



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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## COMMUNIQUE DE PRESSE – COMUNICADO DE PRENSA

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### **Russian Federation: Reforms needed to protect judicial independence** *ICJ experts call for a clear programme of action to protect the independence of judges*

Representatives of the International Commission of Jurists (ICJ), concluding a visit to the Russian Federation, today stressed that major reforms are needed to protect the independence of the Russian judiciary. Without significant progress in strengthening the independence of the courts, the public will continue to lack confidence in the Russian judicial system, and the rule of law will remain fragile. The political priority given to judicial reform by President Medvedev needs to be followed through with a clear programme of action, the ICJ concluded.

The ICJ delegation, which included ICJ Commissioners Vojin Dimitrijevic, Director of the Belgrade Centre for Human Rights and former member of the UN Human Rights Committee, and Ketil Lund, former judge of the Supreme Court of Norway, met with key actors in the judicial reform process in government, parliament and civil society, as well as with judges and former judges of the Russian courts.

The ICJ delegation heard consistent reports from a variety of sources that lack of judicial independence remains a serious problem, one that is deeply rooted in the culture of the judiciary and heavily influenced by its Soviet legacy. Lack of judicial independence is perpetuated by a legislative and administrative framework which fails to protect judges from undue influence by powerful forces. Threats to judicial independence are reported to be particularly acute in cases where powerful political, legal or economic actors have a particular interest in an outcome of a case, but pressure on judges permeates the judicial system as a whole, and can affect the courts' ability to deliver justice in a wide range of cases, including those where judges are not influenced directly.

The ICJ is particularly concerned at problems caused by the manner of recruitment and appointment of judges and of presidents of courts; the insecurity of tenure generated by the disciplinary powers and process; and the extensive powers of presidents of courts, including in relation to appointments and disciplinary processes, in the distribution of cases, and in allocation of material benefits for judges such as housing. The contribution of local authorities to the financing of some courts also leaves room for executive pressure on judges, especially in the lower courts.

The ICJ is concerned at a number of serious allegations concerning the removal from office of judges, without clear or adequate reasons, and through unsatisfactory processes. Judges who had been dismissed from their posts reported that their dismissals were linked to their

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judicial decisions running contrary to the interests of prosecutors, such as release of detainees. The ICJ is particularly concerned that Judge Kudeshkina has not been reinstated following the judgment of the European Court of Human Rights, which found that her dismissal for public comments on the independence of the judiciary violated her right to freedom of expression. The Russian authorities should now take steps to restore her to judicial office, and to address the general problems with the judicial disciplinary process highlighted by her case.

At a political level, there are signs of determination to effect change in the judicial system. A fully independent and effective judicial system is a long-term project, and can only be achieved through solutions tailored to Russian society and its political and legal systems and traditions. In this regard, the ICJ welcomes statements of President Medvedev on the priority to be given to judicial reform. The ICJ emphasises that NGOs' continued involvement in judicial reform is essential. In this regard it welcomes the work of the Presidential Human Rights Council which has played an important role in developing proposals for judicial reform. The government now needs to act on the statements of President Medvedev, and establish a structure and process, with involvement of experts and NGOs, to carry forward the process of judicial reform as a matter of priority.

The programme for reform should include a system of random allocation of cases; new processes for the appointment of presidents of courts, which allow them to be elected by judges of the relevant court; and measures to reinforce judicial security of tenure, including review of disciplinary processes and an end to the appointment of temporary judges.

The ICJ wishes to thank all of those who met with its representatives in Moscow. It is grateful for the co-operation of representatives of the State from all branches of government who met with the ICJ delegation in Moscow. A full report of the visit will be published shortly.

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