

By the Judgment of 17th December, 2015 No. 33-II/2015 the Constitutional Court gave appraisal of constitutionality of Item 7 of Section 2 of Article 29, Section 4 of Article 165 and Section 1 of Article 182 of the Criminal Procedure Code of the Russian Federation.

The contested provisions were the subject-matter of consideration insofar as on their basis the question of holding search at premises used by a lawyer for carrying out law activity is solved and objects are determined, which are subject to disclosure and withdrawal in the course of this investigatory action, within the framework of a criminal case in which lawyer's principal is a suspect, an accused.

The Constitutional Court recognized the contested provisions as not contradicting the Constitution of the Russian Federation as contemplating that:

search connected with access to the materials of law proceedings is possible solely on the basis of a court decision, in which specific objects of the search and withdrawal in the course of this investigatory action must be indicated, which serve as lawful ground for its holding;

not subject to examination by bodies carrying out criminal persecution and to forced withdrawal in the course of the search are materials of the law proceeding in respect of the lawyer's principal, which contain data not going beyond the bounds of rendering professional juridical assistance proper both on a criminal case in which the lawyer is a defence attorney and on any other cases which are in the lawyer's proceeding, i.e. materials not directly connected with violations on the part both of the lawyer and his principal, committed in the course of the proceedings on this case, which have criminally unlawful character, or other crimes committed by third persons, or consist in storage of instruments of a crime or objects which are forbidden for circulation or whose circulation is limited on a law basis;

in the course of the search at premises used for carrying out law activity video-, photo- and other fixing of the materials of law proceedings in the part which constitutes law secret is forbidden.