The Transformation of Lithuanian Memories of Soviet Crimes to Genocide Recognition

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ABSTRACT

This article examines the transformation of memory regarding Soviet crimes in Lithuania, and more broadly in the Baltics and Eastern Europe, as an interlinked political and legal process. In the Lithuanian context, this transformation was part of a transitional justice effort that resulted in the recovery of European identity and international legal recognition of Soviet genocide against Lithuanian partisans by the European Court of Human Rights.

KEYWORDS: European Court of Human Rights, groups targeted by genocide, memory wars, Soviet crimes in Lithuania, transitional justice

The past is never dead. It's not even past.**

William Faulkner

INTRODUCTION

Soon after the collapse of the Soviet Union, some states that re-emerged opted for different models of Vergangenheitsaufarbeitung, or historical and legal clarification of past crimes. The Lithuanian response to Soviet human rights violations was shaped by the rise of memory wars in the region and the challenge of the limited scope of the international definition of genocide. These memory wars began in the 1990s as part of the rebuilding of national statehood and were boosted by the expansion of the EU to include former Soviet bloc countries in 2004 and Russian military actions in Ukraine in 2014 and 2022. They were part of a consensus-reaching process...
that reshaped the previously partial understanding of the nature and scale of Soviet crimes and contributed to the recovery of Lithuania's European identity.

The legal assessment of Soviet crimes at the national and international levels was complicated by the Russian/Soviet image of communist rule, which persisted in Western legal scholarship and was successfully incorporated into the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. The Genocide Convention protects only national, ethnic, racial and religious groups, excluding social and political groups and thus making it difficult to prove that such groups were the target of Soviet genocide in legal terms. In the framework of memory wars in Eastern Europe, however, the legal debate over the definition of genocide was renewed.

The goal of this article is to provide an overview of the transformation of memory regarding Soviet crimes in Lithuania. This transformation took place from 1990 to 2019, when the Soviet genocide against a targeted national group – Lithuanian partisans – was recognized by the European Court of Human Rights (ECtHR) in the Drėlingas v. Lithuania case.\footnote{ECtHR, Drėlingas v. Lithuania, Case No. 28859/16, Judgment, 12 March 2019.} The focus is on the main political and legal developments that eventually contributed to the recognition of Soviet genocide. The article thus addresses important issues of transitional justice and attempts to connect the perspective of memory studies with that of legal studies.

There were several preconditions for Lithuanian memories of Soviet crimes to be transformed into genocide recognition. The first was the vitality of the forbidden memories of Lithuania under Soviet occupation, which re-emerged fully during the liberation movement in the late 1980s. The second was the consistent political will to recover Lithuania's European identity, transforming memories of Soviet violations into an official narrative aimed at rebuilding the Lithuanian nation in the 1990s. The third was the problem of how Soviet crimes committed in Lithuania should be characterized legally and preserved in collective memory. Since the 1990s, this has been addressed by enabling debate of the definition of genocide. The Lithuanian experience suggested that Soviet crimes against social and political groups could be characterized as genocide, and Lithuanian political leaders have supported legal actions towards recognition.

Finally, political developments enabled Lithuania, and other states that had re-emerged, to enter an international legal forum – the ECtHR – where memories of Soviet crimes were shared with Western audiences and included in narratives developed by other EU members after 2004. The Western public was largely unaware of the scale and nature of Soviet terror in the region until the 1990s, and it remains difficult for a Western audience, who knew the Red Army as a saviour from Nazism for two generations, to be convinced that Soviet crimes were not far removed from those of the Nazis.\footnote{The first attempt was made by Stephane Courtois et al., The Black Book of Communism: Crimes, Terror, Repression (Cambridge: Harvard University Press, 2000).} For this reason, in this article the ECtHR is also examined as an arena for memory wars and a mechanism that can provide redress for victims of Soviet crimes.

**FORBIDDEN MEMORIES OF SOVIE T CRIMES IN LITHUANIA**

Lithuania adopted several strategies for dealing with the forbidden memories of Soviet crimes, which included the emerging discipline of memory studies and the concept of transitional justice. The most recent data suggests that during the two Soviet occupations (1940–1941 and 1944–1990) the total number of people killed in Lithuania was 50,000, with 20,000 partisans killed in action, 25,000 killed for other reasons and 5,000 other casualties.\footnote{Lithuania also lost the majority of its local Jewish population during the Nazi occupation (1941–1944), and the challenges of addressing collaboration in the Holocaust persists.} The number deported was 131,600, including 39,000 children, and the number arrested was 282,000, of
whom 200,000 were imprisoned.4 By 1954, Lithuania had lost one-sixth of its population.5 Recent research shows that if not for the occupation, Lithuania would have a population of five million.6 As a response to physical and social Soviet repression, a large part of the Lithuanian population stopped talking about the occupation, even within the family circle. Therefore, memories of World War II (WWII) and the post-war period were obscured in Lithuania until Perestrojka in 1986.

