

**THE PLENARY SESSION OF
THE SUPREME COURT OF THE RUSSIAN FEDERATION**

RULING

No. 8, Moscow, 31 October 1995

**ON SOME ISSUES OF APPLICATION BY COURTS
OF THE CONSTITUTION OF THE RUSSIAN FEDERATION
WHILE ADMINISTERING JUSTICE**

The clause regarding the supreme legal effect and immediate application of the Constitution of the Russian Federation fixed in the Constitution means that all constitutional provisions are supreme with respect to statutes and regulations, pursuant to which the courts, while determining specific cases, should be guided by the Constitution of the Russian Federation. With a view of securing uniform of constitutional provisions by the courts, while administering justice, the Plenary Session of the Supreme Court of the Russian Federation h e r e b y r u l e s to provide the following expounding:

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5. The courts, while administering justice, are to proceed from the fact that universally recognised principles and norms of the international law fixed in international pacts, conventions and other instruments (in particular, in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights), and international treaties entered into by the Russian Federation are a component part of its legal system, under Article 15 § 4 of the Constitution of the Russian Federation. The same constitutional provision provides that, where an international treaty entered into by the Russian Federation sets out rules other than those set out by a law of the Russian Federation, the rules of the international treaty shall apply.

Considering that, a court, while determining a case, is not empowered to apply rules of a law regulating emerged legal relations, if an international treaty, which has taken legal effect for the Russian Federation and the decision of the Russian Federation to consent to be bound by it was taken in the form of a federal law, sets out rules other than those provided for by the law.

In following that, the courts should bear in mind that, pursuant to Article 5 § 3 of the Federal law of the Russian Federation «On International Treaties Entered into by the Russian Federation», provisions of officially published international treaties entered into by the Russian Federation, not requiring adoption of domestic enactments for their application, have immediate effect in the Russian Federation. In other instances application of an international treaty entered into by the Russian Federation should be accompanied by application of the relevant domestic legal act adopted to implement the provisions of the above international treaty.

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V.M. LEBEDEV
President,

the Supreme Court of the Russian Federation,

V.V. DEMIDOV

Secretary of the Plenary Session,

Justice of the Supreme Court of the Russian Federation,

Перевод на английский язык.

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