

Supreme Court of Russia

*Some points of the Russian National Report by Dmitry Maleshin
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2014 is the year of 150 anniversary of the Judicial Reform in Russia. It was the time of the tsar Alexander II, called in the Russian history as the time of the “Great reforms”. Russian judicial system was highly improved during that time. All main procedural principles were established, as well as new judiciary were founded including courts, judges and attorneys. We can say that the roots of the contemporary civil procedure were occurred during that time. Civil procedural code was adopted in 1864 and it was into effect until 1918. Moreover it’s influence was very high on different Soviet procedural legislation and doctrine.

At nowadays our civil judiciary is composed by the courts of general jurisdiction, military courts, commercial courts and the Intellectual property court. The Supreme Court is the highest court for all of these courts. It was founded in 1923 as the Supreme Court of the USSR and in 1992 it starts to function as the court of the Russian Federation.

Last year the big reform was announced and in February the legislation was approved. It is about the unification of the Supreme court and the Supreme commercial court.

Until 2013 there had been two parallel court systems: courts of general jurisdiction and arbitrazh (commercial) courts. Arbitrazh (commercial) courts were charged with settling economic disputes, while courts of general jurisdiction handle disputes between individual citizens. The Arbitrazh (commercial) courts system was founded in 1991 after the collapse of the Soviet Union and the adoption of a market economy. According to the 2013 reform the Supreme Court and Supreme Arbitrazh (Commercial) Court should be united in 2014. The Constitution has been changed in February 2014 for the second time since its adoption, because it regulates the structure of the judicial system. The Supreme Arbitrazh (Commercial) Court will be abolished and its functions transferred to the Supreme Court. This reform idea has proved highly controversial. With advantages and disadvantages, it is hotly debated amongst lawyers and members of the judicial community, attracting criticism from some. More than 100 law offices signed a

petition to stop the reform's progress, arguing that the work of the Supreme Arbitrazh (Commercial) court has been most effective. On the other hand, authors of the reform assert the need to eliminate differences and contradictions in the judicial practice of both supreme courts.

Supreme court status is regulated by special Federal Constitutional laws "On the Supreme court of the Russian Federation" of February 5, 2014 (№3-ФКЗ), «On Judicial System of the Russian Federation» of December 31, 1996 (1-ФКЗ), Civil Procedural Code of 2003, Regulations of the Supreme Court, approved by the Plenum of the Supreme court (June 28, 2011, No.11).

The Supreme Court is consisted of 170 judges, including the Chief Justice, chairmen of eight chambers. There are several chambers: Appeal chamber, Judicial chamber on penal cases, Judicial chamber on civil cases, Judicial chamber on economic cases, Judicial chamber on administrative cases, Military chamber, Disciplinary chamber. Except chambers there different structures inside the Supreme Court: the Plenum and the Presidium and also Scientific and Consulting Council.

The Chief Justice is nominated by the President of Russia and appointed by the Federal Council of the Federal Assembly of the Russian Federation for a 6 year term.

Other Supreme Court judges are also nominated by the President of Russia and appointed by the Federation Council. In order to become a judge, a person must be a citizen of Russia, be at least 35 years old, have a legal education, and have at least 10 years of service.

Highest Qualification Panel of judges is a nongovernmental organization of the Russian judiciary that plays a key role in the appointment, promotion and dismissal of judges.

Plenum of the Supreme Court consists of all judges of the Supreme Court. The Plenum deals with the most complicated matters regarding general jurisdiction courts' functioning and justice administration. The Plenum views information on practice application studying and generalizing, clarifies it, views and decides legal initiative introduction matters as well as the requests to the Constitutional Court of the Russian Federation regarding constitutional laws and other legal acts verification. The Plenum of the Supreme Court approves the composition of the judicial chambers, panels and the secretary of the Plenum, approves the composition of the Scientific and Consulting Council under the Supreme Court of the Russian Federation. The Prosecutor General and the Minister of Justice can participate in the Plenum sessions. They or their substitutes have the right to make

correspondent introductions to be heard during the Plenum session. They have the right to express their opinion on the matters in discussion. Plenum sessions should be organized no less than once per four month.

The Presidium of the Supreme Court is the highest and the last judicial instance for cases viewed under the general jurisdiction. The Presidium consists of the Chief Justice and his deputies. Among the members of the Presidium of the Supreme Court are some of the most respected judges of the Supreme Court. The total number of Presidium members is 13. The composition of the Presidium is approved upon the introduction of the President of the Russian Federation based on the presentation of the Chief Justice and a positive resolution of the Highest Qualification Panel of judges. The Presidium of the Supreme Court views cases when the majority of its members are present. The Supreme Court has original jurisdiction in certain cases. Those include: challenging of individual acts of the Federal Assembly and decrees of the President of Russia and the Government of Russia; challenging of delegated legislation of governmental agencies; termination of political parties and all-Russian NGOs; challenging of actions of Central Electoral Commission of Russia when organizing presidential elections, State Duma elections or referendum. The Supreme Court may also hear criminal cases against members of the Federation Council of Russia and the State Duma and federal judges by their discretion. Presidium sessions should be organized no less than once per month.

The Academic Consultative Council is a body created in order to assist the Supreme Court in various legal and academic matters. It comprises members of the Supreme Court itself, academics, practicing lawyers, and law enforcement officers. Its composition is approved by the Plenum. It is presides by the Chief Justice. The Scientific and Consulting Council elaborates scientifically based recommendations on the most complex and important issues of the judicial practice. These recommendations may be elaborated as the preparation for the Plenum clarifications on the judicial practice issues, law projects and other legal acts preparations, specific case trials.

There are also big number of clerks that includes judicial practice analyzing and generalizing agency, legislation agency, personnel and state service agency, administrative department, planning and financing agency, economic agency, international law department, law information department and other agencies.

“The Bulletin of the Supreme Court of the Russian Federation ”is the official journal of the Supreme court that publishes the most important Presidium decisions.

2014 reform of the Russian Supreme court strengthened its powers and competence. Organisational structure has been changed and it became the higher justice authority not only in civil, but also in economic cases.