

OBSERVATIONS ON THE LEGAL SYSTEM IN THE RUSSIAN FAR EAST

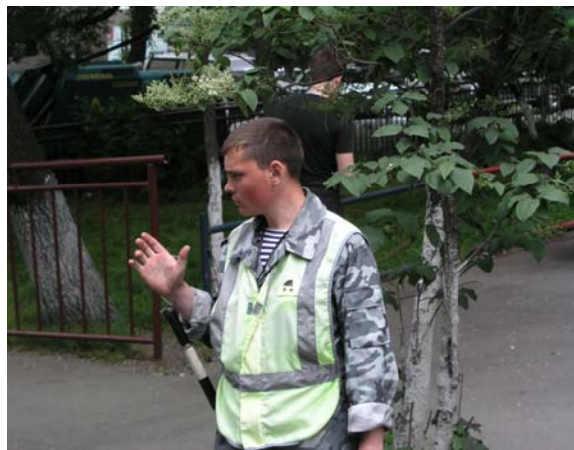
We spent one month in the Russian Far East and observed how the general populace responded to law enforcement officers. We interviewed both professional law enforcement people and people we met during our month's visit to try and gain an understanding of how the Russian people feel about their legal system. A major drawback to gaining the information we needed was the fact that those interviewed, except for the law professor and the militia (criminal investigation) member, were not lawyers or policemen and had not had personal experience with the court system. Their answers reflected their understanding about the system. Therefore, the information below is only conjecture, not absolute.

In any society the criminal justice system must be understood by people who are visiting or observing in order to make a proper assessment as to its effectiveness. From our interview with the law professor, we learned that the Russian system is aligned closely to a human rights approach to justice. The current system, which originated after the fall of the Soviet Union, is based on a three-tier system of courts which allows for the appeal process. Accused people who cannot afford an attorney are assigned a court-ordered attorney, similar to the U.S. system. However, unlike the American legal system where a person is innocent until proven guilty, the Russian legal system presumes an accused person to be guilty until proven innocent—a basic and critical difference.

Another critical difference between the American court system and the Russian system is that there is no Supreme Court to adjudicate lawsuits. The appeals process stops

at the Courts of Arbitration. The court that Americans would call the Supreme Court never hears lawsuits; it is organized solely to determine the constitutionality of laws. Additionally, accused people are not tried in certain districts. In America a person that committed a crime in Arkansas would be tried in Arkansas for that crime. If that same person had committed another crime in Mississippi, then the person would be transported to Mississippi for that trial. In Russia, when a person is accused of a crime or crimes, it doesn't matter where the crimes took place, the trial is held where the person is apprehended and all the crimes are lumped together and tried at the same time.

Additionally, policing in Russia is different than in the U.S. Russian policemen are either in traffic enforcement or they are in criminal investigation. The picture below shows a Road Police Officer standing at his duty station.



Both systems are regulated by current law and are organized so that the populace **should** be protected from both crime and hazards in driving. But, and this is an important point, corruption is rampant and the people we interviewed, felt that most of the time, justice was served only to the person with the most money.

A member of the Militia (Criminal Investigation branch) patrolling at a railroad stop between Vladivostok and Khabarovsk.



When the interviewees (the law professor and the militia member were not involved in these interview questions) were asked how safe they felt in their homes and why, everyone said they felt safe in their homes because of the physical barriers, specifically their doors, not because they were confident of the police. In fact, all of those interviewed said their first line of defense is their door and the second line is family members and neighbors. At first we felt that their responses were similar to what an American would say. Americans also place much confidence on their physical barriers, but the Russians we talked with had very little confidence that many reported crimes would be thoroughly investigated, much less solved. Police response is determined by whether or not the person answering the call is interested in responding (we couldn't determine whether that interest had anything to do with the number of crimes being reported at any given time), location of responding militia members, and, amazingly, one respondent answered whether a car was available that worked. Everyone believed the police should protect them, but they really didn't have much confidence with the system. They seemed to be resigned to the fact that often, the reporting of a crime is a mere

formality—the investigation would not actually happen. So much petty crime is a fact of life with the Russians that our interviewees seemed resigned that their stolen possessions would probably not be found. They didn't seem to place the blame on the police force for not solving the criminal reports—they felt that it was impossible for the police to investigate the huge numbers of reports of stolen property. While Americans do not expect bicycles, computers, and other types of theft to actually be solved, the Russians seemed to take this feeling a step further—one person said that she would not expect a car to be found if it was stolen—too many car theft rings operated in the area.

