

Use of modern means of communication as evidence in Russian courts

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Main issues

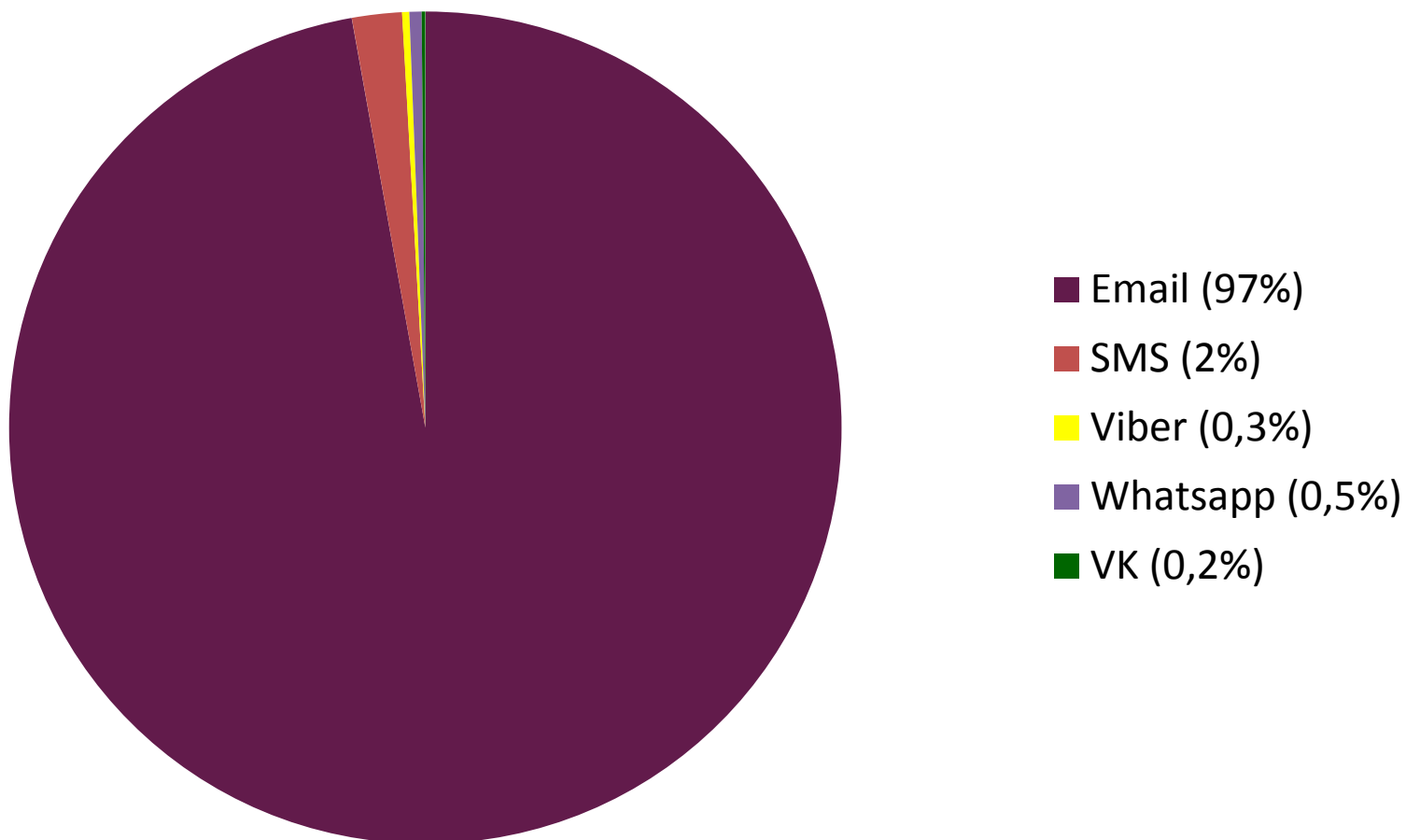


- *Miranda law* in e-communication: can everything you type be used against you? (spoiler: no, actually)
- “To infinity and beyond!”: online communication used as evidence (even in the courts of law)

