

FEDERAL CONSTITUTIONAL LAW NO. 1-FKZ OF DECEMBER 31, 1996 ON THE JUDICIAL SYSTEM OF THE RUSSIAN FEDERATION (with the Amendments and Additions of December 15, 2001, July 4, 2003, March 31, 2005)

**Adopted by the State Duma October 23, 1996
Endorsed by the Federation Council October 26, 1996**

Chapter 1. General Provisions

Article 1. Judicial Power

1. Judicial power in the Russian Federation shall be administered solely by courts as represented by judges and jury members, as well as people's and arbitration jurors invited in accordance with the procedure established by the law for administering justice. No other bodies and persons shall have the right to undertake administering justice.

2. The judicial power shall be separate and shall act independently of the legislative and executive powers.

3. The judicial power shall be administered by means of constitutional, civil, administrative and criminal proceedings.

Article 2. Legislation on the Judicial System

The judicial system of the Russian Federation shall be established by the Constitution of the Russian Federation and this Federal Constitutional Law.

Article 3. Unitary Nature of the Judicial System

Unitary nature of the judicial system of the Russian Federation shall be provided by means of:
establishment of the judicial system of the Russian Federation by the Constitution of the Russian Federation and this Federal Constitutional Law;

observance by all the federal courts and justices of the peace of the rules for the proceedings established under the federal laws;

application by all the courts of the Constitution of the Russian Federation, the federal constitutional laws, the federal laws, the generally recognized principles and standards of the international law and international treaties of the Russian Federation as well as the constitutions (charters) and other laws of the constituent members of the Russian Federation;

recognition of the binding effect throughout the territory of the Russian Federation of the judicial rulings in legal force;

providing a legal basis for the uniformity of the status of the judges;

funding of the federal courts and justices of the peace from the federal budget.

Article 4. Courts in the Russian Federation

1. Justice in the Russian Federation shall be administered solely by the courts instituted in accordance with the Constitution of the Russian Federation and this Federal Constitutional Law. Setting up extraordinary courts and the courts not provided for in this Federal Constitutional Law shall be prohibited.

2. In the Russian Federation there shall be federal courts, constitutional (charter) courts and justices of the peace of the constituent members of the Russian Federation constituting the judicial system of the Russian Federation.

3. The federal courts shall be:

the Constitutional Court of the Russian Federation;

the Supreme Court of the Russian Federation, the supreme courts of the republics, area and region courts, the courts of the federal significance cities/towns, the courts of autonomous region, district courts, military and specialized courts constituting the system of federal courts of general jurisdiction;

the Higher Arbitration Court of the Russian Federation, the federal arbitration courts of the regions, (arbitration cassation courts), arbitration appellate courts, the arbitration courts of the constituent members of the Russian Federation constituting the system of federal arbitration courts.

4. The courts of the constituent members of the Russian Federation shall be: the constitutional (charter) courts of the constituent members of the Russian Federation and justices of the peace, being the judges of general jurisdiction of the constituent members of the Russian Federation.

Article 5. Independence of Courts and Judges

1. The courts shall embody judicial power by themselves independently of anybody's will as governed solely by the Constitution of the Russian Federation and the law.

2. Judges, jury member, people's and arbitration jurors taking part in administering justice shall be independent and shall be governed solely by the Constitution of the Russian Federation and the law.

Guarantees for the independence thereof shall be established by the Constitution of the Russian Federation and the federal law.

3. A court, having discovered while hearing a case, non-compliance of an act of a state body or another body and equally of an official to the Constitution of the Russian Federation, the federal constitutional law, a federal law, generally recognized principles and standards of the international law, international treaty of the Russian Federation, the constitution (charter) of a constituent members of the Russian Federation, a law of a constituent members of the Russian Federation, shall make a decision in accordance with the legal provisions having the greatest legal force.

4. No laws and other legal regulatory acts may be issued in the Russian Federation whereby independence of the courts and judges is abolished or diminished.