In the late 1980s, the countries of the Soviet bloc needed positive national narratives based on collective memory to reconstruct themselves as nation-states.7 In the Baltic region, the transition from communism was fuelled by the dissemination of stories of traumatic suffering from the early days of Stalinist sovietization – deportation, collectivization and repression – as distinct from the more controversial narratives of armed resistance or the more nuanced narratives of late socialism.8 The recovery of lost memory in Lithuania was complicated, as the psychological and social consequences of collective trauma were not addressed due to the absence of communication regarding what had really happened in Eastern Europe.

The field of memory studies enabled Western societies to deal with the memories of past crimes after WWII.9 The field evolved from the German term Geschichtspolitik, or the politics of memory, coined in the 1980s to describe and condemn politicians’ self-serving interventions in history and collective memory.10 In the 2000s, however, the concept re-emerged in Poland as polityka historyczna, with little room for dialogue or the search for shared interpretations of the past.11 Memory studies also triggered so-called ‘memory wars,’ which in general can be described as political disputes over the interpretation or memorialization of a historical event.12 After Russia’s attack on Ukraine in 2014, the concept of memory wars became important in various fields, including security and international law.13

The field of memory studies overlaps with the field of transitional justice, which emerged after WWII and during the Nuremberg trials but came into wider currency in the 1980s and gathered new momentum in connection with the collapse of the Soviet Union. In the Baltic context, the term ‘retrospective justice’ was introduced by Eva-Clarita Pettai and Vello Pettai to refer to Stalinist crimes.14 As Janine Natalya Clark puts it:

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5 Before the Soviet occupation in 1940, Lithuania’s population was 3.1 million; in 1953, it was only 2.6 million. See Lietuvos tarybinė enciklopedija [Lithuanian Soviet encyclopedia], Vol. 6 (Vilnius: Leidykla ‘Mokslas’, 1980), 570.
14 Eva-Clarita Pettai and Vello Pettai, Transitional and Retrospective Justice in the Baltic States (Cambridge: Cambridge University Press, 2015), 375. In this book they discuss the attempts by Baltic politicians to transfer the requirements for restoring truth and justice to a pan-European level, in the ‘battle for the memory field.’ The authors have written about the ‘politics of truth and justice,’ ‘transitional justice’ and ‘retrospective justice’ in the post-communist period. They use the latter two concepts to identify the temporal dimensions of the same phenomenon covering the recent and more distant past.
while transitional justice processes call upon individuals and societies to recall and remember, memory practices – and more specifically the frequent politicization of memory in transitional societies – can undermine transitional justice goals, including peace and reconciliation.  

However, memory studies can serve as an important element in achieving the main goal of transitional justice: securing at least symbolic justice for victims of systematic violations, such as those committed under the Soviet regime in Lithuania.

LITHUANIA’S POLITICAL STRUGGLE TO RECOVER EUROPEAN IDENTITY

The memory-based rebuild of the Lithuanian nation in the 1990s, as well Lithuanians healing from the trauma of occupation by telling their stories and being heard, was within the scope of emerging European policies aimed at fostering a ‘European historical memory’ to add legitimacy to the European project and foster European identity.  

The first important political development towards reclaiming European identity was the rejection of the Soviet regime in Lithuania and the emphasis of Lithuanian statehood of 1918–1940 as the background of liberation. Another stimulus was Lithuanian membership of the Council of Europe, which imposed the adoption of the European Convention on Human Rights and Fundamental Freedoms. Lithuania’s ratification of this convention provided the right to submit individual complaints to the ECtHR and, thanks to the decisions of that court, the ability to keep working on the development of a human rights protection system.

For the first decade after 1990, European efforts to welcome post-communist states were not especially notable. In 1996, the Parliamentary Assembly of the Council of Europe adopted Resolution No. 1096 on Measures to Dismantle the Heritage of Former Communist Totalitarian Systems, which stated that criminal acts committed by individuals under a communist totalitarian regime were to be prosecuted and punished under the standard criminal code. This was the first political declaration that clearly acknowledged the importance of dealing with the past in post-communist European countries and set an international standard of human rights for this purpose, which was to be reflected in national regulations.

