Dear Colleagues, Ladies and Gentleman,

On behalf of the Chairman of the Supreme Court of the Russian Federation, Dr. Lebedev V.M., let me wish success to all of you and thank you for the opportunity to visit your country and speak about the Russian system of justice today.

We expect, and moreover we are certain, that the proposed form of cooperation will enable us to learn more about judicial systems in all of our countries, study and understand their functions, and make a valuable contribution to the development of interstate relations.

Today I will speak about the judicial system in Russia in its current shape.

Prior to going into the subject of my presentation, I must say a few words about the structure of the state powers.

The state powers in Russia are exercised by the independent branches divided into legislative, executive and judicial: head of state is the President of Russia; the representative and legislative body of Russia is a bicameral Federal Assembly (Parliament) of Russia (the Federation Council and the State Duma); the Government of Russia has the executive power, and the judicial power is vested with the courts of Russia.

The state power in the constituent entities (republics, krays (provinces), regions, autonomous districts, the cities of the federal status – Moscow and St. Petersburg, autonomous regions, autonomous districts) is exercised by appointed authorities.

In cities, rural settlements and in other territories citizens have local self-governance exercised via elected and other bodies. Local self-governance bodies are not part of the system of the government bodies.

It has to be mentioned that lately the role of courts in the public life has been revised profoundly; a lot of effort has been made to recognize courts as an independent branch of power. In the area of justice, special attention is given to implementation of the principles of the rule of law, in particular, independence of judges, access to justice and right to timely fair trial.
One of the key tasks of the Russian justice is not only to recognize and respect human rights, but to ensure their protection, and in case of violation – to pay material damages and compensate moral damage in full.

Justice in Russia is administered only in court as stated in the Constitution of the Russian Federation.

The judicial system of Russia is established by the Constitution and the Federal Constitutional Law. Extraordinary courts are prohibited.

The Federal Constitutional Law on Judicial System of the Russian Federation was adopted in late 1996 and enacted on the 1st of January 1997. Along with the Constitution of Russia, the Law is the basis of legal regulation, organization and activity of all judicial bodies in the country. All other federal constitutional and federal laws in the area of judicial organization comply with this Federal Constitutional Law.

Judicial system in Russia is a combination of judicial bodies that exercise functions of the judiciary and share the same tasks and methods of work.

It must be mentioned that with the approval of a number of important legal acts that define the structure of the judicial system, the status of judges and judicial procedures, the status of the judicial system as an independent branch of power was strengthened by means of reforming the system of funding of courts, establishing and developing judicial self-governance bodies.

The judicial power in Russia is exercised by the Constitutional Court of Russia, general jurisdiction courts and arbitration courts by means of constitutional, civil, administrative and criminal judicial proceedings.

Courts, in turn, are divided into federal courts and courts of the constituent entities of Russia.

Federal courts exercise judicial power on behalf of the Russian Federation, funding is allocated from the federal budget only, judges are appointed solely by the state authorities.

**Federal courts include:**

- the Constitutional Court of Russia, which is a judicial body that has constitutional control and exercises judicial power by means of constitutional judicial procedure;
- the Supreme Court of the Russian Federation, which is the supreme judicial body for civil, criminal and administrative cases falling under general jurisdiction, including martial courts;
- supreme courts of republics, provinces and regional courts, Moscow and Saint-Petersburg city courts, courts of autonomous regions and courts of autonomous districts (hereinafter – regional and peer courts), which try cases as courts of first and second instances within the framework of their supervisory powers and on the newly established circumstances of cases; they are next higher authority to district courts;
- district courts that prosecute cases within their jurisdiction as courts of first and second instances, and exercise other powers as stipulated by the Federal Constitutional Law, they are next higher authority to justices of the peace;
military courts that exercise judicial power in the armed forces, and in those bodies and entities where the federal law provides for the military service;

- a system of arbitration courts for economic disputes and other cases assigned to their competence, which consists of the Supreme Arbitration Court of Russia, federal district courts of arbitration, arbitration courts of appeal and arbitration courts of the RF constituent entities.

