

The Open Court principle and transparency of the courts of the Russian Federation during the COVID-19 pandemic

Starting from March 18, 2020 the Supreme Court of Russia adopted several recommendations for courts, including suspending admittance of public to courts, considering only urgent cases and/or considering cases remotely. Since May 12 the Judicial Department of the Supreme Court of the Russian Federation advised presidents of the courts to decide whether to resume their work fully and under what conditions on their own. Thus, in an arguably short period of time the courts received several instructions on the measures to adopt in connection with COVID-19.

Under Russian legislation the courts are under obligation to communicate information about changes in their work to public on their web-sites. Citizens' Watch monitored the web-sites of the courts of 13 regions of Russia (451 websites). We paid attention to:

- Timely, full and clear publication of information about changes in the work of courts,
- Inclusion of information about conditions of access to courts of members of the public and participants of the proceedings,
- Broadcasting of court hearings.

From March 19 to May 12 only 32 (15%) of the courts did not publish information on changes in their work, after May 12 – 133 (32%) of the courts.

From March 18 till May 12 more than half of courts (114 or 53%) announced that access of public is prohibited, 92 (42,8%) – did not publish any information on the issue. After May 12 less courts (160 or 38%) published that access of public is prohibited, 143 (34%) did not mention who can visit the courts. Often, the courts published the information in vague terms, making it impossible to understand clearly, who can visit the courts and on what conditions.

Four of the commercial courts stated that only one representative of a party is allowed to be present in a court hearing. We consider this precaution to be excessive and endangering the right to legal representation.

Only 65 (14%) of the courts have sections on broadcasting of court hearings on their websites. All of the sections are empty. There are scarce examples of live broadcasting of court hearings via websites of the courts and by the participants of the hearings. In Saint-Petersburg courts broadcasted hearings in the case of Oleg Sokolov, accused of a brutal murder, and in a case of Viktor Filinkov and Juli Boyarshinov, accused of participation in the terrorist organization «Set'». However, there were examples when courts refused to broadcast court hearings due to the lack of technical possibilities or due to the absence of the right of an individual, not participating in the proceedings, to request a court to broadcast a court hearing.

The results of the monitoring showed that the Russian court system as many others was not prepared to deal with challenges posed by COVID-19, with the exception of commercial courts, which consider only small portion of all court cases in Russia. The biggest concern is the neglect of the principle of an open hearing in the form of prohibition of access of members of the public to courts and lack of technical possibilities in courts to broadcast court hearings. Citizens' Watch recommends the Federal Assembly of the Russian Federation and the Supreme Court to adopt guarantees to ensure access of journalists and members of the public to an open hearing whether on-site or remotely.

More information: <https://courtmonitoring.org/ru/news/informatsionnaya-otkrytost-sudov-v-usloviyah-covid-19/>