

IN THE NAME OF THE RUSSIAN FEDERATION

CONSTITUTIONAL COURT
OF THE RUSSIAN FEDERATION

Judgment

of 14 January 2000 No. 1-II

in the case concerning the review of the constitutionality of certain provisions of the Criminal Procedure Code of the RSFSR regulating the powers of a court to institute criminal proceedings upon the request of the Supreme Court of the Russian Federation and complaint of I. P. Smirnova.

Moscow, 14 January 2000

The Constitutional Court of the Russian Federation composed of Presiding Judge G. A. Gadzhiev and Judges, N. V. Vitruk, A. L. Kononov, T. G. Morshchakova, Yu. D. Rudkin, N. V. Seleznev, A. Ya. Sliva, O. I. Tiunov, B. S. Ebzееv, V. G. Yaroslavtsev,

in the attendance of I. P. Smirnova's representatives, attorneys M. A. Marov and Yu. B. Zaytsev; V. P. Sepalin, Judge of the Supreme Court of the Russian Federation, Permanent Representative of the State Duma to the Constitutional Court of the Russian Federation V. V. Lazarev; and Representative of the Council of the Federation attorney A. V. Popov,

pursuant to Section 4, Article 125 of the Constitution of Russian Federation, Subsection 3, Section 1, Sections 2 and 3 of Article 3, Subsection 3, Section 2 of Article 22, Articles 36, 74, 86, 96, 97, 99, 101, 102 and 104 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation",

in an open hearing examined the constitutionality of certain provisions of the Criminal Procedure Code of the RSFSR regulating the powers of a court to institute criminal proceedings.

The reason for the consideration of the case is the complaint of I. P. Smirnova about a violation of her constitutional rights by the mentioned provisions of the Criminal Procedure Code of the RSFSR and the request of the Supreme Court of the Russian Federation.

Having heard the report of Justice-Rapporteur A. L. Kononov, statements by the parties, and having considered written submissions and other materials, the Constitutional Court of the Russian Federation

e s t a b l i s h e d :

1. On 21 March 1997, in examining the criminal case against I. P. Smirnova, who had been charged with a crime stipulated by Section 3, Article 147 of the Criminal Code of the

RSFSR, the Tverskoy District Court of Moscow, taking into consideration Article 256 of the Criminal Procedure Code of the RSFSR, instituted, on its own motion, criminal proceedings against I. P. Smirnova (the defendant's sister) on the same charges. This happened even though the case materials included the investigator's decision to discontinue the criminal proceedings against I. P. Smirnova due to the absence of elements of crime in her actions. Simultaneously, pursuant to Section 4, Article 256 of the Criminal Procedure Code of the RSFSR, the court subjected her to a measure of restraint in the form of detention. The opened criminal case was joined to the criminal case against I. P. Smirnova and remitted to the prosecution authorities for further investigation.

In her complaint submitted to the Constitutional Court of the Russian Federation, I. P. Smirnova requests to examine the constitutionality of the provisions of Sections 1, 2 and 4 of Article 256 of the Criminal Procedure Code of the of RSFSR, which, in her opinion, violate her constitutional rights. She considers that the power to initiate criminal prosecution belongs to special bodies of the executive branch and vesting such power in a court contradicts the latter's constitutional function (nature) as an independent and impartial authority which administers justice in adversarial proceedings (Articles 10, 118 (Section 1) and 123 (Section 3) of the Constitution of the Russian Federation).

The Supreme Court of the Russian Federation also lodged a request with the Constitutional Court of the Russian Federation in connection with the examination, by its Judicial Section on Criminal Cases, of the cassation appeal in a criminal case of O. N. Rybakov. It follows from the request and materials attached that on 2 June 1998 during the scheduling of a trial hearing in the case against a group of persons, the Kirovsky District Court of Saratov, acting upon the motion of the victim's representative, under Articles 108, 109 and 232 of the Criminal Procedure Code of the RSFSR, decided to remit the case for further investigation. Despite the fact that the case file contained the investigator's decision to discontinue criminal prosecution against O. N. Rybakov, the court opened a criminal case under Articles 126 and 131 of the Criminal Code of the Russian Federation, and gave specific instructions to the investigation authorities to obtain evidence proving O. N. Rybakov's guilt. After further investigation was carried out and the whole group charged with graver offences, the Saratov Regional Court convicted them.

The Supreme Court of the Russian Federation requests a constitutional review of Subsection 6, Section 1 of Article 108, Sections 1, 2 and Subsection 1, Section 3 of Article 109, Subsection 4, Section 1 of Article 232, and Sections 1, 2 and 4 of Article 256 of the Criminal Procedure Code of the RSFSR. Under these provisions a court shall institute criminal proceedings against a person, who has not been charged yet, if the elements of crime are

discovered and circumstances of the commission are established. If it appears to be impossible to sever the materials in respect of a new charge into separate proceedings a court may remit the case for further investigation.

