The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

Putin's Initiative to Merge Courts Faces Scrutiny

By Yekaterina Kravtsova

June 23, 2013



President Vladimir Putin's announcement of his initiative to combine the Supreme Court and the Supreme Arbitration Court into a single body has been met with suspicion that such a move would deepen current problems within the judicial system.

"In order to introduce unified judicial procedures for individuals, organizations, state bodies and local authorities, I propose to merge the Supreme Court and the Supreme Arbitration Court," Putin said at the St. Petersburg Economic Forum on Friday.

The work of the Supreme Arbitration Court, which is in charge of considering commercial disputes, is widely valued, while that of the Supreme Court — a top judicial body considering criminal, civil and administrative cases — has faced scrutiny for what many see as an imbalance in the favor of guilty verdicts.

The president wants to combine the Supreme and Supreme Arbitration courts, but observers say this might deepen judicial problems.

According to official statistics, less than 1 percent of verdicts issued by regular courts are not-guilty.

The government has done a great deal of work to reduce the number of guilty verdicts issued by courts and to humanize criminal legislation, Putin said at Friday's forum.

Business ombudsman Boris Titov said the idea was initially proposed several years ago by Mikhail Barshchevsky, a representative for the Russian government in supreme judicial authorities.

It is unclear who would head the newly established structure and which of the two courts would have more power, as well as whether only top bodies of the courts would be merged or their entire structures, including their regional bodies.

Georgy Sur, a lawyer with Egorov, Puginsky, Afanasiev & Partners, said it would be better to have fewer varying interpretations in courts legislation, but he also expressed concern over general jurisdiction courts being given a leading role.

"Anton Ivanov, the head of the Supreme Arbitration Court, is a person with progressive ideas, and if the main role is given to general courts, which have much less experience in considering commercial disputes, it will complicate the development of business in the country," Sur said.

Ivanov said he did not support the decision to combine the courts, Kommersant reported.

Other lawyers agreed that arbitration courts' work was much better than that of general courts and that merging the two bodies might worsen the work of the former.

"I don't really see any reason to combine these two unlinkable bodies," lawyer Anna Stavitskaya, who works mostly with general courts, told RIA Novosti on Friday.

The president's decision was likely motivated by the fact that businessmen often complain to both courts on the same issues, but the decisions of these courts don't differ greatly, former Finance Minister Alexei Kudrin said Friday.

The consequences of such a move were unclear, he said, citing the poor work of the justice system in general. He added that he was surprised with the decision because it was made

without consulting lawyers.

"I wouldn't hurry with this decision, as it requires amendments to the Constitution," he said.

Putin promised to submit the initiative to the State Duma soon and said it would be considered by the lower chamber during the fall session.

In order to make changes to the Constitution, a bill must be approved by two-thirds of the Duma deputies, by three-quarters of Federation Council members and by legislative bodies in two-thirds of Russian regions.

Michael Harms, chairman of the Russian-German Chamber of Commerce, told The Moscow Times that German investors were satisfied with the work of the Supreme Arbitration Court and that it would be a mistake to combine it with general courts.

He emphasized that approximately one in 10 of all German investors faced serious legal problems in Russia.

"There have been several cases when the Supreme Arbitration Court cancelled decisions of other courts, and we are very satisfied with this judicial body, whose work is very clear, independent and competent," he said, adding that the arbitration system was very helpful for doing business in Russia.

Contact the author at e.kravtsova@imedia.ru

Related articles:

- In Surprise Ruling, Court Frees Businessman Kozlov
- Suspicions Grow of 3rd Case Against Khodorkovsky
- Moscow's Top Court Rejects Pussy Riot Appeal

Original url:
https://www.themoscowtimes.com/2013/06/23/putins-initiative-to-merge-courts-faces-scrutiny-a25195