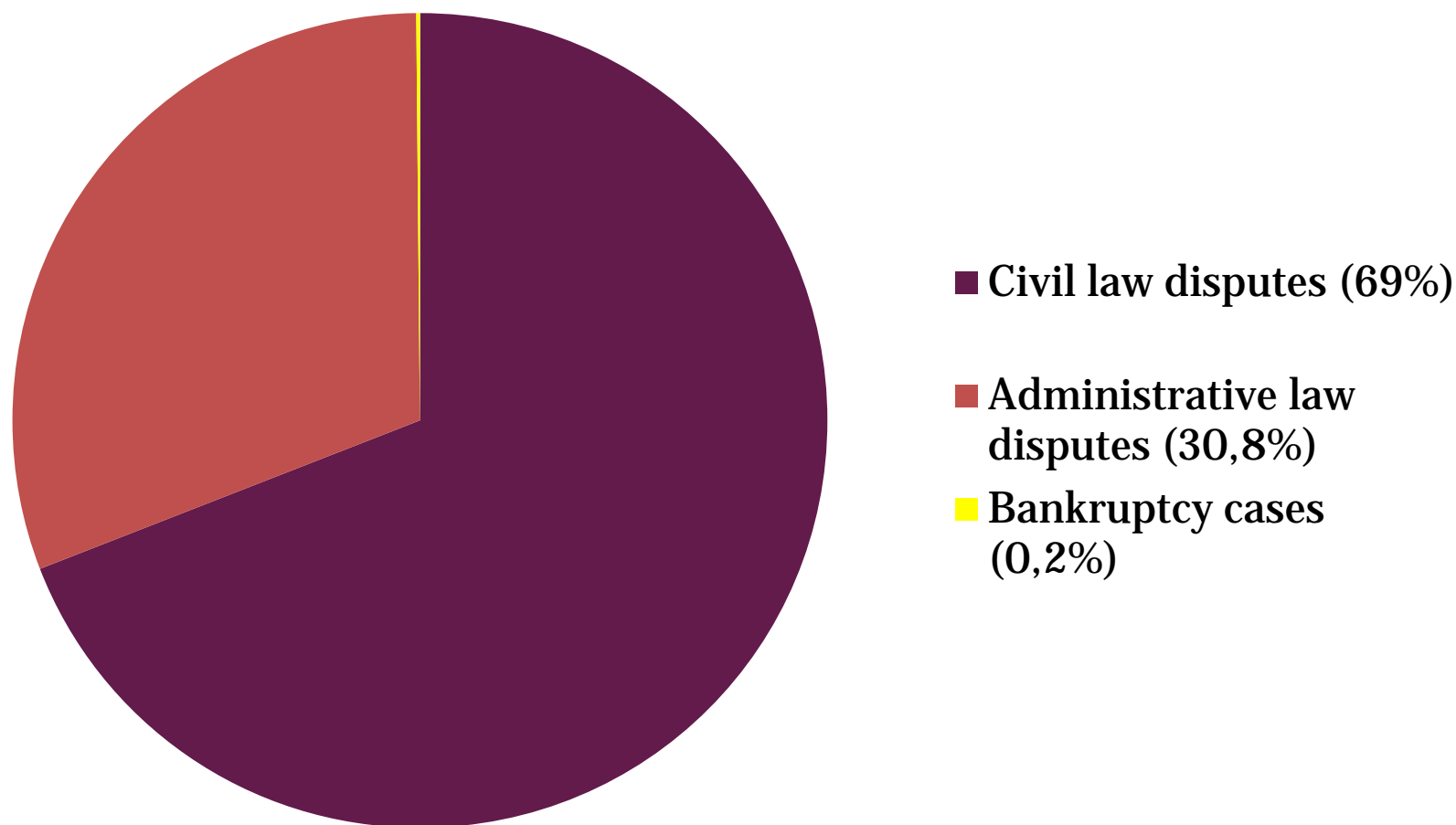
General tendencies

- In 2016: 17 388 176 cases (except for criminal cases) heard in Russian courts (courtesy of the Judicial Department at the Supreme Court of the Russian Federation)
- Among them emails were mentioned in 2 123 cases only

Main trends



Types of cases in which online evidence was relevant



Email communication (1/3)

