

# What Ordinary People Meet In Russian Courts? The Results Of Court Monitoring In Saint Petersburg

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# Empirical legal studies

Evidence-based policy making

Quantitative criminology

Police studies

Legal education

Administrative data

Expert interviews

## Big Data

Participant observation

Policy-oriented research

Sociology of legal profession  
Criminal statistics

Judicial decision making

# Court monitoring

## Why it is important?

- 1. People know nothing about the courts, or do not trust them :

Public Opinion Foundation, 10/08/2018 <https://fom.ru/Bezopasnost-i-pravo/14080>

Как вы в целом оцениваете деятельность российских судов и судей – положительно или отрицательно?

i Параметры опроса

ДАННЫЕ В % ОТ ОПРОШЕННЫХ

How do you assess Russian court and judiciary: positively or negatively?



# Court monitoring

Public Opinion Foundation, 10/08/2018 <https://fom.ru/Bezopasnost-i-pravo/14080>

Были ли вы когда-нибудь участником судебного разбирательства? Если да, то в каком качестве?

Параметры опроса

ДАННЫЕ В % ОТ ОПРОШЕННЫХ

Have you ever participate in the court litigation? If yes, what kind of participant you were?

Карточка, любое число ответов

		2 апреля 2006	12 августа 2007	24 июня 2012	28 июля 2013	19 февраля 2017	5 августа 2018
Свидетель	Witness	14	15	14	12	12	13
Истец	Plaintiff	4	8	10	9	7	9
Ответчик	Defendant	3	5	6	6	4	6
Подсудимый	Criminal defendant	3	3	4	4	3	6
Потерпевший	Victim	4	4	5	5	5	4
Другое (судья, обвинитель, адвокат, присяжный, работник суда и т.п.)	Other	4	1	1	2	3	2
Никогда не был(-а)	Never participated	68	66	65	67	68	65
Затрудняюсь ответить	Difficult to answer	2	1	2	1	1	1

# Наблюдение за работой судов

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## Why it is important?

2. On-going reform of jury trials on the level of the district courts means the the ordinary people will be involved in courts actively.

- The most difficult problem is to draw the jury.
- Judiciary has to recognize that the: **access to justice and courts open for citizens is a main resource**

# Monitoring of courts in Saint Petersburg

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May-June 2017 - 8 courts (13 hearings), independent guerrilla OGON project "Court from citizens' perspective",  
March-June 2018 - 23 courts (21 hearings), project that was discussed with the judiciary (L. Nikitinski's Center for legal programs, project supported by President grant program and coordinated by SPb Ombudsman's office )

Visitors –

- Students of Faculty for Comparative Political Studies, NWI RANEPa, SPb
- In 2018 three representatives of office of Ombudsman in SPb.

# Expectations

The common feeling of almost all participants is the different kind of fear (from little worries to real phobia). In the majority of cases students knew nothing about the reality of court system in Russia. Their attitudes were based on:

- the TV-shows which presented courts and judges as very effective, disciplined, and simultaneously human oriented.
- Media agenda that stresses the Russian judiciary and judgements as non-legal in many cases, especially in politically sensitive, and supportive for growing repressive policing in Russia.

This fear has focused the observers on the security and the prohibitive issues. They reported about non-correct behaviour of courts guards, non-politely way of communication with visitors of court administration and in some cases of judges themselves.

If these negative or neutral expectations meet discreditable facts, the total impression of the visit was negative. For instance, one of the female observers has been met the rude manual inspection done by male court guarder. As results her impression of the court visiting was negative in general regardless quite positive experience in the courtroom. In opposite, in some cases students discovered the court staff and judges as a very good professionals, that influenced positively on total vision of court system after the monitoring.

# Internet vs Reality

Internet resources of district courts and of justices of the peace contain all the necessary information (with rare exceptions). For example, there is always a schedule for each day, contact details of the court and judges, calculator for state duty, applications templates, etc.

However, the reality is that ..

- According to the schedule it is impossible to know whether this hearing is open or not. The staff of the courts is not motivated to answer visitors' questions, either by phone or by person in the court buildings. "Check it on the web-site." – is a common answer.
- Judges with few exceptions do not start the session on time. In 2018 only three hearings began at the time indicated in Internet-schedule, and... the representatives of the SPb Ombudsman's Office came to the court as visitors in all these three cases. Other hearings monitored by ordinary students began latter than it was scheduled.
- Courts do not always publish decisions on websites (in 2018 - 5 judgements were published among 13 that were delivered). Moreover, the cases information even disappears from the court IT-system (2 cases out of 21 in 2018).