5. Persons guilty of exerting unlawful influence on judges, jury members, people's and arbitration jurors participating in administering justice as well as other interference in the activities of a court shall be responsible as provided in the federal law. Appropriation of the powers of a court shall be punishable under the criminal law.

Article 6. Binding Nature of Judicial Rulings

1. Rulings of the federal courts, justices of the peace and the courts of the constituent members of the Russian Federation as well as lawful orders, demands, prescriptions, subpoena and other addresses shall be binding on each and every body of state power, body of local self-government, public associations, officials and other natural and legal entities with no exception and shall be subject to strict implementation throughout the territory of the Russian Federation.

2. Default on performance under a resolution of a court and equally any other manifestation of contempt of court shall give rise to accountability as provided in federal law.

3. The binding nature in the territory of the Russian Federation of resolutions of the courts of foreign states, international courts of law and arbitration courts shall be determined by the international treaties of the Russian Federation.

Article 7. Equality of Every Person before the Law and the Courts

1. Every person shall be equal before the law and the courts.

2. Courts shall not display preference towards any bodies, persons, parties in a litigation by their state, social, gender, race, national, language or political belonging or depending on their origin, property or position status, residence, birth place, attitude to religion, beliefs, membership in public associations and equally on other grounds not provided in the federal law.

Article 8. Participation of Citizens in Administration of Justice

1. Citizens of the Russian Federation shall have the right to participate in the administration of justice in accordance with the procedure provided in the federal law.

2. Participation of jury members, people's and arbitration jurors in the administration of justice is a civic duty.

3. The requirements of citizens participating in the administration of justice shall be set forth in the federal law.

4. A remuneration shall be paid from the federal budget to jury members, people's and arbitration jurors for the period of participation in the administration of justice.

Article 9. Publicity of Activities of Courts

Court hearings shall be open to the public. A closed hearing of a case shall be admissible in cases provided for in federal law.

Article 10. Language of Judicial Proceedings and Record Keeping in Courts

1. Judicial proceedings and record keeping in the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation, other arbitration courts, and military courts shall be performed in the Russian language being the state language of the Russian Federation. Judicial proceedings and record keeping in other federal courts of general jurisdiction may also be performed in the state language of the republic on the territory of which the court is located.

2. Judicial proceedings and record keeping with justices of the peace and other courts of the constituent members of the Russian Federation shall be performed in Russian or in the state language of the republic on the territory of which the court is located.

3. Persons taking part in a case and not being in command of the language of the judicial proceeding shall be granted the right to speak and provide explanations in their native language or in any freely selected language of communication as well as use the services of an interpreter.

Chapter 2. Fundamentals of the Status of Judges in the Russian Federation

Article 11. Judges

1. Judges shall be persons vested in accordance with the Constitution of the Russian Federation and this Federal Constitutional Law with the powers to administer justice and perform their duties on a professional basis.

2. A judge having a record of working in the capacity of a judge of at least 10 years and being in retirement shall be considered an honorary judge. He/she may be invited to administer justice as a judge in accordance with the procedure established by the federal law.

3. Judges shall be provided material and social security at the expense of the state which shall correspond to their senior status. Remuneration for service (salary) of a judge may not be reduced during the entire period of his/her holding office.

Article 12. Unitary Nature of Status of Judges

All the judges in the Russian Federation shall have a unitary status and shall differ among themselves solely by powers and competence. The specifics of the legal status of specific categories of judges shall be determined by the federal laws and, should there be provision therein, they shall be determined also by the laws of the constituent members of the Russian Federation.

Article 13. Procedure for Vesting Powers in Judges

1. The procedure for vesting powers in the Chairman of the Constitutional Court of the Russian Federation, the deputy thereof and other judges of the Constitutional Court of the Russian Federation shall be established by the Federal Constitutional Law on the Constitutional Court of the Russian Federation.