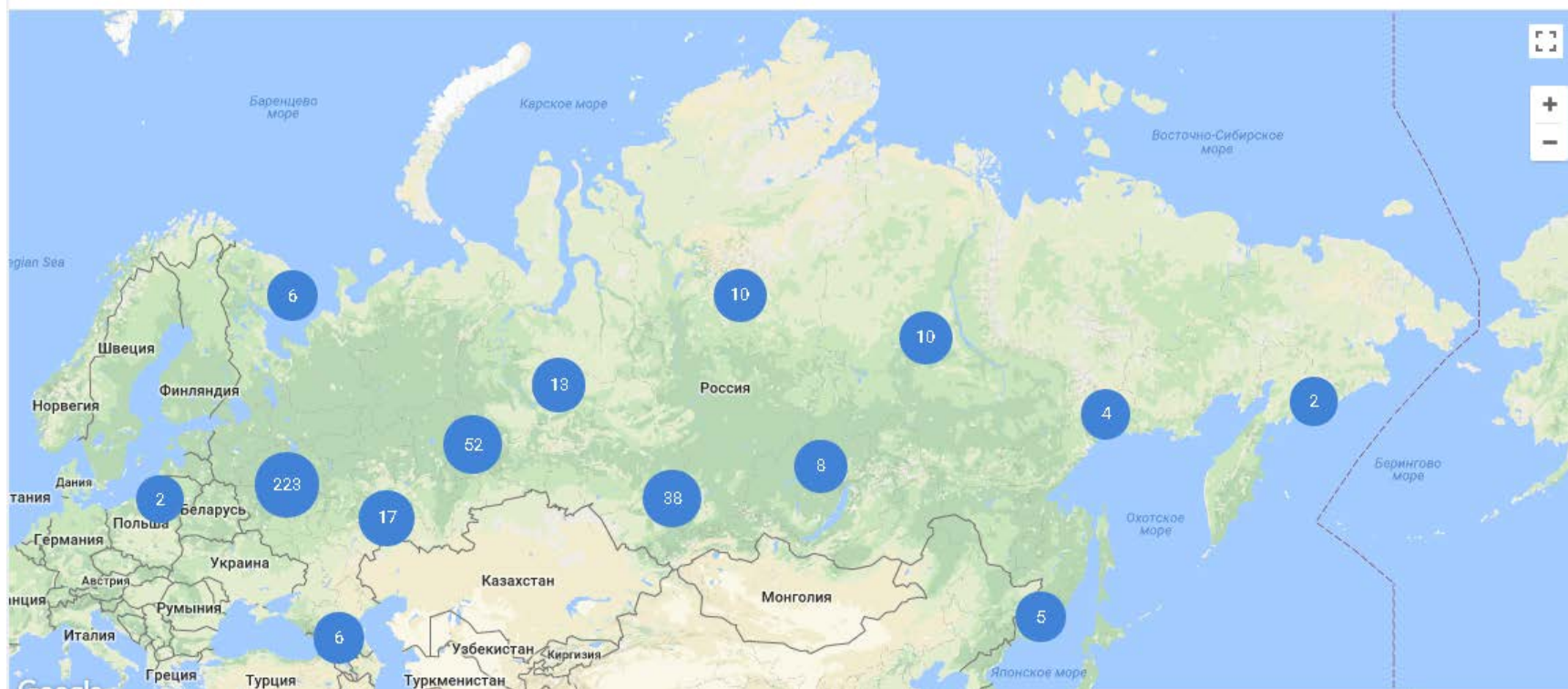


Email communication (2/3)

- The most widespread electronic evidence
- Three criteria of admissibility:
 1. Common practice and/or prior arrangements
 2. Notarization
 3. Identification of the sender

Email communication (3/3)

Распределение судебных актов по регионам



SMS (1/3)

