.9. While the project received significant support from democratic states and civil society organizations globally, its operations within Russia faced severe restrictions. Russian state institutions not only refrained from engaging with the project but actively obstructed its activities, including through the following measures:

- Website Blockades: The project's website was blocked in Russia, impeding its ability to document human rights violations and inform the Russian public.
- Criminal Charges Against Leadership: Sergei Davidis, the project's leader, was subjected to politically motivated criminal charges under Article 205.2(2) of the Russian Criminal Code (justification of terrorism), which carries a penalty of up to seven years of imprisonment. These charges significantly hindered his work and deprived him of the ability to travel to many countries for professional purposes.
- Threats to Staff: Other project staff were unable to visit Russia freely due to the risk of politically motivated criminal prosecution for their lawful human rights activities.

[11] See Proposals for Establishing a Nationwide State and Public Program "On the Commemoration of Victims of the Totalitarian Regime and National Reconciliation", Published on April 7, 2011, in "Rossiyskaya Gazeta": https://rg.ru/2011/04/07/totalitarizm-site.html?fbclid=IwAR2_Qx4s5RwPvNuCnTrQmOe0PqqEbk6LTEINOdiXkts0DwcjKVUhGGIjZ30

- The Russian government also intensified efforts to conceal information about political repression, particularly regarding residents of Russian-occupied territories in Ukraine. These actions have severely complicated efforts to investigate and document human rights violations in these regions.

Monitoring Violations of Vulnerable Groups' Rights

3.8. The Anti-Discrimination Center Memorial (https://adcmemorial.org/) focuses on protecting the rights of minorities, migrants, and vulnerable groups while combating racism, sexism, homophobia, and other forms of xenophobia. Its monitoring and documentation efforts prioritize the following areas:

3.8.1. Documenting Violations Amid Russia's Aggression in Ukraine: ADC Memorial focuses on violations affecting children,[12] minorities and migrants,[13] Roma,[14] Indigenous Peoples,[15] and LGBTQ+ individuals,[16] often under extremely challenging and dangerous circumstances.

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[12] See the Report of ADC Memorial and Kharkiv Human Rights Protection Group to the UN CRC: violations of the rights of children deported from Ukraine by the Russian Federation, 2023; https://adcmemorial.org/en/news/report-of-adc-memorial-and-kharkiv-human-rights-protection-group-to-the-un-crc-violations-of-the-rights-of-children-deported-from-ukraine-by-the-russian-federation/

[13] See Alternative Report on Russian Federation's Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, 2023: https://adcmemorial.org/en/publications/alternative-report-on-russian-federations-implementation-of-the-international-convention-on-the-elimination-of-all-forms-of-racial-discrimination/; The Year of War: Reporting on the Situation of Minorities and Migrants, 2023: https://adcmemorial.org/en/publications/the-year-of-war-reporting-on-the-situation-of-minorities-and-migrants/; The Second Year of War: Persecution of Migrants in Russia in 2023: https://adcmemorial.org/en/articles/the-second-year-of-war-persecution-of-migrants-in-russia-in-2023/;

[14] See Roma From Ukraine: A Year of War and Flight, 2023: https://adcmemorial.org/en/publications/roma-from-ukraine-a-year-of-war-and-flight/; Romani Voices From Hell: Discrimination, Epidemic, War, 2022: https://adcmemorial.org/en/publications/romani-voices-from-hell-discrimination-epidemic-war/; Roma and War in Eastern Ukraine – refugees, displaced persons, victims of violence, 2015: https://adcmemorial.org/en/publications/roma-and-war-in-eastern-ukraine-refugees-displaced-persons-victims-of-violence/; "For today, they don't seem to be shooting…" The Roma of Donbass – an unquiet postwar peace, 2016: https://adcmemorial.org/en/publications/for-today-they-don-t-seem-to-be-shooting-the-roma-of-donbass-an-unquiet-postwar-peace/;