# Internet vs Reality

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Web-sites of courts always have a version for the visually impaired users.

**However, the reality is that ...**

practically nothing has been done in courts infrastructure for this category of citizens.

Various information placed on the walls of the courts is poorly understood form for the visually impaired.

## Simulation of access for people with limited mobility

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Access of people with limited mobility is perceived by the court administrations as important, but shaped only as ramps or call buttons when entering the court

**But ...**

the doorways and stairs inside the building, narrow elevators (even if they exist and work), toilets, lack of parking and unequipped sidewalk near the court-buildings remain non-adopted for disabled access.

# reality

- *«At first glance, these are beautiful stairs, large windows and high ceilings - all that is characteristic of the architecture of the second half of the nineteenth century. On the other hand, today this building is completely not equipped for the needs of the population. I noticed only at the entrance: a ramp for the disabled visitors. Nevertheless, a young man with a crutch and a bandaged foot tried to climb the stairs in front of me. One moment, he stopped to ask the court representative who was descending on which floor would be his hearing. Learning that it was on the fourth floor, he swore and, taking a deep breath, he continued to rise. The situation is sad: there are four floors in the courthouse and not a single elevator or ramp, some of the courtrooms are also separate - in the outhouse, - where it's also hard for people with limited mobility to reach»*

# Access to the courtroom

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- Almost in each case for the judges and court staff the visit of observers was breaking up of the everyday routine. The person who came to the court hearing without obvious pragmatic aim is perceived as a "stranger" or "do-nothing". The judges are ready to meet as observers law students, considering them as future colleagues. However, they expect a special agreement with law school staff for such observations to justifying them. In all hearings visitors were forced to introduce themselves and to tell the purpose of their presence at the trial. In some cases, passports or other documents were taken and mini-interrogations were held.

# Access to the courtroom

- **In St. Petersburg, observers were not allowed to enter into the courtrooms (three cases each year):**
- *I was not allowed to sit at the hearing without explaining the reasons. I was asked several times who I was. To my answer that I was “just a visitor”, the secretary left to ask the judge’s permission for my presence on the hearing. I was never told an answer. Besides, the secretary asked me the following question: “Do you think that everyone can come and hear the case just for fun?”*
- *The judge's answer was: “In which plan to hear? How do you even imagine this? ”I explained that I was a student and I was writing a paper on the activities of the justice of peace. “You live in some kind of ideal world. It just does not happen. You need to generally coordinate your visit with the judicial department. Of course I won't let you enter”.*

# Access to the courtroom

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- **In 2017, there was a case when the judge allowed himself to even cry out**
- *We went in and sat on the benches. The judge stared at us and began to scream, asking who we are. It turned out that he didn't hear well because he shouted at our answers: "I don't hear" and ordered us to "dust out". When we stunned for a few seconds hesitated, not understanding what was happening, he shouted again and we were unable to resist him. We wanted to start arguing, the law says that we have the right and that the hearing is open, but for the first time it was scary, after all, this is a court.*

# Access to the courtroom

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- ***De jure* open, but *de facto* closed court sessions in St. Petersburg during off-hours and days off**
- Wide-scales police arrests on non-approved by SPb authorities public and political events leads the massive court proceedings without public access. For instance, it was recorded by observers in four courts on May 6, 2018.
- This is a widespread and typical practice not only for politically oriented cases, but also quite typical for judged decisions about the arrests of suspect in criminal cases. That was recorded by one observer in 2018 and confirmed by representatives of the SPb Bar.

# Why it is important?

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- Unfriendly attitudes of the judiciary and court staff to the citizens risk becoming a factor of unsuccessfulness of the jury at the district level
- Courts that do not demonstrate order, discipline, raise doubts and skepticism among citizens
- The court is not only an state body. This is a place where people resolve disputes and conflicts through appealing to the state as an arbitrator. The courts closed to the public, the non-public way of the judgement-making may be effective in the short term, but in the long term they will reduce the legitimacy of the judiciary.