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Russia's battle for remembrance. Memory laws in Vladimir Putin's Russia exemplified by the Russo-Ukrainian war

Abstract: This paper focuses on memory laws in V. Putin's Russia, emphasising the Russo-Ukrainian war (2014 – present). The aim was to interpret legal acts regulating the interpretation of the war in the context of V. Putin's politics of history. Additionally, parallels between legal acts regulating the interpretation of World War II and the Russo-Ukrainian war were highlighted. The primary research method is qualitative content analysis (legal acts, exit polls, etc.), supplemented by comparative analysis. I assume that V. Putin's Russia is a memory authoritarian regime that recreates the Soviet memory regime surrounding World War II and uses memory on a unique global scale.

Keywords: Russia, Vladimir Putin, memory laws, politics of history, Russo-Ukrainian war

I am addressing our Armed Forces and Donbass militia. You are fighting for our Motherland, its future, so that nobody forgets the lessons of World War II, so that there is no place in the world for torturers, death squads and Nazi.

V. Putin's speech 9 May 2022¹

Introduction

This paper originated in response to the Russian military aggression against Ukraine on 24 February 2022. According to V. Putin, the of-

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¹ Address by President of Russia Vladimir Putin at the Victory Parade on Red Square, https://cameroun.mid.ru/en/press-centre/news/address_by_president_of_russia_vladimir_putin_at_the_victory_parade_on_red_square/ [1.07.2024].

cial purpose of the invasion was the necessity to denazify Ukraine, a justification that, in practice, strengthened the Russian authoritarian regime and led to the loss of lives of thousands of Ukrainian civilians² and soldiers³. With V. Putin's rise to power, the authorities started to use diverse tools to boost Russians' loyalty towards the state and build a Russo-centric civilisational pole (*russkij mir*)⁴. In Russia, from 2018 to 2023, more than 116,000 activists were prosecuted, what had surpassed levels of political repressions during the rule of N. Khrushchev and L. Brezhnev⁵. Since 2014, the Kremlin has introduced several legal regulations to control the narrative surrounding World War II and the Russo-Ukrainian war (memory laws). In May 2014, V. Putin signed the law against the rehabilitation of Nazism, protecting the Union of Soviet Socialist Republics (USSR) from accusations of starting World War II⁶. In March 2024, amendments to the Administrative Offences Code (AOC) and Criminal Code (CC), known as the "wartime censorship" law, were enacted, imposing punishments for spreading "fake news" about the Russian Army, discrediting the Russian Army, and calling for sanctions against Russia⁷. Due to these restrictions,

- 2 Number of Ukrainian civilian casualties from 24 February 2022 to 15 February 2024: 10,582 killed and 19,875 injured. *Number of civilian casualties in Ukraine during Russia's invasion verified by OHCHR from February 24, 2022*, <https://www.statista.com/statistics/1293492/ukraine-war-casualties/> [8.07.2024].
- 3 In February 2024, Ukrainian President V. Zelensky stated that 31,000 Ukrainian soldiers have been killed during Russia's full-scale invasion, *Ukraine war: Zelensky says 31,000 troops killed since Russia's full-scale invasion*, <https://www.bbc.com/news/world-europe-68397525> [8.07.2024].
- 4 The term "Russian world" (*russkij mir*) refers to the national-cultural and historical-political identification including shared language, culture, religion (Orthodoxy), history, and emphasizing positive aspects of the Soviet era. The goal is to maintain ties with Russia and strengthen loyalty towards the state. Russian aggression to Ukraine is a part of this concept: a "right" to armed humanitarian intervention in defence of the *russkij mir*, A. Wierzbicki, *Russkij mir jako projekt restauracyjny imperium*, [in:] S. Bieleń, A. Skrzypek (eds.), *Rosja. Rozważania imperiologiczne*, Warsaw 2015, pp. 101–136.
- 5 Putin has surpassed Khrushchev and Brezhnev in terms of the scale of repressions – over the past six years alone, he has persecuted at least 116 thousand people, <https://www.proekt.media/en/article-en/repressions-in-russia/> [7.08.2024].
- 6 Федеральный закон от 5 мая 2014 г. N 128-ФЗ О внесении изменений в отдельные законодательные акты Российской Федерации [Federal'nyj zakon ot 5 maja 2014 g. N 128-FZ O vnesenii izmenenij v otdel'nye zakonodatel'nye akty Rossijskoj Federacii], <https://base.garant.ru/70648878/> [1.07.2024].
- 7 Федеральный закон от 4 марта 2022 г. N 31-ФЗ О внесении изменений в Кодекс Российской Федерации об административных правонарушениях (с изменениями и дополнениями) [Federal'nyj zakon ot 4 marta 2022 g. N 31-FZ O vnesenii izmenenij v Kodeks Rossijskoj Federacii ob administrativnyh pravonarushenijah (s izmenenijami i dopolnenijami)], <https://base.garant.ru/70648878/>

some Russian media (e.g. Dozhd, Novaya Gazeta) suspended operations, and Western social media platforms, such as Twitter, Facebook, and Instagram, were blocked.