The real challenge began after the Eastern enlargement in 2004, however, when Soviet crimes had to be addressed by the EU together with Holocaust awareness after WWII. This development triggered two main confrontations. The first was the conflict between the experience of the Holocaust in the West and the experience of communist repression in the East. Eastern European EU accession candidates used memorial museums and installed permanent exhibitions to

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18 The Convention was the result of an emerging aim to prevent any recurrence of human rights violations. The ECtHR is a supranational court, which hears applications alleging that a contracting state has breached one or more of the human rights provisions concerning civil and political rights set out in the Convention and its protocols. Jakub J. Szczerbowski and Paulina Piotrowska, ‘Measures to Dismantle the Heritage of Communism in Central and Eastern Europe: Human Rights’ Context,’ Cuadernos Constitucionales de la Cátedra Francisco Furió Ceriol 62/63 (2008), 233–248. The European Commission of Human Rights was a special body of the Council of Europe. From 1954 to the entry into force of Protocol 11 to the ECHR, individuals did not have direct access to the ECtHR; they had to apply to the commission, which if it found the case to be well-founded would launch a case in the Court on the individual’s behalf. Protocol 11 which came into force in 1998 abolished the commission, enlarged the Court and allowed individuals to take cases directly to it.
20 Europe for Citizens Programme launched in 2006. The emphasis of European historical remembrance on totalitarianism was perpetuated in the negotiations for a renewed Europe for Citizens Programme 2014–2020, in which the remembrance strand took on greater significance, reflected in the considerable increase of funds earmarked for actions in this field.
communicate with ‘Europe’ in view of the Holocaust’s ‘universalization’ and ‘Europeanization’ in two different ways. One group demanded that ‘Europe’ acknowledge its suffering under communism, while the other group tried to demonstrate its compatibility with Europe by invoking ‘Europe’ in its exhibition texts and publications and referencing Western Holocaust museums in its aesthetics.\(^{21}\) However, as Csilla Kiss notes, ‘with respect to historical memory, the two parts of Europe underwent similar developments, crises and debates, thus making eventual convergence and consensus possible.\(^{22}\)

Another clash was between former Soviet-occupied countries and modern Russia. Eastern European narratives on the loss of national statehood under the Soviet occupation contradicted Russia’s official historical narrative, which praised the Red Army as the liberator of Europe and incited Russia’s involvement in escalating memory wars.\(^{23}\) As soon as the Baltic states entered the EU, they proclaimed a mandate to tell their own stories.\(^{24}\) In 2005, Lithuania refused to celebrate Moscow’s 9 May commemoration, and continues to do so.\(^{25}\) In 2008, Lithuania was the first country to ban Soviet symbols.\(^{26}\) During this period, various memory events took place, which were reflections of general memory politics in the Baltics.\(^{27}\) Among the most notable were movie wars and the emergence of communism (occupation) memory museums.\(^{28}\) These developments were followed and supported, introducing some European political declarations that did not lead to new impetus.

Memory wars between Russia and other Eastern European countries received new impetus after the annexation of Crimea by Russia in 2014 and the unleashing of war on Ukraine in 2022.\(^{31}\) Before February 2022, the conflict between Russia and Ukraine was mainly of a hybrid


\(^{24}\) Kiss, supra n 22.


\(^{31}\) Malinova, supra n 22.
Russia often attacks its main targets – democratic values – by exploiting the divisions already present in societies, such as different narratives on historical events or general feelings of impunity followed by disappointment in the rule of law. Russian state-sponsored media outlets, such as RT and Sputnik, peddle conspiracist and sensationalist stories about democracies that can be lifted, reproduced and spread through other popular media outlets to target populations. Reacting to this, in July 2014 Latvia banned Russian singer Oleg Gazmanov from entering the country, saying that he ‘contributed to undermining Ukraine’s sovereignty and territorial integrity by his actions and statements,’ and Lithuania followed suit in 2016. Lithuania had already banned Russian disinformation channels in 2015.

In a meeting of EU ministers on the occasion of the European Day for the Victims of Stalinism and Nazism in 2016, Lithuania, together with Latvia, Estonia, Poland and Romania, condemned countries that glorify their Soviet past and the crimes committed by those regimes, and noted that it is now up to the EU to condemn the crimes committed by communist regimes. This request was repeated by those countries’ ministers of foreign affairs in 2019 in the context of commemorating the 30-year anniversary of the Baltic Way – the largest protest rally in the Baltics and an important stepping stone towards independence from the Soviet Union.