2. The procedure for vesting powers in the Chairman of the Supreme Court of the Russian Federation, the deputies thereof, other judges of the Supreme Court of the Russian Federation, the Chairman of the Higher Arbitration Court of the Russian Federation, the deputies thereof, other judges of the Higher Arbitration Court of the Russian Federation, the chairmen, deputy chairmen, other judges of the supreme courts of republics, of territorial, regional courts, courts of cities of federal importance, courts of autonomous regions and autonomous areas, of district courts, military courts, federal circuit arbitration courts, arbitration appellate courts and arbitration courts of the subjects of the Russian Federation shall be established by the appropriate federal constitutional law and the federal law on the status of judges.

3. The chairmen and deputy chairmen of the courts indicated in Part Two of this Article shall be appointed for the term of 6 years. The same person may be appointed the chairman (deputy chairman) of the same court more than once but no more than two times in a row.

4. The procedure for vesting powers in justices of peace, as well as in chairmen, deputy chairmen and other judges of the constitutional (statutory) courts of the subjects of the Russian Federation shall be established by the federal laws and the laws of the subjects of the Russian Federation.

5. Candidates for the offices of judges shall be selected on the competitive basis.

Article 14. Term of Office of Judges of Federal Courts

The powers of judges of the federal courts shall not be limited to a definite term except as otherwise established by the Constitution of the Russian Federation, federal law on the status of judges adopted in compliance with them. The maximum age for holding the office of a judge of a federal court shall be 70 years.

Article 15. Term of Office of a Judge

1. No judge shall be removed from office. A judge may not be appointed (elected) to another position or to another court without his/her consent.

2. The office of a judge shall be terminated or suspended by decision of the relevant qualification college of judges, except for the cases of termination of the office of a judge due to the expiry of its term or the reaching by a judge of the maximum age for holding the office of a judge.

Article 16. Immunity of Judge

A judge shall have immunity. The guarantees of the immunity of a judge shall be established by federal law.

Chapter 3. Courts**Article 17. Procedure for Setting up and Abolishing Courts**

1. The Constitutional Court of the Russian Federation, the Supreme Courts of the Russian Federation, the Higher Arbitration Court of the Russian Federation set up in accordance with the Constitution of the Russian Federation may be abolished solely by introducing amendments to the

Constitution of the Russian Federation. Other federal courts shall be set up and abolished solely by federal law.

2. The positions of the justices of the peace and constitutional (charter) courts of the constituent members of the Russian Federation shall be set up and abolished by laws of the constituent members of the Russian Federation.

3. No court may be abolished, should the issues of the administration of justice referred to the competence thereof not be at the same time referred to the jurisdiction of another court.

Article 18. Constitutional Court of the Russian Federation

1. The Constitutional Court of the Russian Federation shall be a judicial body of constitutional control implementing judicial power separately and independently by means of constitutional judicial proceedings.

2. The powers, procedure for setting up and activities of the Constitutional Court of the Russian Federation shall be established by the federal constitutional law.

Article 19. Supreme Court of the Russian Federation

1. The Supreme Court of the Russian Federation shall be the supreme judicial body in civil, criminal, administrative and other cases under the jurisdiction of the courts of general jurisdiction.

2. The Supreme Court of the Russian Federation shall perform within the procedural guidelines provided in the federal law judicial supervision over the activities of the courts of general jurisdiction including military and specialized federal courts.

3. The Supreme Court of the Russian Federation shall within the limits of its competence hear cases as a court of second instance, as supervision and when new circumstances are discovered and also as a court of the first instance in cases provided in the federal law.

4. The Supreme Court of the Russian Federation shall be judicially directly superior to the supreme courts of the republics, courts of areas (regions), federal municipal courts, autonomous regions, military courts of the military circuits, fleets, arms and troop formations.

5. The Supreme Court of the Russian Federation shall provide explanations on the issues of judicial practices.

6. The powers, procedure for setting up and activities of the Supreme Court of the Russian Federation shall be established by federal constitutional law.

