

Judicial Reforms Are Stuck in Place

By [The Moscow Times](#)

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President Dmitry Medvedev's latest initiative to allow judges to slap offenders with heavy fines rather than with jail terms in corruption cases is commendable. Another of his initiatives that is being considered by the State Duma — to eliminate the lower limits of prison terms for dozens of crimes — is also in line with his trademark rhetoric about the necessity to make Russia's penal system more humane.

But the daily practices of the country's judicial system leave little if any hope for this kind of reform. Moreover, the latest verdict in the case of former Yukos CEO Mikhail Khodorkovsky and the blatant legal violations by a Moscow judge in the trial against opposition leader Boris Nemtsov and other activists make Medvedev's efforts look like a sham. The 15-day sentences to Nemtsov and others are a vivid example of how Medvedev's judicial reform efforts are interpreted in the field. The judge openly ignored evidence submitted by the defense, admitted evidence from police "witnesses" who, according to Nemtsov, were not even present when he was arrested.

Medvedev, a lawyer by training, oversaw the reform of the court system during his 1999-2005

stint as a deputy head of the presidential administration, and in 2005 he announced that court reform “has taken place.”

After he was elected president in 2008, Medvedev has spoken several times about the necessity of reforming the justice system and even pushed several amendments through the Duma. These amendments, the nation was told, aimed to decrease the prison population and to remove the threat that innocent Russian businesspeople could be blackmailed on trumped-up criminal charges.

These amendments created a positive buzz about Medvedev’s liberal inclinations and won him praise from international watchdogs.

But acquittal statistics may dampen this enthusiasm. The acquittal rate in Russian courts in the first nine months of 2010 was only 0.7 percent, exactly the same as during the previous year, according to Supreme Court data. Curiously enough, in 2007, the year before Medvedev became president, the acquittal rate was 1.1 percent.

In the second half of the 2000s, thousands of managers and business owners were jailed every year on fabricated fraud and money-laundering charges. These charges were concocted by law enforcement officials pursuing extortion payments or acting on behalf of competing businesses or political interest groups. In the majority of cases, judges collaborated with prosecutors and other law enforcement officials. Medvedev’s reforms do not address this important issue, and thus easing punishments will have little real effect.

The 14-year sentence handed to Khodorkovsky and his partner Platon Lebedev last month on embezzlement and money-laundering charges represents more than the typical abuse of the court system or the heavy slant by judges toward guilty verdicts. The Khodorkovsky case is politically loaded, driven largely by Prime Minister Vladimir Putin’s personal hatred of Khodorkovsky. This single but very powerful example will have more impact on the way judges continue to abuse their positions and the law in the future than a flurry of Medvedev’s well-intentioned attempts at judicial reform.

The country’s flawed courts are a threat to the Kremlin’s ambitious modernization plans and its attempts to transform Moscow into a global financial center. They also are a threat to the existing political regime because if growing public demand for basic justice reaches a critical point, citizens will have no other choice but to take their anger to the streets or, in some cases, leave the country.

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