

Access to judicial acts of general jurisdiction

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July 1, 2011 will mark the one-year anniversary of the passing of the Federal Law "On provision of access to information about activities of courts in the Russian Federation." The most important provision of this Law is the requirement that court rulings be placed online. The Institute for the Rule of Law has monitored implementation of this legal norm.

During the period from May 7 to May 12 2011 we studied 100 randomly selected web sites of Russian district courts. On each website we analyzed the presence of court rulings upon their arrival in the courts of first instance in the administrative, criminal and civil procedural orders. We also monitored the regularity of updates on these websites and worked out a number of recommendations suitable for solving the problems.

As a result of the study we have established that the courts exhibit a willingness to fulfill the requirements of the law and to place judicial acts on the court website. However, the Regulations that contain detailed descriptions of the step-by-step actions and the regime of responsibility that is active during the placement of court rulings online acts as a barrier. The Regulations were developed by the Main Administration of the organizational and legal provision of the Central Apparatus of the Judicial Department and were approved by the Presidium of the Judicial Council. The currently operational Regulations create the conditions under which disproportionately large amounts of effort and time are necessary for the placement of judicial acts on the court websites. They establish an extremely complicated procedure of coordination for every court ruling before uploading it online. Contrary to the provisions of the federal law "On personal data", the courts are obliged to carry out the procedure of depersonalization, which sharply increases the expenditures for the placement of court rulings online. The procedure also strips the very action of open disclosure of its meaning and sharply decreases the relevance of these websites in society. In spite of the fact that formally the Regulations have the status of a recommendation; it is easier for the courts to ignore the provisions of the law on the placement of court rulings than to violate the departmental Regulations. In 20 percent of the studied cases court rulings were not uploaded in a timely manner, or were not uploaded at all.

Certain organizational (the provisions of the Regulations) and technical problems (lack of software and hardware) stand in the way of the realization of transparency and openness of justice in Russia. The Central Apparatus of the Judicial Department bears responsibility for the organizational and technical provisions of the courts of general jurisdiction. Achieving transparency of the justice system in Russia is impossible without the introduction of changes to the functionality of the Central apparatus of the judicial department.