Article 20. The Supreme Court of a Republic, the Regional Court, the Federal Municipal Court, the Autonomous Region Court

1. The supreme court of a republic, the regional court, region, federal municipal court, the autonomous region court shall hear cases within the limits of the competence thereof, as a court of the first and the second instance, as supervision and when new circumstances are discovered.

2. The courts listed under part 1 of this Article shall be directly superior judicially to the district courts acting on the territory of respective constituent member of the Russian Federation.

3. The powers, procedure for setting up and activities of the courts listed under part 1 of this Article shall be established by federal constitutional law.

Article 21. District Court

1. District court shall hear cases within the limits of its competence as a court of the first and the second instance and shall discharge other powers provided in the federal constitutional law.

2. The district court shall be a directly superior judicially to the justices of the peace acting on the territory of respective judicial district.

3. The powers, procedure for setting up and activities of district court shall be established by the federal constitutional law.

Article 22. Military Courts

1. The military courts shall be set up according to the territorial principle at the location of troops and fleets and they shall discharge judicial power for the troops, bodies and units where the military service is provided by the federal law.

2. The military courts shall hear cases within the limits of their competence as courts of the first and the second instance, as supervision and when new circumstances are discovered.

3. The powers, procedure for setting up and activities of the military courts shall be established by the federal constitutional law.

Article 23. Higher Arbitration Court of the Russian Federation

1. The Higher Arbitration Court of the Russian Federation shall be the supreme judicial body for resolving economic disputes and other cases heard by arbitration courts.

2. The Higher Arbitration Court of the Russian Federation shall be a judicial body superior to the federal arbitration courts of the regions, arbitration appellate courts and the arbitration courts of the constituent members of the Russian Federation.

3. The Higher Arbitration Court of the Russian Federation shall perform within the procedural forms provided in the federal law the judicial supervision over the activities of the arbitration courts.

4. The Higher Arbitration Court of the Russian Federation shall hear cases in accordance with federal law as a court of the first instance, as supervision and when new circumstances are discovered.

5. The Higher Arbitration Court of the Russian Federation shall provide explanations on the issues of judicial practices.

6. The powers, procedure for setting up and activities of the Higher Arbitration Court of the Russian Federation shall be established by federal constitutional law.

Article 24. Regional Federal Arbitration Court

1. A regional federal arbitration court shall hear cases within the limits of its competence as a court of cassation and also when new circumstances are discovered.

2. A regional federal arbitration court shall be a judicial instance superior to arbitration appellate courts and the arbitration courts of the constituent of the Russian Federation acting on the territory of respective judicial region.

3. The powers, procedure for setting up and activities of the federal arbitration court of a region shall be established by the federal constitutional law.

Article 24.1. Arbitration Appellate Court

1. The arbitration appellate court shall, within its competence, consider cases as a court of the appellate instance, and also on the newly discovered circumstances.

2. The powers and the procedure for the formation and activity of an arbitration appellate court shall be established by a federal constitutional law.

Article 25. Arbitration Court of Constituent Member of the Russian Federation

1. The arbitration court of a constituent member of the Russian Federation shall hear cases within its competence as a court of the first instance as well as when new circumstances are discovered.

2. The powers, procedure for setting up and activities of the arbitration court of a constituent member of the Russian Federation shall be established by the federal constitutional law.

Article 26. Specialized Federal Courts

1. The specialized federal courts for hearing civil and administrative cases shall be instituted by means of introducing amendments in this Federal Constitutional Law.

2. The powers, procedure for setting up and activities of the specialized federal courts shall be established by the federal constitutional law.

Article 27. Constitutional (Charter) Court of a Constituent Member of the Russian Federation

1. The constitutional (charter) court of a constituent member of the Russian Federation may be set up by the constituent member of the Russian Federation for considering the issues of compliance of the laws of the constituent member of the Russian Federation, regulatory legal acts of the bodies of state power of the constituent member of the Russian Federation, bodies of local self-government of the constituent member of the Russian Federation to the constitution (charter) of the constituent member of the Russian Federation as well as for the purpose of construing the constitution (charter) of the constituent member of the Russian Federation.