Constitutional courts of the RF constituent entities and justices of peace, who are judges of general jurisdiction, are classified as courts of the RF constituent entities.

In addition to the courts within the judicial system of Russia, there are arbitral tribunals to adjudicate disputes arising from the civil law. Arbitral tribunals are not public authorities and they do not administer justice. Some of them are established by non-state actors - chambers of commerce, stock exchanges, other legal entities and their associations; they function for them or are created by the parties to address some civil dispute and are composed of individuals agreed by the parties and appointed in the prescribed manner.

Profile of federal courts and their powers.

**Constitutional Court of Russia** consists of 19 judges, who act on the principles of independence, collegiality, transparency, competitiveness and equality of the parties and consider exclusively matters of law. The powers, procedures of formation and activities of the Constitutional Court of Russia are determined by the RF Constitution and the Federal Constitutional Law on the Constitutional Court of Russia.

The Constitutional Court considers cases on constitutionality of the RF federal laws, regulations, legal acts of the President, the Government, the Federal Assembly, constitutions, statutes and laws of the constituent entities of the Federation, agreements between state authorities and non-effective international treaties, provides an interpretation of the Constitution of Russia, considers claims about violations of constitutional rights and freedoms of citizens and, subject to the requests from courts, reviews the constitutionality of a law that has been applied or shall be applied, performs other functions as provided by the Federal Constitutional Law.

**Arbitral tribunals** in Russia adjudicate disputes in order to protect violated or contested rights and legitimate interests of enterprises, institutions, organizations and individuals in business and other economic activity, promote the rule of law and prevent crimes in this area of operation.

Powers, procedures of formation and activity of arbitral tribunals are determined by the RF Constitution and the Federal Constitutional Law on arbitral tribunals in Russia and other federal constitutional laws.
Let me provide more details about the system of courts of general jurisdiction that we represent.

The structure of courts of general jurisdiction, except military courts, is subject to administrative-territorial and instance principles. Cases within the competence of courts of general jurisdiction may be resolved in three instances: first, second (appellate and (or) the cassation) and third (supervisory). Moreover, to assess the legality of a judicial act passed by a court of the first instance court act in exercise of the supervisory powers, it is not necessary to turn to the second court instance.

If we divide courts into elements, then the system of courts of general jurisdiction shall consist of four elements, which may be comprised of one instance, but can also combine several instances.

The first level – justices of peace - judges of first instance who carry out their activities within the judicial districts established by the laws of the RF subjects.

Judicial districts are formed based where the number of residents is from 15 to 23 thousand people. In the administrative-territorial entities with a population of less than 15 thousand people there is only one judicial district. Such districts are created mainly in sparsely populated but vast administrative areas to ensure citizens' access to justice.

According to the law, the jurisdiction of justices of peace includes minor criminal and civil cases, as well as cases of administrative violations. For example, this can be criminal cases with the penalty of not more than 3 years of imprisonment; civil cases related to orders, divorce and other categories of cases arising out of marriage and family relations, property disputes that do not exceed 100 thousand rubles (about 3 thousand dollars). Justices of peace administer justice on behalf of the Russian Federation; they consider all cases on their own and act only as courts of first instance.

Judicial decisions of justices of peace which entered into force, their lawful orders, requirements, assignments, calls and other appeals are binding on all, without exception, government bodies, local governments, organizations, officials, businesses and individuals.

In 2009, justices of the peace considered about 496 thousand criminal, more than 10 million civil and over 5 million administrative cases.

The second level - the district (city) courts (2400 courts) serve as the appellate court with regards to judicial acts of justices of peace.