This paper focuses on memory laws in V. Putin's Russia, emphasising the Russo-Ukrainian war (2014 – present), and aims to interpret them in the context of the state politics of history. Additionally, I seek parallels between provisions regulating the interpretation of World War II and the ongoing war, highlighting a common official narrative. The primary research method is qualitative content analysis (legal acts, exit polls, etc.), supplemented by comparative analysis. The basic research question is: How do Russian legal acts regulate the interpretation of the Russo-Ukrainian war in V. Putin's Russia? After analysing the materials, I further reflected on the additional questions: Can we talk about a common narrative regarding World War II and the Russo-Ukrainian war? What are the consequences of the violation of legal acts regulating the interpretation of the Russo-Ukrainian War in V. Putin's Russia? Analysing selected legal acts, I focus primarily on their memory (how they shape memory and transmit myths) and normative function (administrative and criminal legislation). Moreover, I examined their cognitive character (providing knowledge about the past).

1. Russia as a memory authoritarian regime

In 1999 V. Putin came to power and started to design a carefully moulded politics of history based mainly on the rehabilitation and glorification of the Union of Soviet Socialist Republics' (USSR) great power policy (especially J. Stalin's regime) and the myth⁸ of the Great Patriotic War (GPW). Russia began to operate as a consolidated authoritarian regime using memory as its legitimisation. Moreover, V. Putin uses memory laws as an ideological basis for the creation and imple-

garant.ru/403609304/ [1.07.2024]; Федеральный закон от 4 марта 2022 г. N 32-ФЗ "О внесении изменений в Уголовный кодекс Российской Федерации и статьи 31 и 151 Уголовно-процессуального кодекса Российской Федерации" [Federal'nyj zakon ot 4 marta 2022 g. N 32-FZ O vnesenii izmenenij v Ugolovnyj kodeks Rossijskoj Federacii i stat'i 31 i 151 Ugolovno-processual'nogo kodeksa Rossijskoj Federacii] <https://base.garant.ru/403609306/> [1.07.2024].

⁸ On the concept of the modern foundation myth, see: B. Stråth, *Poverty, Neutrality and Welfare: Three Key Concepts in the Modern Foundation Myth of Sweden*, [in:] B. Stråth (ed.), *Myth and Memory in the Construction of Community*, Brussels 2000, pp. 375–402.

mentation of politics of history and as a tool for justifying his non-democratic regime⁹. For this reason, I refer to the Russian Federation as a memory authoritarian regime, which recreates the Soviet memory regime surrounding World War II and uniquely utilises memory on a global scale. I follow E. Langenbacher's concept of "memory regime"¹⁰, which characterises a situation where certain memories are most desirable for commemorating in a society¹¹. In modern Russia, the memory of the years between 1939 and 1941, especially the year 1939¹², are uncomfortable for the authorities to recall and are largely forgotten (emphasis is placed on the GPW). What is more, I assume that the Russo-Ukrainian war will become a new myth in V. Putin's state, as the official narratives of the GPW and the ongoing war are similar in many aspects.

In this paper, I understand "memory laws" according to N. Kopusow's interpretation, who underlines the suggestiveness and inaccuracy of this term¹³. The broadly understood memory laws concern legal acts regulating historical memory: laws on state symbols, holidays, remembrance days, and commemorative ceremonies; acts renaming streets, cities, public institutions; acts on education, regulating history curriculum; laws rehabilitating victims of repressions and providing compensation for past injustices; laws on the creation of museums, and the erection of monuments; and acts prohibiting certain ideologies, parties, symbols, etc. The core of the category of memory laws

9 U. Belavusau, A. Gliszczyńska-Grabias, *Epilogue: Mnemonic Constitutionalism in Central and Eastern Europe*, "European Papers" 2020, no. 5(3), pp. 1231–1246.