The second system within law enforcement revolves around traffic enforcement or what we called “road police.” These police officials are tasked with enforcing various driving laws. All of our interviewees stated that it's common knowledge that a person who is stopped can, many times, pay a bribe to these officials and not be ticketed. Unlike United States law, no probable cause is required to initiate a stop. No reason must be given for stopping a motorist. Road police have carte blanche authority that appears to be unquestioned by any segment of this society. The populace seems to be accepting of this fact--bribes are routinely paid. These police officers exercise an extraordinary amount of power. One observer, during an evening of interacting with members of the court security and militia, observed some of the very real power exercised by these men. On a personal level, the two officers were very accommodating, polite, and hospitable and every effort was made to make the observer feel comfortable. But the rights of others were ignored and abused in this process. A business which was closing was kept open at the pleasure of the militia so that the socializing could continue. Traffic rules and regulations, common in America, were circumvented and ignored as these officers

traveled (with the observer in the car) to one officer's home. It seemed to the observer that the people on the road paid very careful attention to the police car and accommodated the officer's erratic driving patterns. While Americans pull over for emergency vehicles which go faster than the allowable speed limit and do not stop for traffic lights and stop signs, this particular car did not have a siren blaring and lights flashing—people just pulled out of its way as it traveled down the road.



An official militia vehicle responding to an unknown emergency somewhere in the north part of the city of Vladivostok.

Both branches of law enforcement are extremely unapproachable. Officer Friendly is not to be found. In fact, one interviewee actually stated that “thugs” gravitate toward this occupation because of the (and this is the interviewee's word) “wealth” that can be gained from the bribes collected.



This Road Policeman had just stopped our clearly marked University bus and had asked the driver why he was there and who he was carrying. Immediately before this shot, the driver was told to leave the bus and walk to the inspection station. We were never told what action was taken and our interpreters seemed to take this as a normal occurrence. Note the pillbox in the left frame of the picture.

The laws are written so that citizens' rights are protected, but corruption is so rampant that justice falls far short of reality. Corruption appears to permeate every level of the criminal justice system. One interviewee believes that those with the money will not be convicted and thus win the case. In fact, that interviewee stated that in a civil case, it was almost 100 percent assured that the person with the most money would win. And, sadly, in criminal cases, that interviewee felt that an accused person had about a 30 percent chance of a fair trial with no money exchanging hands. Those enforcing the laws only seem to add to the already existing inequalities within the system. Citizen apathy is

high, mostly due to what appears to be their belief that they just can't do anything about it.

However, legal changes may be on the horizon. An instructor at the university in Vladivostok felt sure that reforms were beginning to happen. He cited a couple of recent cases where people in positions of authority and power, in fact one person was a governor, were recently indicted and found guilty of fraud and other illegal activities and was actually sentenced to prison. But, as an opposite situation, the mayor of Vladivostok is a convicted felon who spent several years in prison for illegal business activities. The people knew he was a convicted felon, but elected him anyway. When asked about their trust in the mayor's leadership, our interviewees smiled and didn't give a clear answer.



However, the Russian legal system is not a lost cause. In any civilized society there are those who passionately believe in the law; that there is something greater than mankind, a sense of order, whether perceived or real that should impact justice fairly. This was evidenced by an interview with a law professional, educators and good citizens. The people we interviewed had not given up on the system, they just didn't have

confidence in it yet. As the system matures there are those who feel that it will change. And, as long as there are people who believe in the legal system and work to enforce the law, the law will change to reflect that belief and it will safeguard those citizens it professes to protect.