The courts of this unit are also considering the first instance of criminal, civil and administrative cases that are more complicated. The jurisdiction of district courts includes all civil disputes that are not vested by the law in the
supreme courts of general jurisdiction of the RF constituent entities, the Supreme Court, justice of peace, system of military courts or specialized courts (in case this is regulated by the federal law) and all criminal cases that are not assigned to the jurisdiction of the above mentioned courts.

District courts are empowered to review judicial acts in civil and administrative cases if new circumstances arise, provided there are grounds in the Civil Procedure Code, they can also revise decisions and judgments of justices of peace with regards to criminal cases.

This element includes also garrison military courts (119 courts) that consider civil cases referred to them by law, and criminal cases within the jurisdiction of justices of peace and district courts (crimes committed by soldiers and citizens performing military duties).

In 2009 this element tried about 613 thousand criminal, more than 3 million civil and about 261 thousand administrative cases as courts of first instance.

**Third level - regional and like courts (83 courts).** They are not courts of appeal, but act as courts of first, second and supervisory instances. The courts of this element have the right to reopen cases if there are newly discovered circumstances.

As the court of first instance, regional and like courts hear civil consider civil cases related to the rights and lawful interests of citizens and organizations, such as the invalidation of regulatory legal acts of the RF constituent entities affecting the rights and lawful interests of citizens and organizations, cases involving state secrets, related to the activities of political parties, public associations, religious organizations, the exercise of voting rights, etc.

These courts have jurisdiction over a number of felonies as set forth in the law, such as aggravated murder, acts of terrorism, banditry, abuse of public office by officials, etc., criminal cases if there is information involved that constitutes state secrets, and a number of other cases assigned by law to their competence.

The competence of regional and like courts is not exhaustive and may be changed by the federal law.

This element includes district (naval) military courts (12 courts), that are also courts of first, second and supervisory instances, and also try cases is there are newly discovered circumstances. These courts are superior to the garrison military courts.

In 2009, the regional and like courts considered over 3519 criminal and over 6244 civil cases as courts of first instance. As the court of second instance, they considered more than 294 thousand and 252 thousand civil cases.

**Fourth, the highest level - the Supreme Court of the Russian Federation**, staffing level is determined by the federal law and lately has consistently
remained on the level of 125 justices, including the President of the Supreme Court and his deputies.

Altogether, courts of general jurisdiction have about 29 thousand judges, about 6 thousand judges of the first element, 18.5 thousand – of the second element, 4.5 thousand - of the third element.

All courts of general jurisdiction may exercise one or more functions in the area of administration of justice - as courts of first, appellate, cassation, supervisory instances and try cases on new or newly discovered circumstances.

As courts of first instance, they hear criminal and civil cases of courts of all the elements.

The division of competence between courts of general jurisdiction is based on the territorial principal and category of cases.

Procedural law and a number of federal laws define the competence of each court.

Thus, cases of administrative violations are considered by justices of peace and district courts, and cases of administrative violations if suspects are the military and citizens in military training are considered by the judges of garrison military courts.

For appeals, only the judges of district courts can consider appeals against decisions of justices of peace of on civil and criminal cases.

Within the powers granted by the law, judicial acts that haven’t been put into effect passed in the first instance by district and garrison military courts may be appealed in cassation by regional and like courts and district (naval) military tribunals; decisions passed by regional and like courts and district (naval) military courts - by the Supreme Court of Russia; decisions passed by Judicial Chambers on criminal and civil cases and the Military Chamber of the Supreme Court – by the Cassation Chamber of the Supreme Court of Russia.

I’ll speak a little bit more about the structure and authorities of the Supreme Court, which I represent.

The Supreme Court of Russia, as I said earlier, is the highest judicial body for civil, criminal, administrative and other cases, courts of general jurisdiction; in line with the federal law, it exercises judicial oversight of the courts of general jurisdiction, including military and specialized federal courts. Within its competence, the RF Supreme Court gives explanations on judicial practice, tries cases as a court of second instance or within its supervision functions and if there are new and newly discovered circumstances, and in the cases stipulated by the federal law also acts as a court of first instance.