10 E. Langenbacher, *Changing Memory Regimes in Contemporary Germany?*, "German Politics and Society" 2003, vol. 21, no. 2, pp. 46–68; idem, *Twenty-First Century Memory Regimes in Germany and Poland: An Analysis of Elite Discourses and Public Opinion*, "German Politics and Society" 2008, vol. 26, no. 4, pp. 50–81.

11 On memory regimes see also: J. Kubik, M. Bernhard, *A theory of the politics of memory*, [in:] M. Bernhard, J. Kubik (eds.), *Twenty years after communism. The politics of memory and commemoration*, Oxford–New York 2014, pp. 7–34.

12 For Russians, the first phase of the World War II (from 1939 to 1941) it was a regional European conflict which did not directly impact the USSR. D. Moskwa, *"The Community is Everything, The Individual is Nothing". The Second World War in Russian History Education*, "Journal of Educational Media, Memory, and Society" 2021, no. 13(1), pp. 82–106.

13 N. Kopusov, *Memory Laws, Memory Wars: The Politics of the Past in Europe and Russia*, Cambridge 2017; idem, *Ustawy memorialne w Rosji i na Ukrainie: krzyżujące się historie*, "Rocznik Instytutu Europy Środkowo-Wschodniej" 2015, no. 13, vol. 2; H. Копосов, *Память строгого режима. История и политика в России* [N. Kopusov, *Pamjat' strogogo rezhima. Istorija i politika v Rossii*], Moscow 2011.

consists of “legislation penalizing statements about the past,”¹⁴. According to N. Kopusow, these kinds of legal acts “officially proclaim or prohibit one or another interpretation of specific events (usually traumatic) which emphasizes the role of past victimization in maintaining/shaping collective identity in the modern world”. Moreover, the narrow sense of memory laws is strictly related to the politics of history of the state while their broad sense means “consolidation in the legislative tradition of new forms of legal regulation of the memory of the past”¹⁵.

2. Law against the rehabilitation of nazism

On 5 May 2014, V. Putin signed a law introducing criminal liability for “infringement on historical memory with regard to the events of the Second World War” (the Federal Law no. 128-FZ also known as Yarovaya Law, after the United Russia deputy who coordinated the work on its preparation). This law added one article to the CC of the Russian Federation:

Article 354.1 CC Rehabilitation of Nazism

*The denial of facts established by the judgement of the International Military Tribunal for the trial and punishment of major war criminals of European countries of the Axis, the approval of crimes established by the above-mentioned judgement, as well as dissemination of knowingly false information on the activities of the USSR during the Second World War and about the veterans of the Great Patriotic War, committed publicly, are punishable by a fine up to three hundred roubles or by deprivation of liberty for up to three years*¹⁶.

The rehabilitation of Nazism committed: “by a person taking advantage of its official position or with the use of mass media involving falsifying prosecution evidence”¹⁷ is punishable by a fine ranging from 100,000 to 500,000 roubles, or by an amount equivalent to the convicted person’s salary or other income over a period of one to five years. The punishment may also include: up to five years of forced labour,

14 N. Kopusov, *Memory laws...*, p. 6; idem, *Ustawy...*, p. 168.

15 N. Kopusow, *Ustawy...*, pp. 168–170.

16 Федеральный закон от 5 мая 2014 г. N 128-ФЗ...

17 Ibid.

up to five years of imprisonment or up to three years of disqualification from holding certain positions or engaging in specific activities¹⁸.

On the basis of Article 354.1(3) CC, the “dissemination of information expressing explicit disrespect towards society, the days of military glory and memorable dates of Russia¹⁹ related to the defence of the Homeland, as well as the desecration to the symbols of Russia’s military glory²⁰, committed in public”²¹ is also punishable. Początek formularza This sort of crime is punishable by “a fine of up to 300,000 rubles or an amount equivalent to the convicted person’s salary or other income for a period of up to two years, or by compulsory labour for up to three hundred and sixty hours, or corrective labour for up to one year”²². Apart from disseminating “offensive” information in the media, it may include also: establishing public and religious associations that promote Nazi ideology, distributing educational materials distorting facts about World War II, organising rallies and meetings where Nazism is justified, and desecrating symbols of Russia’s military glory by vandalising monuments related to its military history²³. Provisions relating to certain elements of the rehabilitation of Nazism are also present in other Russian laws (apart from Article 354.1 CC)²⁴. Moreover, in Article 354.1 CC, crucial concepts like Nazism, nationalism, fascism are not clarified, which may blur the boundaries of criminal law and freedom of expression. The legislator also emphasised the situation in Ukraine as the basis for the law’s

18 Ibid.

19 Федеральный закон О днях воинской славы и памятных датах России от 13.03.1995 N 32-ФЗ (последняя редакция) [Federal’nyj zakon O dnjah voinskoj slavy i pamjatnyh datah Rossii ot 13.03.1995 N 32-FZ (poslednjaja redakcija)], https://www.consultant.ru/document/cons_doc_LAW_5978/ [3.07.2024].