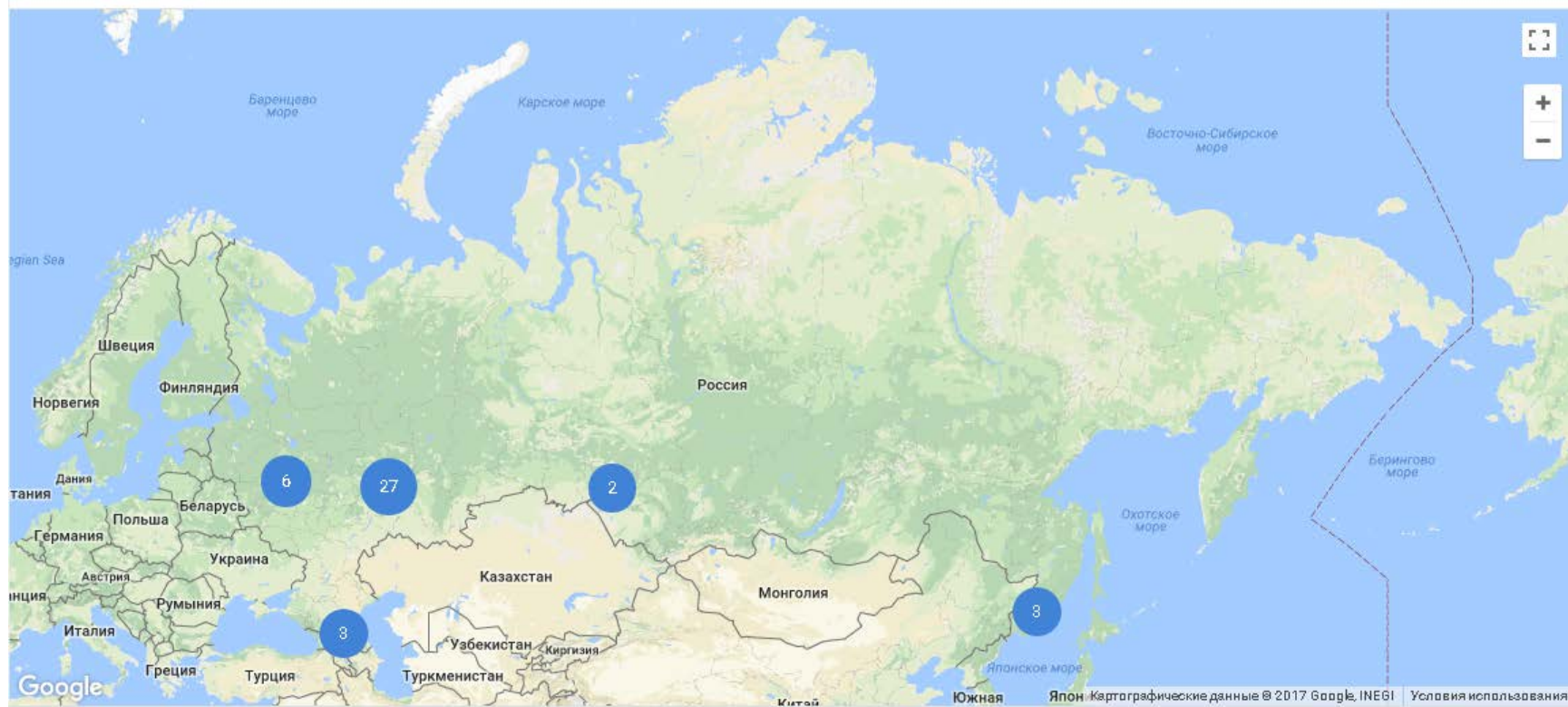


SMS (2/3)

- SMS communication: admitted by the courts much less frequently than emails
- Increasing attention to SMS: from violations of the Law on advertising to other cases
- Admissibility criteria: equal to emails

SMS (3/3)

Распределение судебных актов по регионам



Social networks and messaging services (1/2)