It is highlighted in the request that the mentioned provisions do not conform to the requirements of Articles 10, 118 and 123 (section 3) of the Constitution of the Russian Federation, which, in the opinion of the Supreme Court of the Russian Federation, provide for strict separation of adjudicatory and prosecutorial functions. Therefore, vesting a court with an obligation to institute criminal proceedings is incompatible with its constitutional status of an independent and impartial tribunal which administers justice on the basis of the principles of adversarial proceedings and equality of parties.

Substantiating their claims, I. P. Smirnova and the Supreme Court of the Russian Federation also refer to the opinions of the Constitutional Court of the Russian Federation expressed in the Judgment of 28 November 1996 in the case concerning the review of the constitutionality of Article 418 of the Criminal Procedure Code of the RSFSR and the Judgment of 20 April 1999 in the case concerning the review of the constitutionality of the provisions of Subsections 1 and 3, Section 1 of Article 232, Section 4 of Article 248 and Section 1 of Article 258 of the Criminal Procedure Code of the RSFSR.

Insofar as both applicants challenge the constitutionality of the same powers of a court within criminal procedure, by virtue of Article 48 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation is permitted to consider these applications together.

2. The challenged power of a court to institute criminal proceedings is provided for in a number of provisions of the criminal procedure legislation, and considering their normative unity they shall be reviewed together.

Articles 108 and 109 of the Criminal Procedure Code of the RSFSR provide a general procedure to institute criminal proceedings for all of the authorities. These provisions impose an obligation on prosecutors, investigators, inquiry authorities, and equally on courts to examine statements and notices concerning the commission or preparation of a crime, and to institute criminal proceedings if elements of a crime are discovered. The same obligation is imposed on the authorities listed above if they become aware of a criminal act themselves.

The mentioned provisions specify Article 3 of the Criminal Procedure Code of the RSFSR, which stipulate that “a court, a prosecutor, an investigator, and an inquiry authority shall, within their jurisdiction, institute criminal proceedings in each case of discovery of elements of crime, and shall take all legally prescribed measures to establish the circumstances of the crime, the persons guilty, and to punish them”. No limitations on the said power of a court

are laid down in the Criminal Procedure Code of the RSFSR. General provisions concerning the institution of criminal proceedings, their procedure and legal consequences are also to be found in Articles 112 and 115 of the Criminal Procedure Code of the RSFSR, which, along with Article 3, must be applied each time such decision is rendered, including one rendered by a court. Therefore, despite the fact that these general provisions have not been referred to in the law-enforcement acts in the criminal cases of I. P. Smirnova and O. N. Rybakov, *de facto* they have been applied in the mentioned cases and served as a ground for referrals to the Constitutional Court of the Russian Federation. Accordingly, they are challenged within the scope of the present case as an integral part to the institution of public prosecution criminal proceedings by a court.

The power of a court to institute criminal proceedings is also provided for in the challenged Sections 1 and 2 of Article 256 of the Criminal Procedure Code of the RSFSR, which stipulate that if, in the course of examining a criminal case, commission of a crime by a person not charged with it is disclosed, a court shall institute criminal proceedings against that person and remit the case for investigation either separately or jointly with a pending case. While instituting criminal proceedings against a new person a court is also empowered to impose a restraint measure on him (Section 4 of Article 256 of the Criminal Procedure Code of the RSFSR) pursuant to Articles 89, 91 and 92 of the Criminal Procedure Code of the RSFSR, which provide for imposing a restraint measure only on an accused person.

The same powers are to be found in Article 255 and Section 3 of Article 256 of the Criminal Procedure Code of the RSFSR which stipulate that if appearance of commission of a crime by a person not charged with it is disclosed, a court examining a criminal case shall institute criminal proceedings; as well as in Subsection 10, Section 1 of Article 5 of the Criminal Procedure Code of the RSFSR, which provides for an exclusive power of a court to institute criminal proceedings despite of a standing decision of an inquiry authority, an investigator, or a prosecutor to discontinue the criminal proceedings under the same charges and against the same person. The mentioned provisions are also an integral part of the single procedural mechanism of instituting criminal proceedings by a court in public prosecution cases, which is to be reviewed in the present proceedings.

In the opinion of the Supreme Court of the Russian Federation stated in its request, the provisions of Subsection 4, Section 1 of Article 232 of the Criminal Procedure Code of the RSFSR, which provide for a possibility for a court, during the scheduling of a trial hearing, to remit a case for further investigation in order to charge a new person, also allow a court to institute criminal proceedings against him.

