

ITP Research Form

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Paper Title:[Frozen in Time: History, Problems, and Reform of the Russian Criminal Justice and Penal Systems

Abstract:

This paper provides an extensive overview and analysis of the Russian criminal justice and penal systems. After discussing the history of the development of criminal law and civil procedure in Russia, we trace the systems from an individual's arrest through incarceration, highlighting major issues relating to criminal due process as well as civil and human rights. This paper covers such topics as the use of bribery by officials in the criminal justice system, the prevalence of bail, the role of pretrial detention, accountability of criminal defense counsel, the access to jury trials, and the conditions faced by pretrial detainees and prisoners in detention centers and penal colonies. Proposed solutions are then given to reform Russia's criminal justice and penal systems. When appropriate, throughout the paper comparisons are made to United States law in an effort to highlight differences between the two systems and provide a more comprehensive understanding for American and Russian readers alike.

The Russian criminal system has emerged out of its czarist and autocratic past, but many problems have persisted. The widespread use of bribery, the infrequent use of bail, and the erratic nature of jury trials, for example, undermine fundamental tenets of fairness and transparency, two characteristics necessary for a justice system to be democratic and successful. Moreover, the newly reformed Russian criminal code has not addressed the flawed pretrial detention system and the lack of quality defense representation.

Furthermore, Russian pretrial detention centers and penal colonies are responsible for countless human rights violations, including torture, rape, and murder. As such, the Russian criminal justice and penal systems need to be reformed, but how to implement change is problematic. Regime change and the creation of a civil society are macro changes but are unrealistic given the apathy that pervades the Russian populace. Incremental changes, such as increasing organizations dedicated to prisoner rights and focusing on the most flagrant violations in the criminal justice system, may provide the best solution to these complex issues.