

# Liquidation of a “Foreign Agent”: The Historical Significance of the Dissolution of Memorial

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## Summary

The clampdown on Memorial, Russia's oldest and most influential historical-educational and human rights group, has thrown into sharp relief crucial feature of the country's contemporary history. For the past century, the struggle for freedom, democracy, and human dignity in Russia has been intimately intertwined with the struggle for historical truth. The Memorial Movement was born amid the political turmoil of the late 1980s and almost immediately became one of the leading agents of democratic change. The Kremlin's decision to liquidate Memorial marks the end of an era. The Putin regime is seeking to establish full control over the historical narrative, but that is merely a means to a larger end. Its ultimate goal is to turn the clock back 30 years and erase some fundamental consequences – both domestic and geostrategic – of the momentous revolutionary upheaval that culminated in the demise of the Soviet Union.

## Shifting political landscape

When in November 2021 state prosecutors took action to shut Memorial down, its leadership was not greatly surprised. In fact, they had seen it coming. Asked why his organization was being persecuted, Aleksandr Cherkasov, Chairman of the Board of the Memorial Human Rights Centre, gave a succinct answer: "We do not fit into the [current political] landscape".<sup>1</sup> Several years earlier, Memorial had been labelled a "foreign agent" in accordance with a controversial law passed in 2012. This law was designed to signpost foreign-funded non-profits but later expanded to include independent media and individuals. Any entity or individual labeled a foreign [media] agent must register and provide details of its activities and finances every six months. Any material they produce, including social media messages, must contain a long message indicating their status as a foreign agent. The very term is laden with Stalin-era connotations of double-dealing, duplicity, and betrayal, and carries an unmistakably pejorative meaning. From the first, the Kremlin made it clear that this legislation would be effectively used as a weapon against "disloyal" rights groups and media outlets. In February 2013 -- speaking, quite appropriately, at a Federal Security Service (FSB) Board meeting -- President Putin stated in no uncertain terms that "no one holds a monopoly that gives them the right to speak on behalf of all Russian society, especially the entities managed and financed from abroad as they inevitably serve others' interests". He went on to refer specifically to the new law:

The regime governing the activities of NGOs in Russia is in place, and it also applies to funding from abroad. Obviously, these laws must be complied with. Any direct or indirect interference in our internal affairs, any form of pressure on our country or on our allies and partners, is unacceptable.<sup>2</sup>

In the case of Memorial, like those of various other NGOs and independent media outlets, the foreign agent law played the role of the proverbial Chekhov's gun: hung on the wall in Act One, it went off in Act Three. In late December 2021, Kremlin-controlled courts agreed with prosecutors' allegations that Memorial (both Memorial International and its Human Rights Centre) had violated the law and ordered the liquidation of a "villainous foreign agent".

Remarkably, while Memorial was formally charged with technical breaches of mind-numbing legal regulations, the court hearings appeared to reveal the true reason for the assault on the group -- the distortion of historical memory. A passage from the prosecution's remarks speaks volumes about the Kremlin's real motives:

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<sup>1</sup> Iuliia Dudkina, "Tebia eto tozhe kasaetsia": Aleksandr Cherkasov o sudakh 'Memoriala' i logike bezumiia", *Kholod*, 25 November 2021, <https://holod.media/2021/11/25/cherkasov/>

<sup>2</sup> Vladimir Putin's address at the Federal Security Service Board Meeting, 14 February 2013, <http://en.kremlin.ru/events/president/transcripts/17516>

It is obvious that Memorial, having capitalized on the theme of political repressions in the 20<sup>th</sup> century, has created a *[deliberately] false image of the Soviet Union as a terrorist state*...Why should we have to be ashamed of and repent our allegedly hopeless past instead of having pride in a country that had won a terrible war and liberated the world from fascism?

