

Restricting access to Soviet-era repression archives violated freedom of expression rights

In today's **Chamber judgment**¹ in the case of [Suprun and Others v. Russia](#) (application no. 58029/12) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned access to archival information regarding Soviet political repression.

The Court found in particular that the restrictions on access to and copying of archival material had not met a "pressing social need" (such as protecting the privacy rights of the individuals involved) and the Russian authorities had not provided "relevant and sufficient reasons" for their decisions.

Principal facts

The applicants are five Russian nationals who focus on researching the history of Soviet political repression, one Swiss national who is the great-niece of Raoul Wallenberg, a Swedish diplomat who saved the lives of tens of thousands of Hungarian Jews at the end of the Second World War and disappeared in Soviet custody, and International Memorial, a Moscow-based non-governmental organisation which was awarded the Nobel Peace Prize for its effort to document human rights violations.

The applicants tried to access archive information about Soviet repression, including ethnic deportations and executions carried out on the orders of extrajudicial bodies in the 1930s and 1940s. Ms Dupuy sought to access information about the fate of Mr Wallenberg. In all cases, access was either denied altogether or information provided was incomplete, or applicants were prevented from making copies of the original documents. One of the applicants, Mr Suprun, was found guilty of unlawfully collecting "personal and family secrets" of victims of ethnic repression for his archival work on, in particular, forced resettlement of German-Russians.

Complaints, procedure and composition of the Court

Relying on Article 10 (freedom of expression), the applicants complained that restrictions on their access to archival information on Soviet political repression had breached their right to receive information. The applicants also relied on Articles 7 (no punishment without law), 8 (right to respect for private and family life) and 14 (prohibition of discrimination).

The applications were lodged with the European Court of Human Rights between 16 August 2012 and 28 April 2022.

The International Federation for Human Rights (FIDH) and ARTICLE 19 were given leave to make submissions as third parties.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Judgment was given by a Chamber of seven judges, composed as follows:

Georgios A. Serghides (Cyprus), *President*,
Jolien Schukking (the Netherlands),
Darian Pavli (Albania),
Peeter Roosma (Estonia),
Ioannis Ktistakis (Greece),
Andreas Zünd (Switzerland),
Oddný Mjöll Arnardóttir (Iceland),

and also Milan Blaško, *Section Registrar*.

Decision of the Court

Article 10

The Court held that the refusal to allow the applicants access to archival information about Soviet repression, or denying them the right to make copies or take photos of such archival information, had amounted to an interference to their right to receive information provided by Article 10. It reiterated that seeking historical truth was an integral part of freedom of expression. In these matters the high level of protection guaranteed to political speech should also be guaranteed to researchers.

Given that the archival requests had been about officials' activities in the 1930s and 1940s, it was reasonable to assume that the people in question had died, implying no infringement of their privacy under Article 8 (right to respect for private and family life) of the Convention. Similarly, any feelings on the part of their descendants must have been minimal indeed, given the passage of time. The Russian courts, in any case, had made no genuine attempt to assess the applicability of Article 8 in these cases, looking only at whether the decisions had met the requirements of Russian law.

Noting that the authorities had not provided any alternative to making copies of archival material which was otherwise accessible and available, the Court found that the restrictions on copying material too had not been "necessary in a democratic society".

There had therefore been a violation of Article 10 in respect of all applicants.

Other articles

Given its findings under Article 10, the Court held that it did not need to give a separate ruling on the admissibility or merits of the remaining complaints brought in particular under Articles 7, 8 and 14 of the Convention.

Just satisfaction (Article 41)

The Court held that Russia was to pay Mr Suprun, Mr Prudovskiy, and International Memorial the amount of EUR 7,500 each in respect of non-pecuniary damage.

Separate opinion

Judge Serghides expressed a partly dissenting opinion, which is attached to the judgment.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive

the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Neil Connolly (tel.: + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Jane Swift (tel.: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.