2. Funding for the constitutional (charter) court of a constituent member of the Russian Federation shall be provided at the expense of the funds of the budget of the respective constituent member of the Russian Federation.

3. The constitutional (charter) court of a constituent member of the Russian Federation shall consider the issues referred to the competence thereof, in accordance with the procedure established by the law of the constituent member of the Russian Federation.

4. A decision of the constitutional (charter) court of a constituent member of the Russian Federation, adopted within the limits of the competence thereof, shall not be reviewed by another court.

Article 28. Justice of the Peace

1. Justice of the peace shall hear civil, administrative and criminal cases within the limits of the competence thereof as a court of the first instance.

2. The powers and the procedure for the activities of a justice of the peace shall be established by the federal law and the law of the constituent member of the Russian Federation.

Chapter 4. Conclusions

Article 29. Bodies of the Judiciary

1. For expressing the interests of the judges as the carriers of the judicial power, bodies of the judiciary shall be set up in accordance with the procedure established by the federal law.

2. The supreme body of the judiciary shall be the All-Russia Congress of Judges which shall set up the Council of Judges of the Russian Federation and the Higher Qualification Panel of Judges of the Russian Federation.

3. The competence and the procedure for setting up the bodies of the judiciary shall be established by federal law.

Article 30. Ensuring Activities of Courts

1. The activities of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Higher Arbitration Court of the Russian Federation shall be ensured by the staffs of these courts.

2. The activities of the other courts of general jurisdiction shall be ensured by the Judicial Department with the Supreme Court of the Russian Federation.

3. The activities of the other arbitration courts shall be ensured by the Higher Arbitration Court of the Russian Federation.

Article 31. Judicial Department with the Supreme Court of the Russian Federation

1. The Judicial Department of the Supreme Court of the Russian Federation and the bodies incorporated therein shall organizationally ensure the activities of the courts of general jurisdiction and the bodies of the judiciary, and provide them with the necessary resources.

2. The head of the Judicial Department of the Supreme Court of the Russian Federation shall be appointed and dismissed by the Chairman of the Supreme Court of the Russian Federation with the approval of the Council of Judges of the Russian Federation.

3. The employees of the Judicial Department with the Supreme Court of the Russian Federation shall be civil servants. They shall be conferred class ranks and special ranks.

4. The Judicial Department with the Supreme Court of the Russian Federation shall be a legal entity.

5. The structure, powers and procedure for the activities of the Judicial Department with the Supreme Court of the Russian Federation and the bodies incorporated therein shall be established by the federal law.

Article 32. Staff of a Court

1. The staff of a court shall ensure the performance of the proceedings of the court and shall be under the chairman of respective court.

2. The employees of the court staff shall be civil servants, they shall be conferred class ranks and other special ranks and military ranks may be conferred in the military courts.

Article 33. Financing of Courts

1. Financing of the courts shall ensure a possibility of a full and independent administering of justice in accordance with federal law.

2. Financing of the Constitutional Court of the Russian Federation, the courts of general jurisdiction, the arbitration courts and the justices of the peace shall be performed on the basis of the rates endorsed by the federal law and shall be expressed as separate items in the federal budget.

3. The Government of the Russian Federation shall develop the draft federal budget insofar as concerns the financing of the courts, in interaction with the Chairmen of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation, the head of the Judicial Department with the Supreme Court of the Russian Federation and the Council of Judges of the Russian Federation. Should disagreements occur, the Government of the Russian Federation shall attach to the draft federal budget the proposals of respective courts, the Judicial Department with the Supreme Court of the Russian Federation and the Council of Judges of the Russian Federation together with its own statement.