Summing up its case, the prosecution stated:

Currently, the activities of Memorial are, in fact, largely aimed at *falsifying the history of our country, at gradually reformatting the mass consciousness of the population from the memory of the victors to the need for repentance for the Soviet past*.<sup>3</sup>

This statement neatly reflects the irreconcilable differences between the Kremlin and Memorial's intellectual and ethical stances. Unlike Putin, who postulates the existence of one unchanging "thousand-year old historical Russia" with an unproblematic -- if not downright magnificent -- past, Memorial rejects this triumphalist black-and-white approach and embraces instead national history's tragedy and complexity. Otherwise, it argues, it would be impossible to account for the political terror and systematic mass violations of human rights that have occurred throughout Russian history and in particular during the Soviet period. Referring to the humanist traditions of classical Russian literature, the late Arsenii Roginskii, Memorial's Chair in 1998-2017, contended that Russia's past cannot be perceived as simply great: "It is both great and shameful and the shameful part weighs at least as much as the great one".<sup>4</sup>

Such a view was widespread among Soviet freethinkers and dissidents – the social milieu that played a crucial role in the intellectual and political processes unleashed by Mikhail Gorbachev's *perestroika* in the waning years of the Soviet Union. Indeed, in 1987--88 – the years in which Memorial emerged as a popular mass movement – the idea of historical truth appeared to have become something akin to a national idea. The search for historical truth was focused above all on the state terror during Stalin's rule. Notably, before *perestroika*, there were two types of memory of Stalinism with almost no overlap between them. The first was an individual and family memory based on the tragic experiences of the victims of terror and their close relatives. This memory was preserved as a forbidden knowledge within the narrow circle of family and friends but lacked a deeper analysis and understanding of the broader historical context. The second type of memory was the product of dissidents' reflections, which encompassed memoirs (usually published in *samizdat*), political commentary, translations of Western historical scholarship, and literary fiction. In the late 1980s, when most of the previous ideological taboos had been lifted in the atmosphere of *glasnost*, an opportunity appeared for the two types of memory of

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<sup>3</sup> State prosecutor Aleksei Zhafiarov's remarks in Vystupleniia storon v preniakh po likvidatsii Mezhdunarodnogo Memoriala, 28 December 2021, <https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/666>. Translation by the author; emphasis added.

<sup>4</sup> Arsenii Roginskii, "Chto takoe Memorial?" *Colta*, 31 January 2014, <https://www.colta.ru/articles/specials/1872-chto-takoe-memorial>

Stalinism to merge. During those heady years, remembered by political activists as a truly "heroic epoch", Memorial was – even before its formal registration in early 1990 – at the forefront of the struggle to increase public awareness of Stalinist crimes. It is noteworthy that from the outset, its leadership understood full well that it is impossible to tackle a difficult past without opposing various illiberal, undemocratic, authoritarian and repressive trends in the present. Thus, human rights advocacy became part of Memorial's agenda more or less from day one. In the group's political philosophy, the two dimensions of historical education and the defence of civil rights are closely interconnected. As Roginskii aphoristically put it, "We look at history through the prism of rights, and look at rights through the prism of history".<sup>5</sup> This core ideological principle put Memorial squarely on a collision course with a Russian political regime that has been growing increasingly authoritarian since the early 2000s.

## Historical memory and domestic politics

There is a direct link between the rise of authoritarianism in Russia and a more benign view of the Soviet past promoted by the state. A steady curtailment of freedom and democracy, the resurrection of quasi-Soviet political practices such as the imitation of democratic procedures, infringement of the independence of the courts, state control of media outlets, and repression of political opposition inevitably necessitate putting a more positive spin on Soviet history. The Kremlin's search for a usable past on which to construct a new state-centred grand narrative was another reason to embrace the Soviet era as an inalienable part of the "glorious history" of the timeless "Great Russia".

Here the centrepiece of the story is the Soviet victory in the "Great Patriotic War". The Soviet Union's triumph over Nazism – the undeniable Absolute Evil – presents an opportunity for Kremlin-friendly spin doctors to cast the victors – mostly Russians -- as an Absolute Good that "saved the world in 1945" and to portray Russia as a "country of great victories". Since the "Greatest Victory" was achieved on Stalin's watch, the amount of bad press the ruthless dictator received in the twilight years of Soviet communism came to be perceived as excessive.

