

Courts on the Web in Russia

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INTRODUCTION

When the Internet reached Russia in the mid-1990s, Russian judicial chiefs actively embraced the idea of having a solid presence of national judiciary on the Web. To judges, having court Web sites would improve public awareness about Russian courts and relieve overloaded court clerks from answering mundane questions about the location of courthouses, hours of work, schedule of hearings, court forms, and so on. However, the chronic underfinancing of Russian courts in the 1990s and the decentralized nature of the Russian judiciary made the creation and the maintenance of the lower courts' Web sites much more sporadic.

Improving public awareness about Russian courts is a priority for Russian judges, who increasingly issue impartial decisions yet at the same time face growing public skepticism about judicial performance (Solomon, 2003, 2004; Trochev, 2006). As the growing number of studies of the information and communication technologies (ICT) in courthouses around the world show, computerized courts can both speed up the administration of justice and strengthen public trust in the judicial system (Bueno, Ribeiro, & Hoeschl, 2003; Dalal, 2005; Fabri & Contini, 2001; Fabri & Langbroek, 2000; Fabri, Jean, Langbroek, & Pauliat, 2005; Langbroek & Fabri, 2004; Oskamp, Lodder, & Apistola, 2004; Valentini, 2003; Malik, 2002). Indeed, as the recent research demonstrates, those who know something about the courts: either about court procedures or about court-ordered public policies, tend to trust the judiciary and to comply with court decisions (Baird, 2001; Gibson, Caldeira, & Baird, 1998; Kritzer & Voelker, 1998; Tyler & Mitchell, 1994; Tyler, Boeckmann, Smith, & Huo, 1997).

This article focuses on the Web sites of Russian courts as the virtual gateways in the world of judicial administration (Trochev, 2002) and discusses challenges of adapting Russian court Web sites to the needs of various users of judicial system: judges themselves, law-enforcement agencies, actual litigants, general public and scholars (Toharia, 2003).

BACKGROUND: INFORMATION AND COMMUNICATION TECHNOLOGIES IN RUSSIAN COURTS

Following the collapse of the USSR in 1991, Russia's constitution-makers pursued a major program of judicial reform, as they understood that strong and independent courts would help to achieve larger policy goals (Solomon & Foglesong, 2000). In theory, Russia's rulers needed a respected rule of law system and effective courts to attract significant investment for the Russian economy and carry out further reforms on such crucial matters as land ownership (Trochev & Solomon, 2005). With the accession the Council of Europe and acceptance of the binding jurisdiction of the European Court of Human Rights (ECHR) in 1998, Russia has also been facing an additional challenge of administering justice in a timely and fair manner in order to avoid violation of the Article 6 of the European Convention on Human Rights. Since the early 1990s, Russian judges insisted that meeting these challenges and improving the efficiency of their courts in the context of exploding rates of litigation would be impossible without computers and information and communication technologies (ICT) in every courthouse. As Solomon and Foglesong (2000) report, by early 1998, the Russian Supreme Court had plans for a comprehensive publication of its judgments (p. 105), while the Russian Constitutional Court and the Higher Arbitrazh Court had their Web sites up and running even before that. However, the Russian government took this idea seriously only in 2001, when the first ECHR judgments against Russia severely criticized the country's inefficient and slow administration of justice. If in 2001, there were 10,000 computers in all Russian courts, by early 2005, their number grew to 40,000. Starting in 2004, the Russian judiciary annually receives additional 500 million rubles (17 mln U.S. dollars) to buy computers, servers, and modems, to create and maintain electronic data interchange (EDI), network management, court intranets/extranets, videoconferencing, and court Web sites. As a result of this massive funding, by the end of 2005, Russia's 118 commercial (arbitrazh) courts be-

came ready for the integration into a country-wide inter-court network that will serve as a basis for the electronic paperless resolution of commercial disputes. International financial aid and technical assistance has also played an important role in digitizing the Russian judiciary. In fact, Russian government officials encouraged judges to apply for grants from foreign NGOs (Trochev & Solomon, 2005). However, domestic funding and the willingness of court chairs to use information technologies remain crucial determinants of getting Russian courts ready to meet the challenges of the 21st century.