[15] See To the International Day of the World's Indigenous People, 2023: https://adcmemorial.org/en/video-en/to-the-international-day-of-the-worlds-indigenous-people/; ADC Memorial and the ICIPR informed the UN Special Rapporteur on Human Rights Defenders about the repression against activists and defenders of the rights of Indigenous peoples, 2024: https://adcmemorial.org/en/news/adc-memorial-and-the-international-committee-of-indigenous-peoples-of-russia-informed-the-un-special-rapporteur-on-human-rights-defenders-about-the-repression-against-activists-and-defenders-of-the-ri/;

[16] See Persecution of LGBTI+ people during the year of war, 2023: https://adcmemorial.org/en/articles/persecution-of-lgbti-people-during-the-year-of-war/; May 17 – The International Day Against Homophobia, Transphobia and Biphobia, 2024: https://adcmemorial.org/en/articles/may-17-the-international-day-against-homophobia-transphobia-and-biphobia/; Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories Beyond Ukraine's Control, 2016: https://adcmemorial.org/en/publications/violation-of-lgbti-rights-in-crimea-and-donbass-the-problem-of-homophobia-in-territories-beyond-ukraine-s-control/.

3.8.2. Monitoring Arbitrary Detentions in Migration Centers: ADC Memorial documents the plight of Ukrainians,[17] stateless persons, and other detainees[18] in Russia's Centers for the Temporary Detention of Foreign Nationals (CIVSIG).

3.8.3. Developing Legal Pathways to Address Statelessness: The organization also advocates for remedies to the systemic issue of statelessness,[19] exacerbated by the collapse of the USSR and the ongoing war[20].

3.8.4. Documenting Abuses Against Persons with Disabilities: ADC Memorial highlights systemic abuse, exclusion, and inhumane treatment of persons with disabilities, advocating for a shift from a punitive system to a humane one.[21]

3.9. ADC Memorial also emphasizes the need for urgent reforms in Russia, including:

3.9.1. Decriminalizing Activism: It is essential to remove restrictions on public discourse surrounding self-determination and Indigenous Peoples' rights, as the current legal framework criminalizes peaceful advocacy and poses significant risks of escalating social tensions.

3.9.2. Adopting Comprehensive Anti-Discrimination Laws: ADC Memorial calls for the adoption of anti-discrimination laws informed by international best practices to address systemic issues in education, Indigenous land rights, and freedom of cultural and linguistic expression.[22]

4. Please inform if documentation efforts are sufficiently and timely included in the design and implementation of transitional justice processes? Do concerned States, the

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[17] See https://adcmemorial.org/novosti/osvobozhdenie-ukrainczev-iz-czvsig-trebuet-znachitelnyh-usilij-advokatov/;

[18] See https://adcmemorial.org/novosti/glavnoe/resheniya-espch-i-ks-stali-zakonom-pobeda-v-10-letnej-borbe-za-prava-migrantov-uznikov-czvsig/; Imprisoned Stateless Persons in Russia: The Search for a Way Out of a Legal Dead End, 2017: https://adcmemorial.org/en/publications/imprisoned-stateless-persons-in-russia-the-search-for-a-way-out-of-a-legal-dead-end/; Stateless persons in Russia: the vicious circle of problems cannot be broken, 2023: https://adcmemorial.org/en/articles/stateless-persons-in-russia-the-vicious-circle-of-problems-cannot-be-broken/;

[19] See Statelessness in Russia and Ukraine: possible ways to overcome the problem, 2019: https://adcmemorial.org/en/publications/statelessness-in-russia-and-ukraine-possible-ways-to-overcome-the-problem/;

[20] See Russia's war against Ukraine and the risk of statelessness, 2024: https://adcmemorial.org/en/news/breaking-news/russias-war-against-ukraine-and-the-risk-of-statelessness/;

[21] See Discrimination against Persons with Disabilities when Exercising the Right to Education in the Russian Federation, 2018: https://adcmemorial.org/en/publications/discrimination-against-persons-with-disabilities-when-exercising-the-right-to-education-in-the-russian-federation/.