20 In Russian legislation there is no precisely defined concept of symbols of military glory. In practice, these include: battle and ship flags, military awards, monuments to defenders of the Homeland, orders, medals, museums or objects related to courage and victories during the war, soldiers’ graves etc. See more: K. Laskowska, *Rehabilitation of nazism as a crime in the Criminal Code of the Russian Federation*, “Ius Novum” 2023, no. 1, vol. 17, p. 13.

21 Федеральный закон от 5 мая 2014 г. N 128-ФЗ...

22 Ibid.

23 K. Laskowska, *Rehabilitation of nazism...*, p. 15.

24 E.g. *The Act of the Russian Federation of 1993 on Preserving the Memory of Those Who Lost Their Lives in Defence of the Homeland*; *Federal Act of 1995 on Perpetuation of the Victory of the Soviet People in the Great Patriotic War 1941–1945*; *Federal Act of 1995 on Military Glory days and Dates of Commemoration of Russia*; *Federal Act of 1995 on Veterans*; *Federal Act of 2006 on the Honorary Title of the Russian Federation “City of Military Glory”*, *ibid.*, p. 18.

introduction, claiming that the policy of ideologization and historical revisionism has led to the full development of fascism²⁵.

The Yarovaya Law entered into force on 16 May 2014²⁶. The timing of its adoption was not accidental and can be linked to the 9th of May, i.e. Victory Day, during which the myth of the GPW acquires particular significance. The new regulations, on the one hand, introduce a legal ban on Holocaust denial, while on the other hand, protect the USSR against accusations of starting the war, war crimes, and the occupation of Eastern Europe²⁷. Moreover, Article 354.1 CC does not mention the GPW but rather World War II. The Kremlin probably aimed to ensure that the law also covered the years 1939–1941, which includes the particularly controversial Ribbentrop-Molotov Pact and the USSR aggression against Poland on 17 September 1939. Consequently, the Yarovaya Law is not only an excellent example of the narrowly understood memory laws²⁸, but it also demonstrates that Russia's authorities view themselves as “mnemonic warriors”, presenting their version of the past as the only true one (“guardians of the truth”)²⁹.

3. The “wartime censorship” law

On 4 March 2022, Russia's parliament adopted amendments to Russia's AOC and CC banning content that contradicts the official mes-

25 K. Laskowska, *Rehabilitation of nazism...*, p. 18.

26 In November 2014, Russia adopted a law that prohibits the public display of Nazi and extremist organization attributes or symbols under the threat of a fine or administrative arrest for up to 15 days. Федеральный закон О внесении изменений в статью 6 Федерального закона, Об увековечении Победы советского народа в Великой Отечественной войне 1941–1945 годов, статью 20.3 Кодекса Российской Федерации об административных правонарушениях от 04.11.2014 N 332-ФЗ (последняя редакция) [Federal'nyj zakon O vnesenii izmenenij v stat'ju 6 Federal'nogo zakona, Ob uvekovechenii Pobedy sovetskogo naroda v Velikoj Otechestvennoj vojne 1941–1945 godov, stat'ju 20.3 Kodeksa Rossijskoj Federacii ob administrativnyh pravonarushenijah ot 04.11.2014 N 332-fz (poslednjaja redakcija)], https://www.consultant.ru/document/cons_doc_LAW_170486/ [1.07.2024].

27 N. Kopusow, *Ustawy...*, pp. 182–184.

28 Memory laws in democratic countries aim to defend the memory of victims of crimes committed by the state or with its support, while in Russia they establish protection for the perpetrators, i.e. the Stalinist system. N. Kopusow, *Memory laws...*, p. 179; H. Коносов, *Память...*, p. 7–9

29 B. Kubik and M. Bernhard created typologies of mnemonic actors (various entities that treat history instrumentally to create a vision to help them to gain or keep power): mnemonic warriors, mnemonic pluralists, mnemonic abnegators, mnemonic prospectives. J. Kubik, M. Bernhard, *A theory of the politics...*

sage of the Russian Ministry of Defence (Russian Federal Laws No.31-FZ and No.32-FZ, called the “wartime censorship” law)³⁰. Amendments, approved by the Federation Council and signed by the President, introduced liability for spreading “fake news” about the army (Article 207.3 CC), discrediting the Russian Army (Article 280.3 of the CC), calling for sanctions against Russia (20.3.4 of the AOC and 284.2 of the CC), and public actions aimed at discrediting the army (Article 20.3.3 of the AOC). V. Volodin, Chairman of the Russian State Duma, stated that the aim of a new law was to “protect our soldiers, officers, in order to protect the truth”³¹.