The Supreme Court consists of the Plenum of the Supreme Court of Russia, Presidium of the Supreme Court, the Cassation Chamber of the Supreme Court,
Judicial Chamber for Civil Cases, Judicial Chamber for Criminal Cases, the Military Chamber of the Supreme Court.

Plenum of the Supreme Court meets at least four times a year; it includes all the judges of the Supreme Court and is empowered to make decisions in the presence of at least two thirds of its members. Plenum can submit draft laws to the Parliament, give explanations to courts on issues of judicial practice, perform any other powers conferred by federal law with regards to the matters related to the courts of general jurisdiction and improvement of substantive and procedural laws. The Constitution gives the Supreme Court of Russia the right to give explanations on judicial practice to the courts of general jurisdiction. Given that the judicial precedent in the legal system of Russia is not recognized as a source of law, explanations of the Plenum of the Supreme Court on the application of law are binding on judges, serve as a guide for the proper and uniform application of laws.

The Presidium of the Supreme Court consists of thirteen judges, including members of the Supreme Court and their deputies who are members of the Presidium; it is the ultimate final supervisory judicial authority that performs examination and review of judicial decisions that came into legal force as stipulated in the law. Decisions of the Presidium may be reviewed only by the Presidium in view of new or newly discovered circumstances.

An Appeal panel of the Supreme Court examines decisions made by the Judicial Chambers on civil and criminal cases and the Military Chamber of the Supreme Court as a court of first instance. It consists of 12 judges and the chairman.

Judicial Chambers on civil and criminal cases, the Military Chamber of the Supreme Court of Russia are next higher courts to the courts of the RF constituent entities and military courts; they examine court acts that have not entered into force as a matter of cassation (in law and fact) and those that have entered into force – as a matter of supervision. As regards certain categories of persons who have additional procedural safeguards - judges, members of parliament - at their request, the judicial panels try criminal cases in the first instance. As the court of first instance, the Judicial Chamber on Civil Cases of the Supreme Court consider civil cases, for example, related to challenging legal acts of the President of RF, the Federal Assembly chambers, legislative acts of the Government, to suspending of the activities of political parties, resolving disputes between the federal authorities and state authorities of the constituent entities, as well as a number of other cases assigned by the law to the jurisdiction of the Supreme Court.

Moreover, the Supreme Court of Russia actively uses the right of legislative initiative on issues relating to the activities of courts of general jurisdiction and on
the substantive and procedural legislation, and participates in the discussion of draft laws. The Supreme Court of Russia has the right of legislative initiative, and therefore actively participates in developing and improving the legal framework of the judiciary, administration of justice and the status of judges.

At the initiative of the Supreme Court, a number of laws were adopted relating to military courts, the status of judges, courts, financing of their activities, formation of other judicial bodies. With the active participation of the Supreme Court, new Civil, Criminal, Criminal Procedure and Civil Procedure Codes were developed.

Over the last 5 years alone, the Supreme Court, using its right of legislative initiative, introduced to the Parliament more than thirty draft laws. Much of the work of the Supreme Court is related to the preparation of opinions on draft laws introduced to the Parliament by other authorized bodies aimed at improving the current legislation.

The Supreme Court of Russia examined the feasibility of appeal proceedings in all civil and criminal cases. It drafted the proposals that involve conversion of the existing courts of cassation for civil and criminal cases into the appellate courts. It is proposed that only the Supreme Court of Russia shall perform supervisory review. Introduction of appeal proceedings, as compared to the current cassation proceedings, will enable to investigate in the court of second instance the circumstances relevant to the case, prevent return of cases for new trial after the abolition of court orders by higher authorities, which should improve the quality and comprehensiveness of the trial and reduce the time of trial.