When it launched a full-scale conventional war, it became clear that Russia is willing to crush Ukraine as a sovereign country. This means that memory wars have contributed to a very real war in Ukraine. For other Eastern European countries, this act signals that it is time to prepare for defence.

**SYMBOLIC JUSTICE AND THE PROBLEM OF DEFINING GENOCIDE**

Since 1990, the chances of punishing the offender and clarifying the circumstances of Soviet crimes by identifying victims have been undermined. In most of the countries that had re-emerged, former communist elites preserved their positions in politics, therefore, a de facto amnesty for Soviet-era crimes has been granted. Thus, the right to know and the right to justice were neglected during the first decade after 1990. Impunity is still present to some extent in the

32 Hybrid warfare includes a variety of activities and covers the use of different instruments to destabilize a society by influencing its decision making. So-called active measures, as hybrid measures were called in the Soviet era – such as spreading disinformation and setting up front organizations in the West – were an integral part of Soviet foreign policy. Katri Pynnönen and Sinikukka Saari, ‘Hybrid Influence—Lessons from Finland,’ Nato Review, 28 June 2017, https://www.nato.int/docu/review/2017/also-in-2017-lessons-from-finland-influence-russia-policy-security/EN/index.htm (accessed 18 January 2022).


Baltic context; however, the legal strategies used by Lithuania, particularly before the ECtHR, are contributing to broader efforts to address these issues.  

The beginnings of the demand for legal accountability for Soviet crimes in Eastern Europe can be traced to the late 1980s, when the memories and forbidden testimonies of Soviet victims were activated by national movements. The recovery of domestic memories of Soviet violations accumulated into a new legal framework which indicated that a Soviet genocide had happened in Lithuania.  

On 9 April 1992, Lithuania acceded to the Genocide Convention and to the UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. On the same day, the Law on Responsibility for Genocide of Inhabitants of Lithuania was enacted, which recognized Soviet actions as genocidal. On 21 April 1998, the provisions regarding Soviet genocide were repealed, and prosecution for genocide was thereafter incorporated into Articles 49 and 71 of the Lithuanian Criminal Code.  

However, Lithuania and the other Baltic states immediately faced various legal obstacles, including the limited scope of the definition of genocide. The term ‘genocide’ was coined in 1944 by Raphael Lemkin, a lawyer of Polish Jewish origin, from the Greek word genos (birth, kind, race) and the Latin suffix cide (killing). In December 1946, when the UN General Assembly was preparing to vote on the resolution against genocide, Lemkin was ready to omit political groups, saying to the UN that they ‘lacked the required permanency.’ Thus, in the final version of the Genocide Convention, political and social groups were excluded. To this day, the debate over the definition of genocide pits restrictivists, who seek to tether any application of the crime as tightly as possible to the text of the Genocide Convention, against expansionists, who advocate for a broader understanding of the crime. In the case of Soviet violations, restrictivists accuse expansionists of revising history and having Holocaust-envy in pursuing international condemnation of the crimes. Currently, the UN is facing pressure to reconsider using the Holocaust as the paradigm for genocide.  

To deal with this problem domestically, the Lithuanian government adopted Article 99 of the Criminal Code, establishing a broader definition of genocide that includes crimes against political and social groups along with national, ethnic, racial and religious groups. Under the 2003


42 Since the restoration of independence in 1990, Lithuania has become the leader among the Baltic states in terms of claiming that what happened there during the Soviet occupation was a genocide. Dovile Budryte, ‘We Call It Genocide: Soviet Deportations and Repression in the Memory of Lithuanians,’ in The Genocidal Temptation: Auschwitz, Hiroshima, Rwanda, and Beyond, ed. R. Frey (Dallas: University Press of America, 2004), 79–95. Since 1990, Estonia and Latvia have taken a less problematic approach to considering that Soviet repressions during the occupation were mostly crimes against humanity or so-called ethnic cleansing. Māksko, supra n 39 at 777; Olaf Mertelsmann and Aigi Raž-Tāmm, ‘Soviet Mass Violence in Estonia Revisited,’ Journal of Genocide Research 11(2–3) (2009): 307–322.  