Under the amendments, spreading false information about Russia’s Armed Forces will be punishable by a fine of 700,000 to 1.5 million rubles or up to three years of imprisonment. Those spreading false information using their official position and creating false evidence will face five to ten years in prison or a fine of up to 5 million rubles. If the false information results in severe consequences (though no definition of “severe consequences” is provided), the punishment will be ten to fifteen years in prison. Discrediting the Russian armed forces can result in large fines for citizens, officials and legal entities (first-time offenders are typically punished by a fine of 30,000 rubles) and up to five years imprisonment. Those who call for imposing sanctions against Russia will face a fine of up to 500,000 rubles, or imprisonment for up to three years³².

On 18 March 2023, federal laws No. 57-FZ³³ and No. 58-FZ³⁴ amended the AOC and CC, extending punishments for discrediting or

30 Федеральный закон от 4 марта 2022 г. N 31-ФЗ...; Федеральный закон от 4 марта 2022 г. N 32-ФЗ...

31 *Russia introduces liability for discrediting the Russian Armed Forces*, <https://pacsto.org/events/v-rossii-vvoditsya-otvetstvennost-za-diskreditatsiyu-vooruzhennyh> [1.07.2024].

32 Федеральный закон от 4 марта 2022 г. N 31-ФЗ...; Федеральный закон от 4 марта 2022 г. N 32-ФЗ...

33 Федеральный закон О внесении изменений в статьи 13.15 и 20.3.3 Кодекса Российской Федерации об административных правонарушениях от 18.03.2023 N 57-ФЗ (последняя редакция) [Federal’nyj zakon O vnesenii izmenenij v stat’i 13.15 i 20.3.3 Kodeksa Rossijskoj Federacii ob administrativnyh pravonarushenijah ot 18.03.2023 N 57-FZ (poslednjaja redakcija)], https://www.consultant.ru/document/cons_doc_LAW_442342/ [11.07.2024].

34 Федеральный закон О внесении изменений в Уголовный кодекс Российской Федерации от 18.03.2023 N 58-ФЗ (последняя редакция), [Federal’nyj zakon O vnesenii izmenenij v Ugolovnyj kodeks Rossijskoj Federacii ot 18.03.2023 N 58-FZ (poslednjaja redakcija)], https://www.consultant.ru/document/cons_doc_LAW_442341/ [11.07.2024].

spreading unreliable information about volunteers and organisations assisting the armed forces, including groups like the Wagner Group. Notably, mercenarism is prohibited under Article 359 of the Russia's CC³⁵. These amendments also increased maximum prison terms up to seven years for discrediting Russia's Armed Forces and up to five years for spreading false information about the Russian Army³⁶. Moreover, in April 2022, the Russian parliament adopted a law banning comparisons between the actions of the USSR and Nazi Germany during World War II and the denial of the "decisive role of the Soviet people in the defeat of Nazi Germany and the humanitarian mission of the USSR during the liberation of European countries" (Article 13.48 AOC). The law imposes a fine from 1,000 to 2,000 rubles or administrative arrest for up to 15 days for citizens; a fine from 2,000 to 4,000 rubles for official and for legal entities – from 10,000 to 50,000 rubles³⁷.

4. Silencing V. Putin's opponents

According to the investigative news outlet *Proekt*³⁸, Russian authorities have prosecuted more than 116,000 activists (11,400 criminal-ly charged and 105,000 fined) in the years 2018–2023³⁹. The report highlights that 5,613 people were prosecuted for extremism, justification of terrorism, dissemination of false information, and discrediting the army. This includes those who refused to fight in Ukraine and

35 УК РФ Статья 359. Наемничество, Уголовный кодекс Российской Федерации от 13.06.1996 N 63-ФЗ (ред. от 12.06.2024) (с изм. и доп., вступ. в силу с 06.07.2024) [UK RF Stat'ja 359. Naemnichestvo, Ugolovnyj kodeks Rossijskoj Federacii ot 13.06.1996 N 63-FZ (red. ot 12.06.2024) (s izm. i dop., vstup. v silu s 06.07.2024)], https://www.consultant.ru/document/cons_doc_LAW_10699/1aa9268e7d3bd57bcbd46a3016641c5af64b9c87/ [11.07.2024].