Significant work carried out by the Supreme Court within the framework of its right to the legislative initiative is aimed at addressing one of the important issues of court proceedings – examination of cases and execution of judicial decisions in a reasonable time. The Supreme Court submitted a draft federal law on state compensation for damages caused by violation of the right to trial within a reasonable time, and right to execute judicial that entered into force in a reasonable time.

The Supreme Court of Russia is one of the initiators of the federal target program "Development of the judicial system of Russia" for 2007-2011. The program aims at improving the quality of justice, the level of judicial protection of rights and lawful interests of citizens and organizations.

In order to improve the professionalism of judges, the Supreme Court of Russia initiated the creation of the Russian Academy of Justice and became its founder. The Academy and its ten subsidiaries in different regions of the country provide training for judges and court personnel. The Academy also provides higher
and secondary professional legal education, conducts basic and applied scientific research with regards to the operation of the judicial system and scientific support for law enforcement and law making.

The Supreme Court believes that among the fundamental principles of legal proceedings that contribute to improving the organization and activities of the entire judicial system there are transparency, broad contacts with the media. Such an approach is a way to achieve openness of justice, disseminate information about the decisions made by various courts among the citizens and the general public. The Supreme Court, provincial and like courts, as well as the majority of district courts have their own web sites that contain information about pending court cases, heads of courts and judges, court schedules, access of citizens and other information. This work is being constantly improved based on the Federal Law "On ensuring access to information about the activities of the courts in Russia" that was adopted December 22, 2008, on the initiative of the Supreme Court of Russia in order to develop and specify the provisions of the Constitution and federal legislation related to openness and transparency of judicial work, information accessibility of judicial acts, the right of citizens to access information, principles of cooperation between courts and the media.

In addition, the Supreme Court developed, approved and implemented its own concept of providing the information about the Supreme Court in order to improve the procedure and access to justice, ensure a high level of openness of the court for the people and organizations, improve the performance of judges and court employees, ensure the unity of the judicial system.

Let me say a few words about the bodies of the judicial community that represent judges of federal courts of all types and levels and judges of courts of the constituent entities of Russia.

In Russia there are judicial bodies as follows: the All-Russian Congress of Judges, conferences of judges of the constituent entities of Russia; Judicial Council of Russia; Councils of Judges of the constituent entities of Russia; general assemblies of judges of courts; the Supreme Qualification Board of Judges of Russia; qualification boards of judges of the constituent entities of Russia.

Activities of the judicial bodies are governed by the Federal Law "On judicial bodies in Russia", and acts (regulations), adopted by those bodies.

The bodies of the judicial community in Russia, by their nature and in accordance with the Federal Law, first of all, bring together judges based on their professional interests, serve the interests of justice, accumulate the experience of administration of justice, express interests of judges as holders of the judicial power.
Performing their basic tasks, the bodies of judicial community contribute to the improvement of the judicial system and legal proceedings and defend the rights and legitimate interests of judges; take part in organization, staffing and provision of resources for the judicial work, affirm the authority of the judiciary, ensure that judges comply with the requirements of the Code of Judicial Ethics.

In conclusion, let me focus on the funding and activities of the courts.

The activities of the highest courts in the Russian Federation are exercised by the personnel of these courts, funding and activities of other courts of general jurisdiction and judicial bodies of the judges’ community are supported and carried out by the Judicial Department under the Supreme Court of Russia.

In accordance with the law "On the Judicial System of Russia", representatives of the Supreme Court, Judicial Department under the Supreme Court of Russia and the Council of Judges of Russia participate in the preparation of the draft annual federal budget by the Government of Russia and related discussions in the Parliament, as it relates to the courts.

Courts are financed on the basis of the standards introduced by the federal law to ensure full and independent administration of justice in accordance with the federal law, and is allocated from the federal budget.

The amount of the budget to be allocated in the current year and the next fiscal year may be reduced only with the consent of the All-Russian Congress or the Council of Judges of Russia.

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