

JUDICIAL INDEPENDENCE AS ESSENTIAL FOUNDATION OF JUSTICE AND PEACE

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Abstract

The Conference on Judicial Independence held by the International Association of Judicial Independence and World Peace took place in Moscow on May 29 – June 1, 2014 in Kutafin Moscow State Law University. Many world-renowned scholars and legal practitioners took part in the Conference as speakers. They were discussing the problems associated with the institution of the Judicial Branch in modern states in an attempt to find some ways of resolving those problems.

Keywords

Judicial Independence, International Association of Judicial Independence and World Peace, legal conference

The Conference on Judicial Independence as an Essential Foundation of Justice and Peace held by the International Association of Judicial Independence and World Peace took place in Moscow, Russia on May 29 – June 1, 2014.

The Conference was organized with the assistance of Kutafin Moscow State Law University (Moscow, Russia), Russian Academy of Justice (Moscow, Russia), University of Cambridge – Centre for Public Law (Cambridge, United Kingdom), The Hebrew University of Jerusalem – Faculty of Law, Sacher Institute (Jerusalem, Israel), and Russian law firm ART DE LEX.

The organizers of the Conference underline that, in spite of untoward conditions in some parts of Russia, foreign participants have optimistic views and are ready to cooperate and share their experiences in the legal field.

Many world-renowned scholars took part in the Conference as speakers. Among them were:

- Professor Shimon Shetreet (The Hebrew University of Jerusalem)
- Dr. Sophie Turenne (University of Cambridge)
- Professor Christopher Forsyth (University of Cambridge)
- Sir Louis Jacques Blom-Cooper (QC FKC)
- Professor Marcel Storme (University of Ghent)
- Professor Irina Reshetnikova (Ural State Law Academy, Chair of the Federal Arbitration Court of the Ural Federal District)
- Professor Vladimir Yarkov (Ural State Law Academy)
- Professor Viktor Blazheev (Kutafin Moscow State Law University)
- Professor Valentin Ershov (Russian Academy of Justice)
- Professor Sergey Nikitin (Russian Academy of Justice)
- Professor Dmitry Maleshin (Lomonosov Moscow State University)

The conference was also attended by representatives of leading universities in the United Kingdom and Australia, as well as by scholars from several additional European and Asian educational institutions.

The Conference program was prepared by Kutafin Moscow State Law University. A highlight of the Conference was a trip arranged by the organizers for the participants in order to visit the Constitutional Court in St. Petersburg.

The head of the Conference Organizing Committee was Dmitry Magonya, Managing Partner of ART DE LEX Law Firm.

The International Association of Judicial Independence and World Peace was founded in 1982. This Association is one of the most well known international organizations, which unites practicing lawyers, competent experts in law and judges around the world. The Association focuses on drafting international standards of judicial independence and supports the culture of peace in all states. Its efforts are also aimed at promoting the ideas of peace, democracy, freedom, and liberty by strengthening and maintaining judicial independence in all its aspects. The Association participated in drafting a number of international documents, which are currently recognized and applicable all over the world. Among those documents are the Minimum

Code of Judicial Independence (in cooperation with the International Bar Association, New Delhi, India, 1982) and the Montreal Declaration on the Independence of Justice (Montreal, Canada, 1983).

The organizers:

The University of Cambridge is one of the world's oldest universities and leading academic centers, in addition being a self-governed community of scholars. It is known for its outstanding academic achievements, as well as for the original research of its scholars.

The Hebrew University of Jerusalem, which was founded in 1918 and opened officially in 1925, is Israel's premier university as well as its leading research institution. The Hebrew University is ranked internationally among the 100 leading universities in the world and the first among Israeli universities.

Kutafin Moscow State Law University (MSAL) has an enrollment about 17,000 students. It offers courses that provide deep knowledge of the subject matter in combination with relevant practical skills, making efforts to improve the legal system.

The Russian Academy of Justice (RAJ) was established in 1998 pursuant to Decree of the President of Russia and the Resolution of the Government of the Russian Federation for the purposes of upgrading judges' proficiencies. The founders' authority was given to the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation.

ARTDELEX Law Firm, since its foundation in 2005, has been proactively involved in collaborating with professional law associations. Legal culture inevitably leads to social development and enables the attainment of high occupational standards in law enforcement practice.

The contribution that is worth mentioning is a speech presented by the Advisor to the President of the Russian Federation, Former Chairman of the Supreme Arbitrazh Court, Professor Veniamin Yakovlev. In his speech, he highlighted the issues of the judges' power in the terms of judicial independence. He also revealed the importance of internal ethical guidelines for the judges and their role in the achievement of real independence, in terms of the realization of justice.

Within the confines of MSAL, well-known scholars and legal practitioners were discussing the issues associated with the institution of

the Judicial Branch in modern states in an attempt to find some ways of resolving those issues. There were five sessions held, which dealt with the following topics:

- Independence of the judicial power as a basis for a Culture of Peace;
- Strengthening of individual independence of judges and the institution of the Judicial Branch;
- The influence of transnational judicial practice on the independence of judges;
- Rule of law, justice and peace;
- International standards of judicial independence.

It is worth mentioning that for better efficiency the organizers of the Conference involved representatives of Russian and foreign judicial systems.

Another work that is worth mentioning is titled “Legal Certainty as One of Most Important Guarantees of Judicial Independence.” It was presented by a well-known scholar and retired judge. Specifically, the presenter was Honored Lawyer of the Russian Federation, Academician of the Russian Academy of Sciences and Rector of the Russian Academy of Justice, Professor Valentine Ershov. In his work, Ershov describes what he views as problems with the sources of law. He also outlines the main factors that he believes should serve as guidelines for judges during the decision-making process.

The speech of the President of the Federal Arbitration Court of the Ural District, Professor Irina Reshetnikova, outlines the practical aspects of ensuring the independence of judges in Russia.

Dmitry Magonya, Managing Partner of ART DE LEX Law Firm, came up with a presentation on the access to justice for vulnerable groups of citizens and the value of the independence of the judicial power. In his work, Magonya gives particular attention to the social status of participants of the trial process, in addition to exploring the possible influence it may have on the judicial power independence.

The following were among the other scholars who took part in the Conference:

- Professor Vladimir Yarkov (Ural State Law Academy)
- Professor Shimon Shetreet (The Hebrew University, Israel)
- Dr. Sophie Turenne (University of Cambridge, United Kingdom)
- Professor Marcel Storm (University of Ghent, Belgium)

- Professor Sergey Nikitin (Russian Academy of Justice)
- Professor Dmitry Maleshin (Lomonosov Moscow State University)

Within the framework of the Conference, the participants visited the Constitutional Court of the Russian Federation. There was a meeting with a group of judges, headed by Deputy Chairman of the Constitutional Court, Olga Hohriakova. The discussion was mainly about problems related to the realization of the constitutional justice in Russia. There was also a conversation about ensuring constitutionality and learning from foreign experience regarding the oversight of the rule of law. The result of this work was a layout of the principles on which the actualization of judicial independence is based.