36 УК РФ Статья 280.3, Уголовный кодекс Российской Федерации от 13.06.1996 N 63-ФЗ (ред. от 12.06.2024) (с изм. и доп., вступ. в силу с 06.07.2024) [UK RF Stat'ja 280.3., Ugolovnyj kodeks Rossijskoj Federacii ot 13.06.1996 N 63-FZ (red. ot 12.06.2024) (s izm. i dop., vstup. v silu s 06.07.2024)], https://www.consultant.ru/document/cons_doc_LAW_10699/1aa9268e7d3bd57bcbd46a3016641c5af64b9c87/ [11.07.2024].

37 Федеральный закон О внесении изменений в Кодекс Российской Федерации об административных правонарушениях от 16 April 2022 N 103-ФЗ (последняя редакция) [Federal'nyj zakon O vnesenii izmenenij v Kodeks Rossijskoj Federacii ob administrativnyh pravonarushenijah ot 16 April 2022 N 103-FZ (poslednjaja redakcija)], https://www.consultant.ru/document/cons_doc_LAW_414827/ [3.07.2024].

38 Проект [Projekt], <https://www.proekt.media/> [8.07.2024].

39 *Putin has surpassed Khrushchev...*; *Исследование путинских пенпецуй*, https://www.proekt.media/guide/repressii-v-rossii/#ne_boltay [7.08.2024].

those accused of state treason or espionage, bringing the total number of repressed individuals to 11,442. Both of these figures surpass those of the post-Stalin USSR, when individuals were tried under Soviet CC Articles 190 (“Dissemination of knowingly false fabrications that defame the Soviet state and social system”) and 70 (“Anti-Soviet agitation and propaganda”). Moreover, in Soviet times, a large number of people (120,000 in the years 1967–1974) were subjected to “prophylaxis” (having a file and receiving a warning from the Chekists). In modern Russia, there are no statistics on those under security service scrutiny⁴⁰.

Considering the 116,000 prosecuted in the years 2018–2023, the number of Russians wanting to leave for permanent residence abroad reached a record low: it was 10% in March 2022, increased to 11% in February 2023, and declined to a record low of 9% in March 2024. Worries regarding potential conscription due to the ongoing war did not emerge as a major reason for Russians seeking to relocate (ranked 10th, cited by 16% of respondents). Moreover, Russians hold negative views towards citizens leaving the country: 43% labelled them as “traitors,” while only 13% viewed them positively as “intelligent, educated, and talented,” and another 13% believed they were seeking a better future for their children⁴¹.

Since the Yarovaya Law, there have been few recorded crimes and convictions under this regulation each year. The first person convicted was a teacher from Perm V. Luzgin, who (in 2014) posted an article on social media (VK) stating that “the Communists and the Germans invaded Poland together on 1 September 1939, starting World War II” and “Communism and Nazism collaborated closely” was sentenced to a 200,000 rouble fine in 2016⁴². In June 2023, M. Belousov, a historian working in Saint Petersburg State University was dismissed from

40 Ibid.

41 Эмиграционные настроения и отношение к уехавшим: март 2024 года [Jemigracionnyye nastroyeniya i otnosheniye k uehavshim: mart 2024 goda], <https://www.levada.ru/2024/04/11/emigracionnyye-nastroyeniya-i-otnosheniye-k-uehavshim-mart-2024-goda/> [1.07.2024]; Escape from War: New data puts the number of Russians who have left at more than 800,000 people, <https://re-russia.net/en/review/347/> [1.07.2024].

42 А. Обухов, Российский суд запретил рассказывать о сотрудничестве ссср и нацистской Германии, “Московский комсомолец” [A. Obuhov, Rossijskij sud zapretil rasskazyvat’ o sotrudnichestve sssr i nacistskoj Germanii, “Moskovskij komsomolec”], <https://www.mk.ru/social/2016/07/01/rossijskiy-sud-zapretil-rasskazyvat-o-sotrudnichestve-sssr-i-nacistskoj-germanii.html> [2.07.2024].

his teaching position for criticising Russia's war against Ukraine. According to the investigation (violating Article 354.1 of the CC), during one of his classes, M. Belousov stated that "there is some evidence that some topics related to World War II are being distorted, however, it is forbidden to discuss the matter as it is punishable by the law"⁴³.