Russian Constitutional Courts on the Web

Russian Constitutional Court (RCC) has its own Web site, www.ksrf.ru, containing all decisions on the merits of the case and some rulings dismissing the case. Some rulings are published only on the Web site of the Court and are enforceable. In addition to the jurisprudence of the RCC, this Web site contains the schedule of the upcoming hearings, statistical data about the work of the Court, speeches by the chief justice, biographies of justices and historical essay about the Court. Unfortunately, this Web site no longer posts summaries of several RCC decisions translated into in English, French, and German. All RCC Justices and some Court clerks have an access to the Internet. This is in addition to the RCC intranet with an easy access to all judgments of the Court as well as several legal databases. This intranet was made available through German funding in the mid-1990s.

Three out of fifteen regional constitutional/charter courts also have presence on the Internet (Trochev, 2004). Karelia Constitutional Court, www.gov.karelia.ru/Law/index.html, has a regularly updated Web site with decisions, by-laws of the Court and short biographies of Justices. For the text of dissenting opinions, you need to search at the Web site of "Karelia," the official newspaper of this region, www.gov.karelia.ru/gov/Karelia/search.html. Sverdlovsk Oblast Charter Court, ustavsud.ur.ru/1.htm, has similar detailed information on Justices and their work. This court has also several publications by the Justices as well as data on the implementation of the Court's decisions in 2000. St. Petersburg Charter Court, ustavsud.spb.ru/content.asp?cnt=114, is also present on the Web thanks to the efforts of the St. Petersburg State University law school students. This Web site contains fewer court decisions and only few lines on the judges' background. But it has the texts of journal and newspaper articles about the Court's work.

Russian Ordinary Courts on the Web

Unlike federal and regional constitutional courts, Russia's ordinary courts form a hierarchy with the Russian Supreme Court (RSC) at its apex. The Web page of the RSC, www.supcourt.ru, has information about the Court's work and its history, a collection of judgments, and a schedule of its hearings. In addition, the RSC Web site contains data about the work of the Russian judicial self-government bodies: the Council of Russian Judges, the Congress of Judges, and the Higher Judicial Qualification Collegium, the main body in charge of screening judicial nominees and disciplining judges. Here, one could also find the electronic copy of the monthly RSC Bulletin, an official publication of the Court, which frequently contains important guidelines for lower courts.

Lower ordinary courts are the courts that most Russians are familiar with. There are about 2,500 municipal/rural courts, 87 regional courts and 146 military courts. The Web page of the St. Petersburg courts, www.cdept.spb.ru, lists the contact information for all ordinary courts in Russia. The Web site of the Russian Judicial Department, www.cdep.ru, has up-to-date statistics about their workload. While by early 2004, every regional court had an access to the World Wide Web, the RSC Web site contained links only to a dozen of regional courts including two military courts. This delayed production of the court Web sites reflects the decentralized nature of the Russian judiciary: many regional court chairs have very few incentives to promote their courts on the Web and prefer to spend resources on other priorities of judicial administration. This is why the majority of the regional courts' Web sites simply list addresses, working hours and contact information of these courts and the Justices of the Peace.

Websites of other courts have more usable information for judges, mass media, and the public. Court Web sites in Yaroslavl, oblsud.yar.ru and cdyar.yaroslavl.ru, and in Saratov, www.usdsaratov.ru, regions, target primarily local judges. They publish summaries of cases, numerous interviews with local judges and reports about the judicial reform in the regions. The Web site of Cheliabinsk Regional Court, www.ural-chel.ru/gubern/obl_sud/index.htm, which is famous for its televised cassation criminal trials contains materials on the ICT to support judicial administration. Bryansk Regional Court's Web site, www.debryansk.ru/~suddepbr, is also devoted to this issue as well as to the work of the justices of the peace. The Web site of Omsk Regional Court, www.oblsud.omsk.ru, has statistics on the cases heard in 2001 and early 2002, monthly schedule of civil and criminal

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