48 In 2003, Article 99 of the new Criminal Code, in force from 1 May of the same year, stipulated that a person who, seeking to physically destroy some or all of the members of any national, ethnic, religious, social or political group, organizes, in charge of, or participates in killing, torturing, or causing bodily harm to them, hindering their mental development, deporting them or otherwise inflicting on them situations which bring about the death of some or all of them, restricting births to members of those groups or forcibly transferring their children to other groups, shall be punished by imprisonment for a term of from five to twenty
In 2018, Professor Sands, while presenting his book See more, Dovil
Anton Weiss-Wendt, 'When the End Justifies the Means: Raphaël Lemkin and the Shaping of a Popular Discourse on Geno-

nation and international legal evaluation of other communist crimes in Lithuania – such as
Soviet deportations of Lithuanian citizens, brutal collectivization of the farming population in

nationality does not change, primarily because of the absence of cases before Lithuanian courts.

For the first time, an international judicial institution recognized genocide by the Soviet regime in Lithuania.

The ECtHR also concluded that national courts clarified the need to establish the intent
to destroy Lithuanian partisans as being the crucial part of their consideration as a national
group. As explained by the Supreme Court of Lithuania, given the applicant's background in
the Soviet security service, the international legal instruments prohibiting genocide and provid-
ing for criminal liability for genocide must have been known to him in 1956. Despite this, the
national and international legal evaluation of other communist crimes in Lithuania – such as
Soviet deportations of Lithuanian citizens, brutal collectivization of the farming population in
Lithuania (1944–1953), russification and forced mobilization to the Red Army (1944–1945) –
has not changed, primarily because of the absence of cases before Lithuanian courts.

Nonetheless, the ECtHR judgments in these two cases are exceptional in representing a
potential compromise in the long battle over the scope of the definition of genocide. The
legal arguments in the Drėlingas case empower victims to challenge ongoing efforts to white-
wash Soviet repression. The judgment provides at least symbolic justice to the victims of Soviet
genocide, while keeping these issues in the public eye in the West. The reason for Soviet genocide
claims lies in the ability of a broader definition of genocide to recognize the identities of differ-
ent affected groups, what happened to them and, most significantly, their right to exist. Crimes
against humanity and other core international crimes listed in the International Criminal Court's
Rome Statute are not capable of doing this.

With genocides currently occurring around the

years or by life imprisonment.' Lietuvos Respublikos baudžiamasis kodeksas [Criminal Code of the Republic of Lithuania], State
Gazette No. 89-2741 (2000).

See more, Dovilė Sagatienė, ‘The Debate about Soviet Genocide in Lithuania in the Case Law of The European Court of
doi.org/10.1017/nps.2020.66.

See more, Dovilė Sagatienė, 'Deconstruction of Soviet Deportations in Lithuania in the Context of the Genocide Conven-

Anton Weiss-Wendt, 'When the End Justifies the Means: Raphael Lemkin and the Shaping of a Popular Discourse on Geno-

In 2018, Professor Sands, while presenting his book East West Street: On the Origins of 'Genocide' and 'Crimes Against Humanity'
explained that the recognition of genocide is crucial for victims. He cited a German psychologist who worked with ISIL-raped
Yazidi women: categorizing such atrocities as genocide is a vital first step for the future of the wellbeing of the victims. Calling it
a genocide recognizes the group's identity, recognizes what was being done to it and most significantly recognizes the right of the
group to exist. Crimes against humanity does not do that.
world and a push to recognize more forgotten victims of genocide, this battle to update the definition of genocide is one worth fighting. In this sense, the compromise delivered by the ECtHR in the Drêlingas case could be globally beneficial for post-genocide justice.

THE ROLE OF THE ECtHR: A SOVIET NUREMBERG?

Despite the common comparison between Stalinism and Nazism (or the GULAG\textsuperscript{54} and Auschwitz), the former never had its Nuremberg moment and has therefore never been officially declared 'criminal.\textsuperscript{55} The demand for justice in former Soviet-occupied countries remained, however, and it was only a matter of time until cases related to Soviet crimes reached the ECtHR.