Stalin's image has been thoroughly revamped over the last two decades, especially compared to his representation in the latter years of perestroika. Instead of denouncing Stalin as a bloody tyrant and the chief organizer of state terror, the official narrative now emphasizes his managerial skills, geopolitical wisdom and, above all, his important role in defeating Nazi Germany and turning the Soviet Union into a global superpower.<sup>6</sup> At this point, it should be clarified that Putin and his ideologues are not die-hard Stalinists. Nor are they particularly interested in lionizing historical Stalinism. In fact, they are engaged in a different kind of ideological game. They turn to certain aspects of Soviet history and manipulate the Stalin myth in order to legitimize present-day authoritarian and repressive domestic politics. This is precisely what has been the target of Memorial's sharpest criticism. In all of its research, educational and civic activities, the group has

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<sup>5</sup> Roginskii, "Chto takoe Memorial?"

<sup>6</sup> For an excellent discussion on this issue, see Mark Edele, *Debates on Stalinism* (Manchester: Manchester University Press, 2020).

emphasized a fundamental connection between liberal values and serious historical reflection. The Kremlin's politics of history, Memorial researchers note, has now demonstrated this connection "working backwards", as there is a clear link between Russia's current illiberal course and the mythologizing of the Soviet totalitarian past.

Two fundamental issues raised by Memorial caused particularly acute displeasure to the Russian authorities. The first concerns the perpetrators of Stalinist/Soviet terror. The communist regime left millions of victims in its wake: But *whose* victims were these people? *Who* killed them? Admittedly, Russia's present-day powers-that-be appear willing to honour the memory of all those innocent souls who lost their lives in execution chambers or the Gulag prison camps, but they are extremely reluctant to confront the thorny problem of legal and political responsibility. It is worthy of note that, 30 years after the Soviet collapse, there is not a single state legal act that characterizes in strictly juridical terms the *crimes* of the Soviet Union regime as crimes. For its part, Memorial's position on this issue is unambiguous: Soviet-era repression was part of the system of public administration - it was a *state* terror against the country's citizens. The upshot of this thesis is crystal clear: the Soviet state that organized and carried out mass repression was a criminal terrorist state. This statement is a direct challenge to the statist political philosophy of Putin's regime, which aggressively upholds Russia's long-standing tradition of the sacralization of the state.

Another major irritant for the Kremlin is Memorial's human rights advocacy – an activity that the group views as inseparable from its incessant search for historical truth. For Memorial, preserving the memory of Stalinist repressions is as important as shining the light on political repressions in Putin's Russia. For many years, it has monitored civil rights abuses in the country and compiled lists of political prisoners. It is instructive to compare the number of prisoners of conscience in the Soviet Union at the time of Gorbachev's incumbency with today's Russia. When Memorial was set up in 1987, there were around 200 political prisoners; at the end of 2021 there were more than 400. Kremlin officials (including Putin's spokesman, Dmitry Peskov) assert that no one in Russia can be sent to prison on political grounds. They assert that Russia's Criminal Code does not contain a single article dealing with political offences and that the very terms *political prisoner* and *political repression* are not on the books. Memorial counters this assertion by referring to the Russian Federation Law "On the Rehabilitation of Victims of Political Repressions", which the group's senior members, Sergei Kovalev and Arsenii Roginskii, helped to draft. This legal act, which was adopted on 18 October 1991, defines *political repressions* as:

*various measures of coercion used by the state for political reasons in the form of deprivation of life or freedom; incarceration in psychiatric hospitals for compulsory treatment; expulsion from the country and deprivation of citizenship; eviction of groups of the population from their places of residence; sending them into exile and "special settlements"; involvement in forced labor in conditions of restriction of freedom, as well as other deprivation or restriction of the rights and freedoms of persons recognized as socially dangerous to the state or political system on class, social, national, religious or other grounds, carried out by decisions of courts and other bodies, endowed with judicial functions, or administratively, by executive authorities and officials and public organizations or their bodies endowed with administrative powers.<sup>7</sup>*

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<sup>7</sup> Zakon RF N 1761-I "O reabilitatsii zhertv politicheskikh repressii" (s izmeneniami i dopolneniami), 18 October 1991, <https://base.garant.ru/10105390/>. Emphasis added.

