1992-09

Highlights of RF Law: The Status of Judges in Russia

Boston University Center for the Study of Conflict, Ideology, and Policy

http://hdl.handle.net/2144/3484

Boston University
Highlights of RF Law: The Status of Judges in Russia

From the Database:

Article 9. Guarantees of the Independence of Judges

1. The independence of judges is provided for:

   by the procedure for executing justice specified by the law; and by the prohibition, under criminal liability, of interference in any way in the activity of the execution of justice;

   by the procedure established for the suspension and termination of a judge's powers;

   by the judge's right to retirement;

   by the immunity of a judge;

   by the system of organs of judicial association; and

   by granting the judge, through the state, the material and social support that is appropriate for his high status.

2. A judge, members of his family, and their property are under the special protection of the state. Organs of internal affairs are obligated to take the steps necessary to ensure
the safety of judges and members of their family and to protect the property belonging to them if the corresponding application is received from a judge.

Article 10. The Inadmissibility of Interference in a Judge's Activity

1. Any interference in the activity of a judge in the execution of justice is prosecuted under the law.

2. Judges are not required to give any kind of explanations of the essence of matters that are being examined or are in process, or to present them to anyone whatsoever for familiarization, other than in the cases and in the procedures called for by procedural law.

Article 16. A Judge's Immunity

1. The person of a judge is inviolable. A judge's immunity is extended also to his housing and official place of work, the transport and means of communications he uses, his correspondence, and the property and the documents that belong to him.

2. A judge cannot be called to administrative or disciplinary account. A judge cannot be called to any kind of account for an opinion expressed by him or a decision adopted by him in the administration of justice if his guilt of criminal wrongdoing has not been established by a court verdict that has taken legal effect.

3. A criminal case in regard to a judge can be brought to trial only by the Russian Federation General Prosecutor or by a person who is executing his responsibilities, where the consent therefor of the appropriate qualification panel of judges has been obtained.

4. A judge cannot be brought to criminal account, be confined under guard, or subjected to forcible arrest without the consent of the appropriate qualification panel of judges.
The confinement of a judge under guard is not permitted without the sanction of the Russian Federation General Prosecutor or a person who is executing his responsibilities, or by decision of a court.

5. A judge cannot be detained in any case whatsoever, nor may he be forcibly handed over to any state organ whatsoever, by way of making cases of administrative law violations. A judge who has been detained for suspicion of having committed a crime, or detained or handed over to any organ of internal affairs or other state organ by way of making cases of administrative law violations, should be released promptly upon establishing his identity.

6. The penetration of the housing or official work place of a judge, his personal transport, or transport used by him, or the performance there of an investigation, search, or removal, eavesdropping on his telephone conversations, personal inspection or personal search of a judge, or an inspection, removal, or search of his correspondence or of property and documents belonging to him, are not made except with the sanction of the prosecutor of the appropriate level, or in accordance with a court decision, and only in connection with making a criminal case in relation to this judge.

7. A criminal case in relation to a judge should, at a request made by him prior to the start of the judicial investigation, be examined only by the Russian Federation Supreme Court.

Article 19. Material Support for Judges

1. The earnings of a judge consist of the official salary and additional payments for qualification class and for longevity, which cannot be reduced. The amounts of additional payments for qualification classes and longevity for judges are established by the Russian Federation Supreme Soviet. The official salaries of judges are established in accordance with their position and as a percentage (but not less than 50 percent) of
the official salary of the Chairman of the Russian Federation Supreme Court and the Chairman of the Russian Federation Higher Arbitration Court, which are determined by the Russian Federation Supreme Soviet. The official salary of a judge cannot be less than 80 percent of the official salary of the chairman of the corresponding court.

2. Judges are granted annual paid leaves of 30 days, not counting travel time to the place of leave and return, and the cost of the travel to the place of leave and return also is paid.

Judges who work in localities designated in the established procedure as places with difficult and unfavorable climatic conditions are granted paid annual leaves of 45 days, not counting travel time to the place of leave and return, and the cost of the travel to the place of leave and return also is paid.

Judges are granted additional paid leave of the following duration:

after 10 years of work--5 workdays;

after 15 years of work--10 workdays; and

after 20 years of work--15 workdays.

3. The local administration is required, no later than six months after a judge has been endowed with his powers, and (or) in case it is necessary to improve his standard of living, to grant him priority in obtaining housing, with the services and amenities, in the form of a separate apartment or house at the place where he is located, taking into account the judge's right to additional living space in an amount not less than 30 square meters, or a separate room. After the judge has served 10 years, the living space is transferred to his ownership free of charge.

* * * * *
[Editor's note: In light of the disparities between theory and practice described by parliamentary deputy Yuri Shikhanovich in his article on "Human Rights in Russia," it remains to be seen what effect Law No. 3132-1 will have.]

Notes:

Copyright Boston University Trustees 1993
Unless otherwise indicated, all articles appearing in this journal have been commissioned especially for Perspective. This article was originally published at http://www.bu.edu/iscip/vol3/Judges.html.