

Exam Passed: How the Supreme Court's Activities during the Pandemic Will Be Remembered

by RAPSI, 28 May 2020

Impacting almost every aspect of the society's life, the COVID-19 epidemic also took its toll on the activities of the courts, which have been administering justice in challenging conditions for more than two months now. In this regard, we can't go without pointing out the role that the Supreme Court of the Russian Federation played in organising the work of the judiciary in these new settings. The supreme judicial body issued two extensive case law reviews, clarifying the features of case consideration during the pandemic. Moreover, convening its Plenary Session online for the first time in history, the Supreme Court proved by its own example that it's possible to work in any environment.

Working in new conditions

The COVID-19 epidemic changed the daily routine of most Russian citizens. It also altered the activities of the courts, which had to find ways of coping with the new reality.

In mid-March, facing the spread of the coronavirus, the Presidium of the Supreme Court and the Presidium of the Council of Judges issued a joint ruling, determining the manner in which the courts would function during the pandemic.

In accordance with the ruling, the courts were instructed to only hold proceedings in urgent cases and to hear cases via videoconferencing, where it was technically possible to do so.

Moreover, the Supreme Court limited access to court buildings, letting in only the participants of proceedings. It also stopped in-person reception of citizens – the latter were recommended to file documents through Internet receptions of the courts or via post.

The decision of the apex court to limit access for citizens not participating in proceedings caused certain concerns for the principle of the public nature of justice. However, experience has shown that this anxiety was needless.

The principle of openness of court proceedings was not significantly limited: journalists and the public were able to read the sentences issued in high-profile cases, while proceedings in such cases were streamed on court websites. It should be added that during the pandemic, the work of court journalists is based on communication with the court spokespersons, who not only thoroughly clarify the facts of proceedings for the press, but also provide photos and video clips from the courtroom.

Justice during the pandemic

The Supreme Court did not confine itself to merely resolving organisational issues. In April, it issued two crucial reviews of judicial practice regarding the features of judicial procedure during the COVID-19 pandemic.

In particular, these documents elaborate on the specifics of holding the persons, who spread fake news about the coronavirus and violate the self-isolation regime, liable.

The Supreme Court paid particular attention to the issue of calculation and halting of procedural terms. For example, the reviews clarify, in what cases the running of the statute of limitations period may be halted due to restrictive measures, or when a person's self-isolation may be regarded as a good reason for missing said term.

The Supreme Court also paid attention to issues regarding the consideration of bankruptcy cases during the epidemic. Moreover, the top judicial body clarified the manner, in which grace periods are granted in loan and mortgage contracts, and also explained, in what circumstances the epidemic can provide grounds for exemption from liability for failure to perform obligations.

Plenary Session online

For two months now, the court system has been functioning in totally novel conditions. Despite that, Russian courts have considered over two million cases during the pandemic, holding over eight thousand court sessions via videoconference.

It's interesting to note that this year marks the 20th anniversary of use of videoconferencing systems by the national judiciary. On 19 April 2000, the Supreme Court held its first hearing

with remote participation of convicted persons. 20 years later, it sat online in Plenary Session for the first time.

Only the Chief Justice of the Supreme Court, Vyacheslav Lebedev, and the Secretary of the Plenary Session, Victor Momotov, were in the courtroom – the other participants participated in the session remotely. A total of 89 judges of the Supreme Court registered for the session along with 16 other participants, including representatives of the Russian President and Government, of the Prosecutor General's Office and the Ministry of Justice, of the Federation Council and State Duma, as well as members of the academia.

“This practice has become a positive trend during the current pandemic: electronic technologies are actively developing now, which allows holding urgent sessions effectively and safely. This real-time communication system will be used more often in the future” – this is how a representative of the Supreme Court commented on the experiment of remotely holding the Plenary Session.

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