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Russian Federation: ICJ observes an appeal hearing at the St. Petersburg City Court

On April 21, The International Commission of Jurists (ICJ) observed an appeal hearing at the cassation instance of St. Petersburg City Court. ICJ Commissioner Gulnora Ishankhanova and Russian lawyer Maxim Timofeyev acted as the ICJ observers.

The ICJ undertook the observation after it had received credible information about possible inadequacies in the first-instance proceedings in the case.

The charges included murder, rape and robbery. The trial and appeal hearings were conducted in a closed court session. The defence's motion requesting a public hearing and the observers' request to be present at the hearing were rejected. The observers were therefore not allowed to be present in the court room.

Significantly, the prosecution maintained that one of the defendants had engaged in murder and that two others had engaged in abetting and aiding in the murder, individually and without prior agreement among themselves. The allegations were made despite the fact that all the three defendants were effectively being charged with murdering one and the same person at one and the same time. The limitation of the charges in this way meant that the defendants were not eligible for trial by jury.

The defence in the case maintained that the investigation had wrongly and deliberately qualified the acts as a less serious charge, as the prosecution would not have been able to prove the guilt of the defendants before a jury, given its lack of admissible and credible evidence. According to the defence, the district court held a hearing with an accusatory bias, ignoring the evidence presented by the defence. Jury trials have the highest acquittal rate among all Russian courts – around 20 percent of cases compared to one per cent in regular trials.¹

After the hearing lasting some three hours, the appeal court overturned the sentence of the trial court and forwarded the case for a new trial by

¹ The State of the Judiciary in Russia, Report of the ICJ Research Mission on Judicial Reform to the Russian Federation, November 2010, http://www.icj.org/dwn/database/Mission_Report_FINAL_ENG.pdf, p. 28.

the same district court, with a different composition. The court stated that reasons for its decision would be issued at a later date.

The observation mission will prepare a detailed report based on the information on the case received by the observers, the material presented by the parties in the course of the mission, and the Court's reasons for its decision. The ICJ will publish the report and send it to the Court and other interested parties.