4. Representatives of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation, the Council of Judges of the Russian Federation, the head of the Judicial Department with the Supreme Court of the Russian Federation shall have the right to participate in the discussions on the federal budget in the Federal Assembly of the Russian Federation.

5. The amount of the budget resources allocated to fund the courts in the current fiscal year or subject to be allocated for the next financial year may be reduced solely with the consent of the All-Russia Congress of Judges or the Council of Judges of the Russian Federation.

Article 34. Symbols of State Power in Courts

1. On the court buildings, there shall be installed the State Flag of the Russian Federation and in the court session halls there shall be installed the State Flag of the Russian Federation and an image of the State Coat of Arms of the Russian Federation. Also, on the court buildings there may be placed the flag of the constituent member of the Russian Federation and in the court session halls there may be placed the flag and an image of the coat of arms of the constituent member of the Russian Federation.

2. While administering justice, the judges shall be in attendance clad in gown or shall wear other insignia of their position.

Chapter 5. Procedure for Implementing this Federal Constitutional Law

Article 35. Date of Entering into Force of this Federal Constitutional Law

1. This Federal Constitutional Law shall enter into force on January 1, 1997.

2. The Law of the RSFSR of July 8, 1981 on the Judiciary System in the RSFSR as subsequently amended (the Bulletin of the Supreme Council of the RSFSR, article 976, No. 28, 1981; the Bulletin of the Congress of People's Deputies of the Russian Federation and the Supreme Council of the Russian Federation, article 1560, No. 27, article 1794, No. 30, 1992; article 1313, No. 33, 1993; Collection of Legislation of the Russian Federation, article 3300, No. 32, 1994) shall be applicable except as running contrary to this Federal Constitutional Law.

3. The Regulations on the Military Tribunals in the wording of the Law of the USSR of June 25, 1980 (the Bulletin of the Supreme Soviet of the USSR, article 546, No. 27, 1980) shall be applicable except as running contrary to this Federal Constitutional Law.

4. Part 2, Article 33 of this Federal Constitutional Law insofar as concerns the financing of the courts on the basis of rates shall enter into force on the date of entering into force of the respective federal law.

5. Until entry into force of the federal constitutional law on the military courts, financing and logistic supply of the military courts shall be performed in accordance with the procedure established by the Federal Law on Some Issues of Organization and Activities of the Military Courts and Military Justice Bodies.

Article 36. Circumstances of Judicial Proceedings in Courts of General Jurisdiction after Entry of this Federal Constitutional Law into Force

1. The district (city/town) courts set up before the entry into force of this Federal Constitutional Law shall be deemed district courts.

2. The courts hearing cases as appellate or cassation instances shall be deemed superior to the first instance courts. The courts hearing cases as supervision shall be deemed superior to the courts which have issued judgement on the cases before.

3. Entry into force of this Federal Constitutional Law shall not cause a change in the composition of a court with respect to the cases the proceedings on which have commenced beforehand.

Article 37. Term of Office of Judges and People's and Arbitration Jurors

With entry into force of this Federal Constitutional Law the judges of all the courts of the Russian Federation as well as the people's and arbitration jurors shall retain the powers thereof until the expiration of the term for which they have been elected (appointed).

Article 38. Procedure for Financing the Measures for Reforming the Judiciary System

1. Expenses towards financing the measures relating to the reforming of the judiciary system shall be provided as a separate item in the federal budget.

2. On January 1, 1997, the departmental staff of the Ministry of Justice of the Russian Federation proportionate to the part of the volume of their work relating to the financing and ensuring the activities of the courts, excluding the military courts, shall be transferred to the Judiciary Department of the Supreme Court of the Russian Federation and financing shall commence at the same time with the Judiciary Department with the Supreme Court of the Russian Federation directly from the federal budget within the volume of the funds released as a result of the reduction in the strength of the respective departments of the Ministry of Justice of the Russian Federation.

President of the Russian Federation

B. Yeltsin

Moscow, the Kremlin