



Universal Periodic Review of Russia

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Submitting NGO

HR NGO Citizens' Watch, <https://citwatch.org/en/>.

Background of submitting NGOs

The Citizens' Watch (CW) (St. Petersburg, Russia) is a human rights NGO active since 1992 with extensive expertise in the field of access to justice. We pay special attention to the transparency and accessibility of justice, our experts take part in the development of recommendations to improve transparency of the courts, to lower the threshold of access to justice for disadvantaged groups. CW regularly conducts trial monitoring of cases of public interest. Our organization also provides free legal assistance to vulnerable groups and engages in human rights awareness and education.

Freedom of opinion and expression

The right to access to information, including archives' documents, is enshrined in Article 29 of the Constitution of the Russian Federation and Article 8 of the Federal Law of 27.07.2006 No. 149-FF "On Information, Information Technologies and Information Protection". The Federal Law of 22.10.2004 TNo. 125-FZ "On Archives in the Russian Federation" outlines the rules on how the archives are organized and what are the condition of access to archives. A federal agency - Rosarkhiv - adopts orders on procedural matters, for instance, on how to recognise archival documents as being in poor physical condition (Order of the Federal Archive Service dated June 25, 2020 No. 75). However, some archive documents, which are kept by the Federal Security Service (FSB), are not governed by general rules.

The FSB keeps documents related to the times of Soviet repressions. The access to archives of FSB is restricted and governed by special set of rules, namely by the Order of the Ministry of Culture of the Russian Federation No. 375, Ministry of Internal Affairs of the Russian Federation no, 584, and the FSB No. 352 of 25.07.2006 "On Approval of the Regulations on the Procedure of Access to Materials Kept in State Archives and Archives of State Bodies of the Russian Federation, Closed Criminal and Administrative Cases against Persons Subjected to Political Repression, as well as Filter and Verification Cases". These rules limit the people who can be provided with the access to the cases of rehabilitated people by rehabilitated persons and their relatives, others persons can access to those cases only after 75 years from the date of their creation. But even after 75 years the FSB often does not give access to these cases on the basis of national security or the right to privacy.¹ Thus, the criteria for access to public archives are not the same, those kept by the

¹ Archival secrecy, 24.09.2018, Constitutional Court of the Russian Federation reprinting Legal Information Agency. URL.: <http://www.ksrf.ru/ru/Press-srv/Smi/Pages/ViewItem.aspx?ParamId=6070>.

FSB are governed by special rules.

The conditions for users in archives are different: some of them provide remote access to archives' documents, publish full necessary information on the web-site, provide access to persons with disabilities, while others do not provide such opportunities.² These differences are confusing for users of archives, and limit the right to access to archives.

- **We recommend that Russia should equate the conditions of access to public archives with those of the FSB;**
- **All public archives should provide the same opportunities for users, in particular, Russia should intensify the work on digitisation of archives.**

Administration of justice & fair trial

Guarantees of the right to fair trial are not always observed. Defendants in criminal cases are often held in metal cages, which violates human dignity; the judges might disregard the physical conditions of the defendant preventing him/her to fully participate in a court hearing, allegations of defendants or witnesses that they were forced to give testimonies are also often disregarded.³

- **Russia should implement all guarantees of the right to a fair trial, in particular the abolition of metal cages in courtrooms, judges should not violate a defendant's right to participate in a trial and check defendants' and witnesses' claims that their testimony was given under pressure.**

List of recommendations:

- **equate the conditions of access to public archives with those of the Federal Security Service;**
- **ensure that all public archives should provide the same opportunities for users, in particular, Russia should intensify the work on digitisation of archives;**
- **implement all guarantees of the right to a fair trial, in particular the abolition of metal cages in courtrooms, judges should not violate a defendant's right to participate in a trial and check defendants' and witnesses' claims that their testimony was given under pressure.**

² Access to Archives: the Users' Perspective, Report, Citizens' Watch, 2022. URL.: <https://citwatch.org/otkrytost-arhivov-vzglyad-polzovatelya/>.

³ Trial Monitoring Report 2018-2021, Citizens/ Watch, 2023. URL.: <https://courtmonitoring.org/ru/projects/otchet-y-o-monitoringe/otchet-po-monitoringu-ugolovnyh-del-za-2018-2021-gody/>.