Since the full-scale invasion of Ukraine, Russian authorities have opened at least 259 criminal cases for spreading "fake news" about the war (as of January 2024), according to the independent rights watchdog OVD-Info⁴⁴. Anyone questioning the war or expressing sympathy for Ukraine, even privately (e.g. for homemade signs or graffiti), can face prosecution, often for social media posts or messages⁴⁵. In March 2023, O. Orlov, human rights defender and one of the leaders of the Nobel Prize-winning "Memorial" organisation (liquidated in February 2022) was charged with discrediting the Russian Army for critical comments on Facebook. His post, published on 14 November 2022, was a Russian translation of the article "They Wanted Fascism. They Got It", from the French newspaper "Mediapart". In February 2024, O. Orlov was designated as a "foreign agent"⁴⁶ and sentenced to two years and six months in prison⁴⁷. In December 2023, sociologist and V. Putin opponent, B. Kagarlitsky, was found guilty of the "public justification of terrorism" for a video published on Rabkor commenting the attack on the Crimean Bridge in October 2022. According to the prosecution, "the video was aimed at recognizing and emulating the practice of intimidation as the right move to stop the special

43 Против уволенного из СПбГУ историка возбудили дело о реабилитации нацизма [Protiv uvolennogo iz SPbGU istorika vobzudili delo o reabilitacii nacizma], <https://ovd.info/express-news/2023/06/27/protiv-uvolennogo-iz-spbgu-istorika-vozbudili-delo-o-reabilitacii-nacizma> [2.07.2024]; Weaponizing Russia's Memory Law, <https://verfassungsblog.de/weaponizing-russias-memory-law/> [2.07.2024].

44 Persecution of the anti-war movement report January 2024, https://en.ovdinfo.org/persecution-anti-war-movement-report-january-2024?_gl=1*96ajs*b*_ga*NTA4ODgoNDQzLjE3MTYwOTkoOTA.*_ga_7J7DH9NKJoR*MTcxNjM4NzY3MS4zLjEuMTcxNjM4Nzc4Ni42MC4wLjA.#1 [1.07.2024].

45 The New York Times analysed 6,771 cases under new "wartime censorship" law from the 4 March 2022, to the end of August 2023, How the Russian Government Silences Wartime Dissent, <https://www.nytimes.com/interactive/2023/12/29/world/europe/russia-ukraine-war-censorship.html> [3.07.2024].

46 *The Price of Defiance in Russia. Human Rights Veteran Faces New Trial for Criticism of Russia's War Against Ukraine*, <https://www.hrw.org/news/2024/02/05/price-defiance-russia> [4.07.2024].

47 Ukraine war: Russian human rights campaigner Oleg Orlov sentenced to jail, <https://www.bbc.com/news/world-europe-68413372> [4.07.2024].

military operation”. The activist was fined 609,000 roubles. In February 2023, after the prosecution’s appeal, a court sentenced B. Kagarlitsky to five years in prison. In May 2022, the activist was declared a “foreign agent”⁴⁸. In March 2024, Russian authorities pressed criminal charges against M. Zygar, journalist and former editor-in-chief of Dozhd, for spreading “fake news” about the Russian Army on social media (Vkontakte). M. Zygar, who currently resides outside Russia, posted about atrocities committed by Russian soldiers in Bucha. In April 2024, a Moscow court arrested M. Zygar in absentia⁴⁹.

Due to the “wartime censorship”, some Russian media, including Dozhd, Novaya Gazeta, a Moscow radio station Echo, suspended operations. The authorities also blocked several Western news sources (such as the BBC, Voice of America, Radio Liberty, Meduza, Deutsche Welle)⁵⁰ and social media platforms (Twitter, Facebook, and Instagram, labelling them as “extremist”) to curb the dissemination of images and videos of bombed Ukraine. Also, TikTok had started censoring content related to Ukraine. However, YouTube, Telegram, and Russia’s own Vkontakte and Odnoklassniki remain active but must provide user data to the authorities⁵¹. The decision to block some media and Western social networks aimed to impose an information blockade, eliminating unwanted sources of information.

48 Russia: Anti-terrorism legislation misused to punish activist Boris Kagarlitsky, <https://www.amnesty.org/en/latest/news/2024/02/russia-anti-terrorism-legislation-misused-to-punish-activist-boris-kagarlitsky/> [4.07.2024].

49 МВД объявило в розыск писателя Михаила Зыгаря [MVD ob’javilo v rozysek pisatelja Mihaila Zygarja], <https://zona.media/news/2024/04/09/zygar> [4.07.2024].