[22] See https://adcmemorial.org/en/publications/the-russian-federation-violation-of-the-economic-and-social-rights-of-vulnerable-groups/, 2017; https://adcmemorial.org/en/publications/protection-from-discrimination-summary-of-successful-legal-cases/, 2018; https://adcmemorial.org/en/publications/structural-discrimination-against-roma-in-eastern-europe-and-central-asia/, 2018.

international community, and donor institutions or donor States consider documentation mechanisms when negotiating, designing and implementing transitional justice processes. If not, which variables affect their inclusion or exclusion in these processes and how can documentation be better integrated in transitional justice from the outset.

4.1. The modern Russian government has chosen a path characterized by external aggression, widespread human rights violations within the country, suppression of civil society, and the use of its geopolitical influence to export authoritarian practices. Examples include marginalizing legislation, such as laws on “foreign agents,” disinformation campaigns, and the manipulation of history. Under these conditions, meaningful support or dialogue between the authorities and civil society in Russia is nearly impossible. Instead, alternative voices face systemic repression.

4.2. According to the human rights media project OVD-Info, as of January 2025, at least 1,149 individuals in Russia have been persecuted for anti-war statements or actions.[23] Among them, 371 are imprisoned, often serving long sentences in inhumane conditions and sometimes subjected to torture. Numerous human rights organizations have been disbanded or forced to cease legal operations in Russia, and many independent media outlets and information platforms have been blocked.

4.3. Memorial has also faced significant and sustained pressure from the Russian authorities. Retaliatory actions against Memorial included the murder of human rights defender Natalia Estemirova (2009) and the imprisonment of Oyub Titiev (2018–2019) in Chechnya. Since 2012, Russian authorities have systematically sought to eliminate Memorial, labeling it as a "foreign agent," imposing substantial fines, and conducting frequent law enforcement raids. In 2022, the Russian Supreme Court ordered the liquidation of International Memorial, a decision widely criticized as lacking legal justification. This was followed by the closure of the Memorial Human Rights Center. Many members of Memorial were forced to flee Russia to avoid imprisonment.

4.4. In 2023, federal authorities initiated a major criminal investigation accusing long-standing Memorial experts of "rehabilitating Nazism" due to their archival research into Soviet state crimes. This investigation involved extensive searches of Memorial offices and members’ homes, detentions, and interrogations, leaving Memorial’s remaining members in Russia under constant threat.

4.5. Despite these challenges, Memorial was awarded the 2022 Nobel Peace Prize in recognition of its human rights work. In May 2023, 15 independent Memorial groups formed the International Memorial Association under Swiss law, representing national and thematic groups from across the EU, Ukraine, Israel, and Russia. Additional groups from Switzerland and Russia recently have joined the Association.

[23] See https://en.ovdinfo.org/politpressing

4.6. Currently, three members of the Memorial movement remain imprisoned for their human rights work and activism:

- **Yuri Dmitriev**, a historian who documented Stalinist terror in Karelia, was imprisoned in 2016 on allegedly falsified charges. He was sentenced to 15 years in 2021. In 2023, the ECHR ruled his case violated three articles of the European Convention on Human Rights.
- **Bakhrom Khamroev**, a member of the Human Rights Center Memorial, was sentenced to 14 years in 2022 for "justifying terrorism" online. In prison, he faced violence and abuse, which were covered up by authorities.
- **Mikhail Kriger**, an activist with Moscow Regional Memorial, was arrested in 2022 for anti-war statements and sentenced to seven years in a penal colony in 2023. Memorial recognizes him as a political prisoner.

Recommendations for Supporting Civil Society and Documenting Human Rights Violations

4.7. Supporting Individuals

4.7.1. **Assistance for Victims of Aggression:** Focus on supporting victims of Russia's war against Ukraine, including Ukrainian civilians held hostage in Russian-controlled territories.

4.7.2. **Aid for Political Prisoners and Vulnerable Groups:** Provide visas, asylum, and shelter programs for political prisoners, activists, experts, journalists, and human rights defenders facing persecution. Support democratic communities inside Russia to combat their double marginalization caused by authoritarian repression and international isolation.