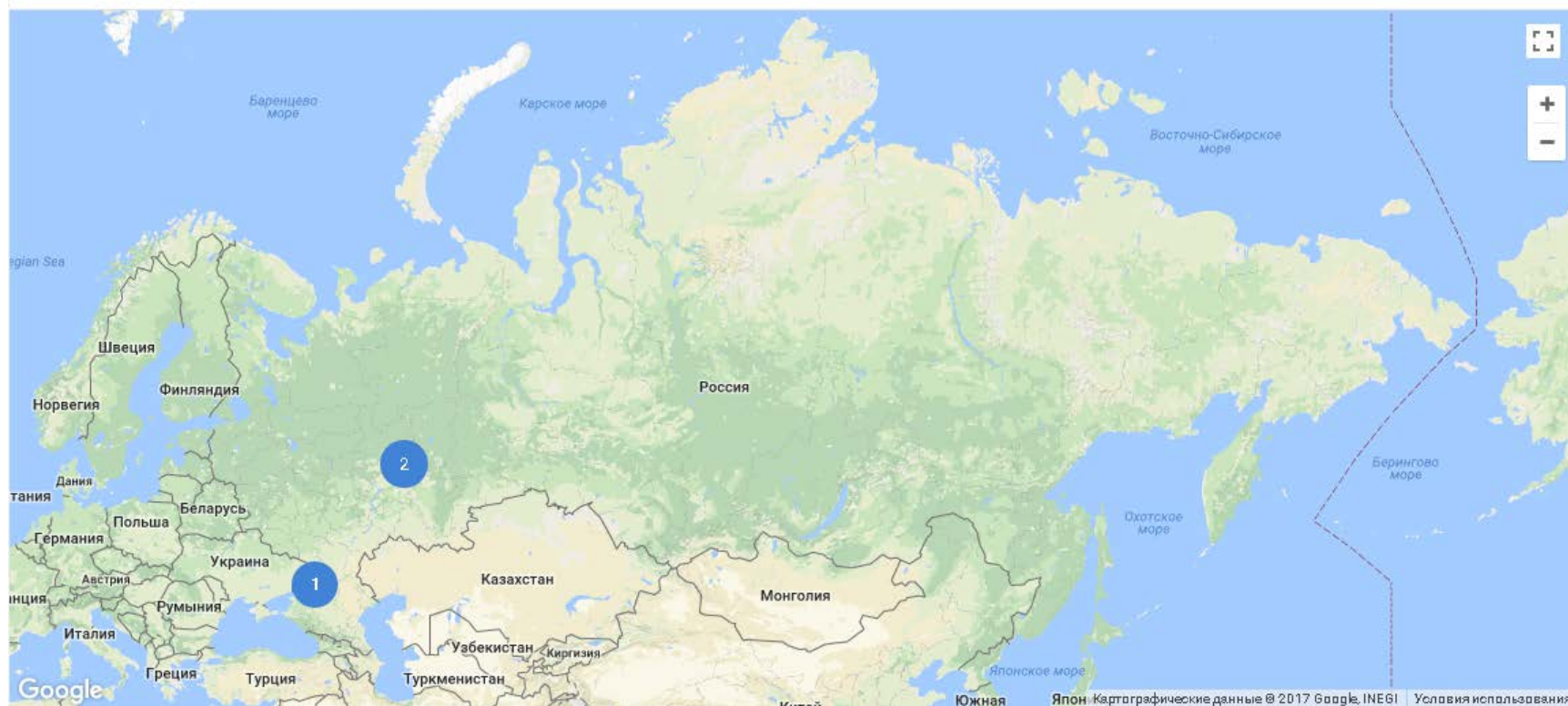


Social networks and messaging services (2/2)

- Considered as admissible evidence by the courts
- Strict requirements of sender identification
- Criteria of admissibility: equal to e-mails