50 Russia outlaws spreading ‘fake news’ about the Russian military with fines and prison, <https://www.poynter.org/business-work/2022/russia-outlaws-spreading-fake-news-about-the-russian-military-with-fines-and-prison/> [4.07.2024].

51 In March 2022, the media control agency Roskomnadzor blocked Instagram and Facebook in a response to Meta’s decision to allow posts calling for violence against Russian troops. K. Chawryło, The Kremlin’s crackdown on Western social networks, <https://www.osw.waw.pl/en/publikacje/analyses/2022-03-15/kremlins-crackdown-western-social-networks> [4.07.2024]; Russia bans Facebook and Instagram under ‘extremism’ law, <https://www.theguardian.com/world/2022/mar/21/russia-bans-facebook-and-instagram-under-extremism-law> [4.07.2024]; A. Legucka, Russia’s War-time Censorship and Propaganda, <https://pism.pl/publications/russias-wartime-censorship-and-propaganda> [4.07.2024].

Conclusions

After analysing the Russian official war narrative before February 2022, a clear preference for using the term “fascism” becomes noticeable, while “Nazism”, is rarely mentioned. This tendency has been evident throughout the communist period and has gained new significance in the last decade due to the conflict with Ukraine: from the Revolution of Dignity, through the Crimean crisis and the war in Donbas, to the full-scale war. Fascism is imputed to diverse movements: from nationalists like Svoboda or Right Sector to liberal supporters of Ukraine’s accession to the European Union, all opposing closer ties with Russia). Furthermore, the Yarovaya Law mentions a ban on the rehabilitation of nazism, not fascism. It can therefore be assumed that it mainly concerns the Nazi German state, while fascism is used to label any opponent of Russia’s liberation mission and the state imperial narrative⁵². A change in this tendency can be noticed after February 2022, when the term “Ukrainian Nazis” started to be used in Russian propaganda (Ukraine filled with “Nazis” using civilians as human shields and planning a genocide of Russians; war with Ukraine presented as a war against Nazism, etc.). Data collected from over 8,000 Russian websites since 2014 shows that references to Nazism remained at a low level for eight years, and then increased to unprecedented levels after Russia attacked Ukraine in February 2022⁵³.

The law against the rehabilitation of Nazism (2014) and the “war-time censorship” law (2022) are examples of memory laws in a narrow sense. They serve as tools to create extensive state propaganda aimed at boosting support for V. Putin⁵⁴ (consolidating Russian society around the President) and the ongoing war (suppressing anti-war

52 N. Kuposow, *Ustawy...*, p. 168; D. Moskwa, *MATKA OJCZYŻNA WZYWA! Wielka wojna ojczyźniana w edukacji i polityce historycznej putinowskiej Rosji*, Warsaw 2020, p. 47.

53 *How the Russian Media Spread False Claims About Ukrainian Nazis*, <https://www.nytimes.com/interactive/2022/07/02/world/europe/ukraine-nazis-russia-media.html> [12.07.2024].

54 Levada Center’s poll conducted between 24-30 March 2022 showed that 83% of Russians support Putin. The support for the president rose by more than 10% compared to January (69%) or February (71%) 2022. In May 2024 the approval rate of the Russian president was 87%; *Putin’s approval rating*, <https://www.levada.ru/en/> [4.07.2024]; *Одобрение институтов, рейтинги партий и политиков* [Odobrenie institutov, rejtingi partij i politikov], <https://www.levada.ru/2022/03/30/odobrenie-institutov-rejtingi-partij-i-politikov/> [5.07.2024].

protests)⁵⁵. A key element of this propaganda is the “denazification” narrative, which clearly references the narrative of the Great Patriotic War (Russia’s victory over Nazi Germany)⁵⁶. Analogies can be seen on many levels, such as: the “imperative” to talk about war in a certain way (referring to both GPW and the war in Ukraine); highlighting the unity, courage, and sacrifice of the Soviet/Russian people fighting against fascists/nazis; underlining the role of the strong leader and justifying his immoral decisions; portraying Soviet/Russian Army successes while erasing defeats; and presenting the war as patriotic and liberating (from fascism/Nazism). Consequently, the Russian regime becomes stronger and more stable, with new regulations paving the way for possible increased future repressions, including constant monitoring, encouraging people to denounce each other, self-censorship, etc. As a result, the “special military operation” has the potential to become a new myth in V. Putin’s state.

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56 A. Legucka, *Russia’s Wartime Censorship...*

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