The first cases in which ECtHR issues arising from domestic criminal cases of Soviet crimes were examined involved Estonia and Latvia. The case of Penart v. Estonia (No. 14685/04) alleged the retrospective application of criminal law, in violation of Article 7 of the ECtHR regarding the principle of ‘no punishment without law,’ because acts committed in 1953 and 1954 were not crimes against humanity under international law as it stood at that time.\textsuperscript{56} On 17 May 2010, the Grand Chamber of the ECtHR delivered its judgment in Kononov v. Latvia (No. 36376/04), in which it found, with a majority of 14 judges to three, that Latvia had not violated Article 7 of the ECtHR when convicting the former Soviet partisan Vasiliy Kononov for a war crime committed in Latvia during WWII.\textsuperscript{57} The main issue in Kononov v. Latvia was how the law formulated in 1945 for the Nuremberg International Military Tribunal should be applied today to a case dealing with events that happened during WWII. The court determined that the execution of villagers was in violation of established international law at the time, as Kononov was only entitled to arrest them, and his conviction was not barred by the statute of limitations. He is the only former Soviet partisan convicted of crimes against humanity.

Along with the above-mentioned Lithuanian cases, these two cases on historical memory and decommunization in the Baltics signal that the ECtHR has emerged as the arena for memory battles at the legal level and the potential location of a ‘Soviet Nuremberg.’ This may be going too far, however, as Russia challenges the legitimacy of ECtHR rulings. Russia’s traditional resistance\textsuperscript{58} to enforcing ECtHR rulings was formalized by domestic law in 2015, which granted the Russian Constitutional Court the power to review international human rights rulings and decide if they violate the constitution and are therefore ‘non-executable.’\textsuperscript{59} One year later, the Constitutional Court used this power to refuse to implement the judgment of the ECtHR against Russia in the case of Anchugov and Gladkov v. Russia (2013) and the Yukos judgment (2014).\textsuperscript{60}


\textsuperscript{54} The word ‘GULAG’ is an acronym of Glavnoe Upravlenie Lagerei (Глaвнoе Упpaвлeнцe Лaгepeй), or Main Camp Administration, the institution which ran the Soviet camps. Over time, the word has also come to signify the system of Soviet slave labour itself, in all its forms and varieties: labour camps, punishment camps, criminal and political camps, women’s camps, children’s camps and transit camps.


\textsuperscript{60} Gleb Bogush and Aura Paskocimaite, ‘Case Closed, but What About the Execution of the Judgment? The Closure of Anchugov and Gladkov v. Russia,’ EJIL Talk: Blog of the European Journal of International Law, 2019, https://www.ejiltalk.org/
In June 2019, the Parliamentary Assembly of the Council of Europe agreed to allow Russian representatives to return to the body, five years after Moscow was stripped of its voting rights over the annexation of Crimea.\(^6^1\) Russia threatened to leave the forum if it was barred from voting in the next election of a secretary-general, which would have meant Russians losing access to the ECtHR. Moreover, this would have meant losing Russia’s annual contribution of €32.6 million, a large chunk of the council’s budget, which had been suspended since 2017.\(^6^2\) The Baltic and Nordic countries had been mulling over a joint response to Russia’s reinstatement, without notable success.\(^6^3\)

Important developments regarding the impact of future ECtHR rulings on the Russian Federation will take place when, following its renewed expulsion from the Council of Europe on 16 March 2022 because of its war on Ukraine, Russia ceases to be a High Contracting Party to the ECHR on 16 September 2022.\(^6^4\) This means that from 16 September 2022, it is impossible to bring claims against Russia to the ECtHR, unless the violation happened before this date. It also means that none of the judgements in the cases against Russia which are pending execution will be enforced. In a broader context, these developments indicate that Russia has rejected the direction of improving the human rights situation in the country.

**CONCLUSIONS**

What are the results of more than 30 years of memory wars in Eastern Europe? Firstly, strong interactions have occurred between political efforts and legal developments in the field of memory transformation. Secondly, the interplay between political and legal factors has enabled new discussions on the nature and scale of Soviet crimes in Eastern Europe to be set up and old arguments on the international definition of genocide to be revised and stimulated. Thirdly, these developments contributed greatly to both the Lithuanian claim of Soviet genocide powered by a group’s right to exist and the successful ECtHR case in 2019, when Soviet genocide against a targeted national group – Lithuanian partisans – was recognized for the first time at the international legal level.

Moreover, as a result of the transformation of memory at the political level we now have a stronger and more balanced understanding of Soviet crimes in Eastern Europe. At the legal level, we have discovered the changing role of the ECtHR as the main arena for memory wars, although it still has not fulfilled its potential of hosting a ‘Soviet Nuremberg.’ Ultimately, cases regarding Soviet genocide against Lithuanians at the ECtHR have created more options for other victims of Soviet crimes to strive for genocide recognition at the national and international levels.

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