

By the Judgement of 20 July 2021 No. 38-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 34, part six of the Federal Law “On detention of persons suspected or accused of having committed crimes”.

This norm became subject to consideration insofar as within the current legal regulation system it served as basis to decide on necessity of documenting grounds, procedure and results of security check of belongings and clothes of a lawyer visiting his or her client in remand facility with the aim to discharge professional duties to render legal help to suspect or accused detained on remand.

The challenged norm was recognised not contravening the Constitution of the Russian Federation since according to its constitutional legal meaning within the current legal framework with regard to such security check it encompasses the following:

upon security check that is conducted on suspicion that a lawyer attempts to bring forbidden items, substances or food outside the normal place of security check (examination) with use of technical means at the entrance or exit of the remand facility where the lawyer so requires the documenting of grounds, procedure and results of relevant actions must be performed;

where video recording of the security check of belongings and clothes of a lawyer takes place the relevant records must be kept irrespective of the lawyer’s demand at least during the time period foreseen to challenge in court the legality of security check, and their copies must be presented to lawyer upon his or her request during this time period.

The Constitutional Court separately indicated that the case of the applicant shall not be subject to review.