In accordance with this law, rehabilitation covers all those persons who have suffered repressions since the 1917 Bolshevik Revolution. What is especially significant, however, is that the law does not specify a closing date, which means that it can be applied to the current political situation. This is precisely what Memorial lawyers were doing: they analysed criminal cases to determine whether they are politically motivated. The method was simple: if a person is being persecuted for political activities and/or for exercising basic civil rights, this person is recognized as a political prisoner. Furthermore, in its civic work Memorial was guided by the resolutions of the Parliamentary Assembly of the Council of Europe (PACE). A forum where Russian parliamentarians are also represented, PACE not only defines the term *political prisoner* and provides the appropriate criteria, but also calls for the release of all political prisoners.<sup>8</sup>

## Politics of history and international relations

The Russian leadership is alert to the fact that "national remembrance" takes place in an international context and thus has a foreign policy dimension. Any reinterpretation of the past based on "national remembrance" inevitably involves not only the self-image of a given nation but that nation's relations with the other nations too. A clash between national memories is therefore prone to lead to growing tensions between states. This is exactly what has happened with Russian-European relations in the past 15 years.<sup>9</sup> As a result, historical memory has been securitized. Russia's amended Constitution declares the "defence of historical truth" to be one of the state's principal rights and obligations: But *who* determines what the truth *is*? The Kremlin leadership appears convinced that it should be Russia. As Russia's foreign minister, Sergei Lavrov, arrogantly asserted at the XXIX Assembly of the Council on Foreign and Defence Policy in October 2021: "We always know that the truth is on our side". He then suggested that his audience should "regard this [thesis] as our ideology or the ideological content of our foreign policy".<sup>10</sup> In parallel, in his comments on the court's decision to ban Memorial, one of the group's defence lawyers noted that the shutdown's main political message was that "the [Russian] state is always right".<sup>11</sup> So why then would some miscreants want to deviate from the state-approved interpretation of the past? The prosecution's explanation was that Memorial had been distorting historical memory because "someone is paying them to do it."<sup>12</sup> This kind of rhetoric unmistakably demonstrates that the Russian authorities were not only seeking to cast Memorial as a perfidious foreign agent and treacherous "fifth column", but really perceived it as such.

To get a better handle on the Kremlin's vehement assault on Memorial, it is necessary to take a closer look at the link between Moscow's geostrategic interests and the historical narrative it

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<sup>8</sup> Parliamentary Assembly Resolution 1900 (2012) "The definition of political prisoner"  
<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=19150&lang=en>

<sup>9</sup> Igor Torbakov, "Divisive Historical Memories: Russia and Eastern Europe," in Daniel Chirot, Gi-Wook Shin and Daniel Sneider, eds., *Confronting Memories of World War II: European and Asian Legacies* (Seattle: University of Washington Press, 2014), 234-257.

<sup>10</sup> Sergei Lavrov, "Vystuplenie na XXIX Assamblee SVOP, Moscow, 2 October 2021,  
[https://archive.mid.ru/ru/foreign\\_policy/news/-/asset\\_publisher/cKNonkJE02Bw/content/id/4876621](https://archive.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/4876621)

<sup>11</sup> Defense lawyer Genri Reznik's remarks in Vystupleniia storon v preniakh po likvidatsii Mezhdunarodnogo Memoriala, 28 December 2021, <https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/666>

<sup>12</sup> State prosecutor Aleksei Zhafiarov's remarks in Vystupleniia storon v preniakh po likvidatsii Mezhdunarodnogo Memoriala, 28 December 2021, <https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/666>



aggressively advances in opposition to the one that has become the mainstream story in Europe. At the heart of the controversy is the Soviet Union's role prior to, during, and in the aftermath of the Second World War. The conflict between the two narratives came to a head in September 2019, when the European Parliament adopted a resolution "On the Importance of European Remembrance for the Future of Europe".<sup>13</sup> The document effectively dismisses Moscow's official interpretation, which boils down to the above-mentioned battle between good (Soviet Union) and absolute evil (Nazism), in which the Soviets played a major role in defeating Nazi Germany and liberating Europe, thereby gaining enormous moral and political capital. Instead, the European Parliament resolution endorses a narrative of two totalitarianisms – German Nazism and Soviet communism – that were both equally responsible for the outbreak of war. In this story, Russia is not so much a successor state of the victorious Soviet Union as the heir to the brutal Stalinist regime that first contributed to unleashing World War II and then occupied the eastern half of Europe.