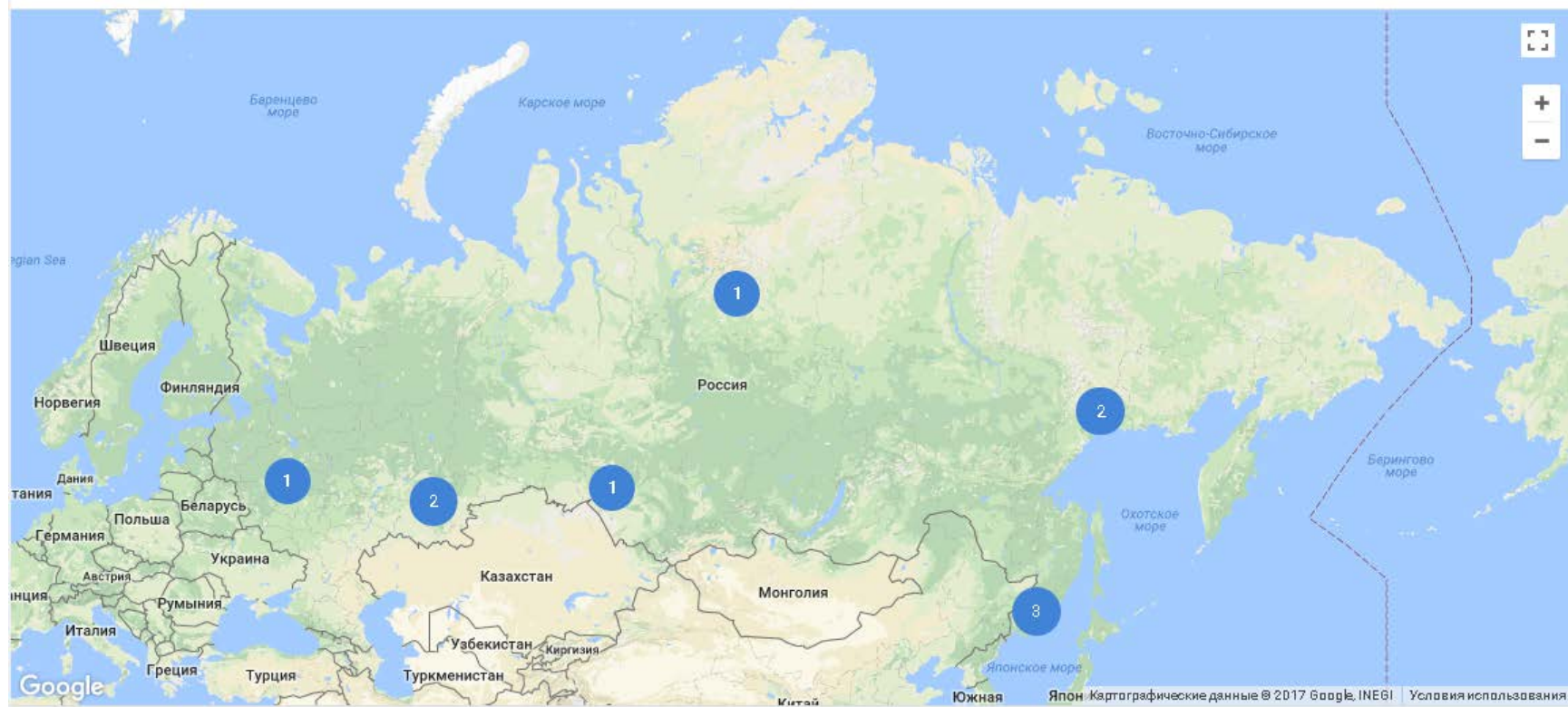
Vkontakte

Распределение судебных актов по регионам



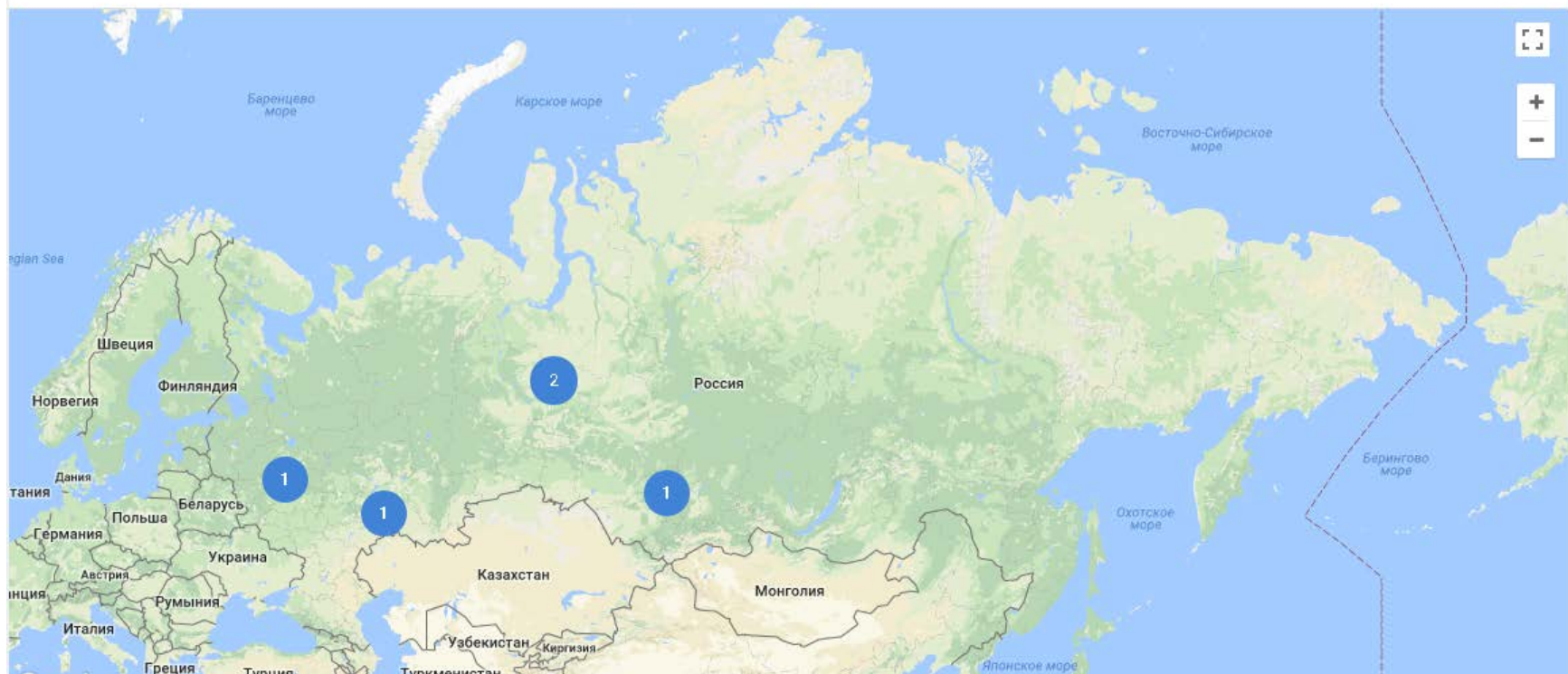
WhatsApp

Распределение судебных актов по регионам



Viber

Распределение судебных актов по регионам



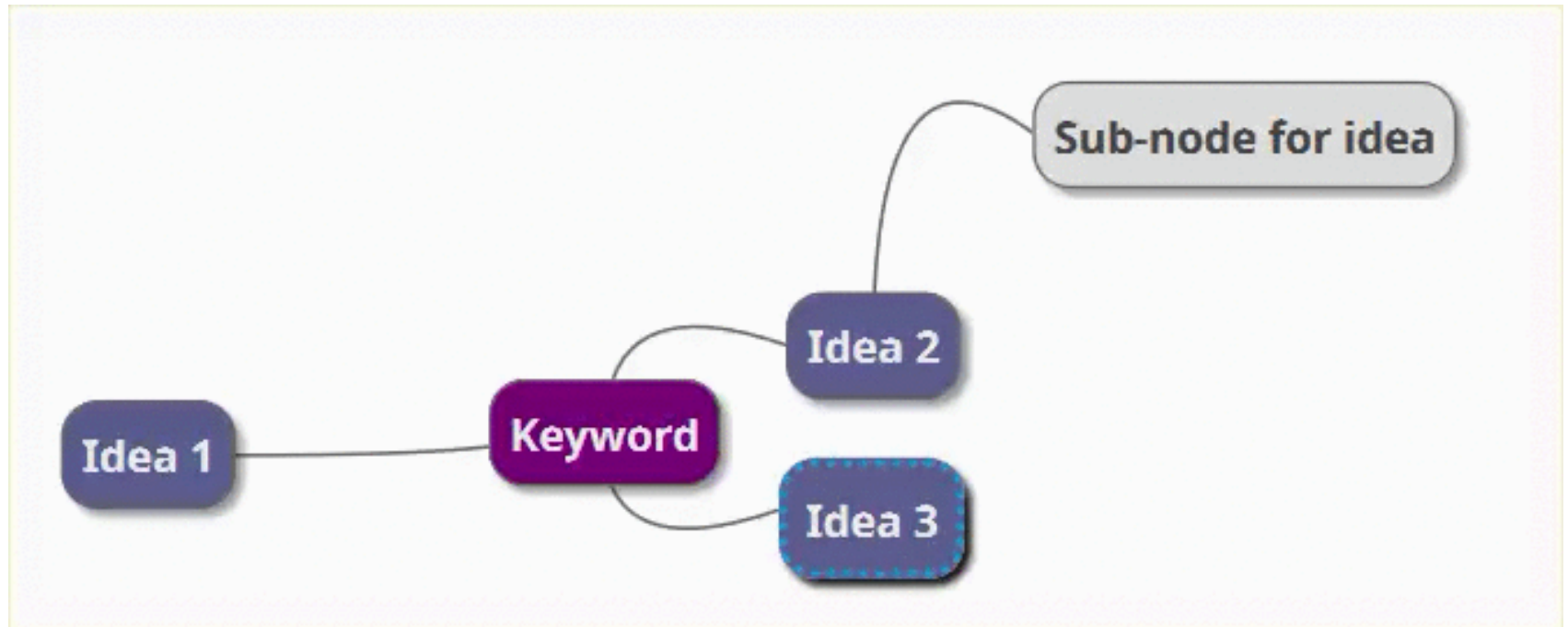
Conclusions and life hacks (1/2)



Conclusions and life hacks (2/2)

- The courts are conservative and rarely accept modern means of communication
- Adherence to formal requirements is crucial
- No clear admissibility criteria of e-mail communication (and other similar evidence) (everything depends on a particular judge)

Bonus: mind maps



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