4.7.3. Examples of some Positive Developments:

- Provision of humanitarian visas and other support to Russian human rights defenders, journalists, and activists in several European Union countries;
- Development and publication in 2023 by the Nobel Peace Center of a call to action to protect human rights defenders at risk—The Sunflower Declaration—which was subsequently endorsed by many stakeholders and public figures.[24]
- Diplomatic efforts by states in 2024 resulted in the release of several Russian political prisoners.

4.7.4. **Support for Political Prisoners in Belarus and Other Countries:** These regimes often collaborate with Russia's authoritarian government to suppress civil society.

4.8. Supporting Documentation Efforts

4.8.1. **Resource and Capacity Building:** Provide financial, material, and educational support to relocated projects and activists documenting mass human rights violations. This includes grants, assistance in establishing organizations abroad, and logistical support.

[24] See https://www.nobelpeacecenter.org/sunflowerdeclaration

4.8.2. **Flexible Funding Models:** Encourage donor organizations to adopt flexible funding mechanisms that account for the risks and complexities of transferring resources to and from Russia. Technology companies should explore ways to support civil society, such as providing tools for documenting human rights violations despite sanctions.

4.8.3. **Networking Opportunities:** Promote collaboration between experts and activists documenting mass human rights violations worldwide, enabling the exchange of experiences and building solidarity across regions.

4.9. Using Expertise

4.9.1. **Engaging Civil Society Experts:** International organizations, governments, and businesses should actively and proactively engage with civil society experts, including those still operating within Russia, through safe and adaptable formats. A notable example of such engagement was the invitation extended to Memorial experts to participate in discussions on access to historical documents during the meeting of the PACE Committee on Legal Affairs and Human Rights on 22–23 May 2023. While the Russian Federation was no longer a member of the Council of Europe at that time, Memorial's extensive expertise on archival access remains highly valuable to the international community. Moreover, in the event of a regime transformation in Russia and the implementation of transitional justice mechanisms, the possibility of Russia rejoining the Council of Europe should not be ruled out, provided it ceases its external aggression and adheres to its international legal obligations.

4.9.2. **Prioritizing Human Rights in Dialogue with Russia:** Advocate for justice, the restoration of victims' rights, and transitional justice reforms in all communications with Russian authorities.

4.9.3. **Planning for Future Reforms:** Support initiatives to develop reform plans based on lessons from past and present human rights violations. For instance, in 2024, the First Flight project, involving Memorial experts, proposed a comprehensive framework for the release of political prisoners in a future transitional period.[25]

4.9.4. **Creation and Support of International Human Rights Monitoring Mechanisms:** In the context of Russia's aggressive external and internal policies, the number of international human rights protection mechanisms available to victims in territories controlled by the Russian Federation has significantly diminished. A positive development has been the establishment of a special UN mandate on the human rights situation in the Russian Federation and the subsequent extension of this mandate by the UN Human Rights Council. Another example is the launch of the OSCE Moscow Mechanism and the preparation of a corresponding report on the human rights situation in Russia in 2022 have provided critical support for efforts to document mass human rights violations.

[25] See https://memopzk.org/analytics/konczepcziya-osvobozhdeniya-i-reabilitaczii-politicheskih-zaklyuchyonnyh/

5. How can States better integrate documentation efforts that can promote, in a complementary manner, the five pillars of transitional justice (truth, justice, reparation, memorialization and guarantees of non-recurrence) while also avoiding revictimization?

5.1. In this section, we would like to share our thoughts on what other states and international organizations can do when the state responsible for mass human rights violations reacts aggressively to documentation initiatives, including those aimed at transitional justice.

5.1.1. **Support for Victims and Human Rights Defenders:** Provide support to individuals affected by the actions of an aggressive state, as well as to human rights defenders and experts operating both within the country and in exile (as outlined in the previous section).

5.1.2. **Utilizing Civil Society Expertise:** Leverage the expertise of civil society to initiate cases under the principle of universal jurisdiction, establish tribunals, and apply mechanisms of individual accountability for participation in mass human rights violations (e.g., the Magnitsky Act).

5.1.3. **Demands in Negotiations with the Russian Government:** In any negotiations or contacts with the Russian government, demand an end to external aggression, the immediate release of Ukrainian civilian hostages and displaced children, as well as the release of Russian political prisoners.