For the Kremlin, this is not a mere historiographical issue: it is a matter of geostrategic importance. Russia's status as a great power and its role on the world stage depend on which narrative ends up winning broad public support. The 2019 European Parliament resolution on historical memory was supported by the overwhelming majority of MEPs. Moreover, not a single European leader questioned the interpretation that the document proffered. This seriously alarmed the Kremlin and galvanized it into action. Significantly, Putin personally launched a counter-attack when he penned an essay on "The Real Lessons of the 75th Anniversary of World War II".<sup>14</sup> This 9000-word treatise -- published in *The National Interest*, a Washington policy journal, in June 2020 -- should be seen as the Russian president's desperate effort to stop the progressive erosion of symbolic capital on which his country's international prestige and global role have largely rested since 1945. The article's aims are abundantly clear: Putin wants to focus global attention on the Soviet Union's role in ending World War II, not in starting it. He assailed as provocative the European Parliament resolution's narrative of "two totalitarianisms", arguing that such an interpretation seeks to destroy the post-war order and discredit Russia's role in shaping it as a member of the allied coalition that defeated Nazi Germany.

In this clash of narratives, Memorial finds itself squarely in the camp of Putin's opponents. The group's research presents the Soviet Union (and Russia as its successor) as "unrepentant totalitarianism" – one of two dictatorships responsible for most of the horrors of 20th-century European history. Furthermore, in a political climate fraught with tension, the story in which Stalin's Soviet Union was a force for evil that unleashed global carnage in cahoots with Hitler's Nazi Germany appears to chime perfectly with the image of Putin's Russia, which is increasingly perceived in Europe as a contemporary "force for evil". From the Kremlin's perspective, Memorial activists helped to create Russia's negative image "from within". Specifically, they have damaged Moscow's international reputation in two ways: by assiduously documenting Stalinist crimes and by monitoring present-day repression of the political opposition. Finally, Memorial's recommendations on "what should be done", which flow directly from its interpretation of the country's past, are totally unacceptable to the Kremlin leadership. To repent, ask for forgiveness and legally recognize past crimes as *crimes* – as Germany did in the aftermath of World War II –

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<sup>13</sup> European Parliament resolution of 19 September 2019 on the importance of European remembrance for the future of Europe, [https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2019-0021_EN.html)

<sup>14</sup> Vladimir Putin, "The Real Lessons of the 75th Anniversary of World War II." *The National Interest*, 18 June 2020, <https://nationalinterest.org/feature/vladimir-putin-real-lessons-75th-anniversary-world-war-ii-162982>

are all non-starters as this would undermine Russia's global status and force it to accept a marginal position in the new world order.

## Conclusion

As early as 2007, Putin formulated the key principles of Russia's official "memory politics": "Past events should be portrayed in a way that fuels national pride" and "We cannot allow anyone to impose a sense of guilt on us".<sup>15</sup> Undoubtedly, the Russian president's thinking has been strongly influenced by the trauma of the break-up of the Soviet Union. Among the lessons Putin learned from what he famously called the "major geopolitical catastrophe" of the 20th century, there are at least two directly related to the conflict between the Russian state and Memorial: Lesson 1, never allow your political opponents to use the uncomfortable past (Stalinist crimes) against you; and, Lesson 2, always prevent the opposition and its Western allies from ganging up on you.

Amid the growing tensions caused by Russia's intention to revise the geopolitical results of the collapse of the Soviet Union, the Kremlin is keen to ensure that it can rely on the steadfast and patriotic "home front". In the eyes of the Russian authorities, Memorial's political philosophy and civic activity, as well as its international ties put the group in the category of "internal enemy". In an atmosphere shaped by the principle "whoever is not with us is against us", the liquidation of Memorial was preordained.

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<sup>15</sup> Stenograficheskii otchet o vstreche s delegatami Vserossiiskoi konferentsii prepodavatelei gumanitarnykh i obshchestvennykh nauk, Novo-Ogarevo, 21 June 2007, <http://kremlin.ru/events/president/transcripts/24359>





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