[RU] Supreme Court on Defamation

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On 24 February 2005 the Supreme Court of the Russian Federation adopted a Resolution “On Judicial Practice Related to Disputes on the Protection of Honour and Dignity of Citizens, as well as of the Business Reputation of Citizens and Legal Entities”. Such resolutions explain the statutory norms to the courts having general jurisdiction over particular topical issues of legal practice in Russia.

The Resolution annuls a similar Resolution of the Supreme Court of the Russian Federation of 18 August 1992, No.11. The adopted text accepts the necessity to consider Article 10 of the Convention on Human Rights and the case law of the European Court of Human Rights in defamation law in Russia.

It advances the ideas shared by the Supreme Court of Russia on how all general courts should treat norms of the Civil Code of the Russian Federation on defamation issues. In particular, for the first time at such a high level Russian law states that when dealing with defamation lawsuits against the mass media and journalists, the courts should pay attention not only to whether honour and dignity have really been damaged, but also to whether freedom of expression will be limited as a result of the court's judgment. It is also a requirement now that facts should be separated from opinions: courts should not consider lawsuits against “subjective opinions” since their truthfulness cannot be verified in court. Courts should also take into account that they may not demand apologies from the defendants, as was acceptable before.

“O sudebnoy praktike po delam o zashchite chesti i dostoinstva grazhdan, a takzhe delovoy reputatsii grazhdan i yuridicheskih lits”

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Resolution of the Supreme Court of the Russian Federation No.3 "On Judicial Practice Relating to Disputes regarding the Protection of the Honour and Dignity of Citizens, as well as of Business Reputation of Citizens and Legal Entities"

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