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Interview with Russian Human Rights Lawyer Marina Agaltsova

During our Venice School for Human Rights Defenders, the Press Office of the Global Campus of Human Rights had the opportunity to ask the Russian human rights lawyer Marina Agaltsova, about access to information in Russia and her work.

You worked at Human Rights Center “Memorial” until its liquidation. What are you doing now as Russian human rights lawyer?

After the liquidation, people who formed “Memorial” decided not to give up. This is not the first time when the state authorities decided to make our life difficult (although it was the toughest blow which Memorial as an organisation sustained). The people decided to rebuild “Memorial”. I am working on giving “Memorial” the second birth.

You won in the Russian Supreme Court a major case which helped the relatives of the victims of Soviet repressions to get access to the files of a criminal case against their relatives. First of all, congratulations. Could you tell us more about this experience?

In this case Mr. Shakhmet, a grandson of a person who was shot during Stalin’s repressions in 1933 wanted to get access to a criminal file of his grandfather. He could not believe that the grandfather was guilty of theft. The grandfather was executed for allegedly stealing bricks and nails from a state-owned construction site. The grandson (who is not around 70 himself) filed requests to archives to see the documents but the access was refused because the archives misinterpreted the law. According to their strange interpretation, the case file could never be accessed.

I did not expect that we would win in the Supreme Court because it was not the first case with similar facts which reached the court. For reasons unknown to me, the court decided to accept the case for an oral hearing which means that the court saw that there was a problem with interpretation of legal norms. During the hearing, our opponents accepted that the lower courts were wrong in refusing the access. It was an unexpected twist.

We thought that after this victory the archives would become more open. However, time proved us wrong. The archives are still refusing access to criminal files although the files are more than 85 years old. We brought several cases to the Supreme court hoping it would strike down this outrageous twisting of law as it did in the Shakhmet's case, but to no avail. We submitted complaints to the Russian Constitutional Court. Now we are waiting for the Constitutional Court decision.

How do you help people who suffered gross abuses from state actors?

Human rights center "Memorial" was established to help victims of wars in the Chechen region. We helped victims of indiscriminate carpet shelling of villages by the federal forces^[1]. We also helped relatives of those killed in the bombing of a crowd who tried to evacuate from a village^[2]. When litigation of war cases finished, we focused on torture and disappearance cases, freedom of speech and of assembly. "Memorial" used to help by providing direct legal help and by making the case public.

After the liquidation we need time to recollect ourselves before starting to help again.

During our Venice School for Human Rights Defenders, you talked about access to information in Russia. Could you tell us more, also for our readers?

I work on access to information to archives on Soviet repressions. When I started working on these cases, I did not quite understand the importance of this work for nowadays' Russia. The more I worked, the better I understood that my cases were not only about old papers. Primarily, they are about Russian policy towards painful and difficult past. During the Soviet times hundreds of thousands were killed and millions were prosecuted as a part of a state organised terror. This Soviet legacy still haunts the Russian state.

Although Russian authorities do not deny that the repressions happened, a simple admission is not enough. It is not enough because the admission (as any proclamation which is not backed up by the actions) does not prevent the repressions from happening in the future. "Memorial" on the other hand wants to prevent the repressions from happening. Therefore, we want the authorities to back the admission of repressions by actions. We want first of all to get access to truth in historical archives.

What we see is that Russian authorities try to hide the truth by all possible means. They refuse access to archives because the people who were implicated in repressions did not give permission to transfer personal data to the third parties. Or because the names of these people are apparently a state secret. Or because they twist the law to forever ban the access to archival files.

We are challenging this ridiculousness in courts.

When the state does not accept the mistakes and tries to hide them, the same mistakes are sure to happen. We see the repressiveness of the current Russian regime, when people are fined for saying "No to War" or when people are going to prison for saying that Russian troops killed peaceful citizens of Ukraine.

Do you consider yourself a Human Rights Defender? How could the international community support your efforts?

I was puzzled by this question. I sympathise with people's pain as a result of gross abuses by the state. I feel

the pain as my own. This gives me strength to act. But does this make me a human rights defender?

I googled “human rights defender”. Google told me that “human rights defender” is a term used to describe people who, individually or with others, act to promote or protect human rights in a peaceful manner”. In this respect, I am a human rights defender as I defend human rights in courts, by peaceful means.

The international community can do many things in fact. First, it can show solidarity. Many Russian human rights defenders left Russia to continue their work, especially those people who worked on war related topics. Russian human rights defenders in majority do not want to spend years in prison for their activities but now this probability is skyrocketing. Therefore, for many of them, the only option is to leave Russia. At least, temporally. By helping these people, the international community helps each and every Russian human rights defender because the defenders know that if something happens to them, there will be people who would help them. It gives strength to fight further.

Second, the community can help those who continue work in Russia by providing intellectual and other resources.

Third, the community can (and is already doing this) help Ukrainians who fled their home country as a result of Russian military operation (as I am staying in Russia, I am required by law to call what is happening in Ukraine as an “operation”). Many Russian human rights defenders felt useless because they were not able to stop the “operation” from happening. When we saw how warmly the international community was accommodating refugees, it made our lives brighter.

Could you give a message for our network of students, professors, experts and readers of the GC Human Rights Magazine?

By nature, I am a lonely warrior. The events of the past two years completely changed this. I understood: in tough times it is vital to stay together. Together we feel the shoulders of each other. We know if we fail, we will be supported; if we fall, we will be lifted; if we die, we will be missed. This togetherness gives us strength and courage.

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