Within the meaning of Section 2 of Article 74 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation establishes the constitutional meaning of the abovementioned provisions on the basis of their objective unity giving due regard to their place in the normative system delineating the criteria of division among the major functions within criminal procedure. Therefore, the subject of the present review is the provisions of the Criminal Procedure Code of the RSFSR united by their normative content, which impose an obligation on a court, at any litigation stage, to institute criminal proceedings each time elements of crime are discovered, including where a person has not been charged with any offence. The unseverable powers of a court to impose a restraint measure on the mentioned person and to remit a case for further investigation shall be reviewed together.

This approach is consistent with Section 2 of Article 87 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, which empowers the Constitutional Court of the Russian Federation and other law-enforcement authorities to consider the provisions which are not applied in the applicant’s case but which are analogous to the challenged provisions, even more so if they are united by their normative content.

3. Certain aspects of a court’s power to institute criminal proceedings have been already reviewed by the Constitutional Court of the Russian Federation. In the Judgment of 28 November 1996, the Constitutional Court of the Russian Federation recognized, as non-conforming to the Constitution of the Russian Federation, the provisions of Article 418 of the Criminal Procedure Code of the RSFSR prescribing a court to institute criminal proceedings not on the basis of a full indictment, but an inquiry authorities’ report supplemented by the case materials.

However, the procedure stipulated by Article 418 of the Criminal Procedure Code of the RSFSR required a court not only to institute criminal proceedings, but also to file charges, indict a person, and then examine the case on the merits, which distinguishes that procedure from the one provided in the challenged norms. Nevertheless, the opinions articulated by the Constitutional Court of the Russian Federation in the abovementioned judgment are of significance to the present proceedings. The Constitutional Court of the Russian Federation has found that a court may not be vested with any functions incoherent with its judicial nature, and that initiating criminal proceedings and pursuing the charges are the tasks of specialized authorities – inquiry, preliminary investigation and prosecution. A court, on the contrary, shall objectively examine the lawfulness and reasonableness of charges brought against a person, review the actions of the prosecution, and consider the complaints lodged with a court against the actions and decisions of officials, who carry out criminal proceedings at the pre-trial stage.

Besides the judgment states that the constitutional principle of adversarial proceedings requires such legal design of criminal proceedings, which separates exclusively judicial function of adjudication (deciding a case) from the functions of the parties contending before a court (prosecution and defense). A court shall guarantee fair and impartial resolution of a dispute, ensuring equality of parties, and thus may not assume their procedural functions, including a power to institute criminal proceedings.

In the Judgment of 20 April 1999, the Constitutional Court of the Russian Federation recognized, as non-conforming to the Constitution, the power of a court, on its own motion, to remit a case for further investigation due to incompleteness of inquiry or investigation, which cannot be remedied at a hearing, as well as where new charges are to be filed against a defendant (Subsections 1 and 3, Section 1, Article 232 of the Criminal Procedure Code of the RSFSR). In such cases, a court *de facto* would have to carry out an atypical prosecutorial function contradicting Articles 49, 123 (Section 3), 46 (Section 1) and 52 of the Constitution of the Russian Federation. However, the provisions which were recognized as non-conforming to the Constitution of the Russian Federation in the abovementioned judgment of the Constitutional Court of the Russian Federation did not provide for a court to institute criminal proceedings against third persons while remitting a case for further investigation; which is not excluded by the challenged Subsection 4, Section 1 of Article 232 of the Criminal Procedure Code of the RSFSR.

Consequently, the legal opinion expressed in the abovementioned judgments of the Constitutional Court of the Russian Federation, which are still valid today, do not cover all aspects of initiating criminal proceedings by a court and thus do not preclude consideration of the issues raised by the applicants in the present proceedings.

4. Pursuant to criminal procedure legislation in force, instituting criminal proceedings is an initial, independent stage of criminal proceedings. During this stage, the inquiry and investigation authorities establish the reasons and grounds for instituting criminal proceedings, *inter alia* sufficient facts uncovering the elements of crime, their legal qualification, circumstances precluding criminal proceedings; they also take measures to prevent and suppress the crime, secure material evidence, ensure further investigation and examination of the case pursuant to statutory jurisdictional rules, etc.

An act of instituting criminal proceedings commences public criminal prosecution in the name of the State and in connection with the committed criminal offence, and provides legal grounds for further procedural actions of inquiry and preliminary investigation authorities and a court. Accordingly, the rules of instituting criminal proceedings precede regulation of an investigation, i.e. the pre-trial stage of the criminal proceedings in the course of which statutorily

determined special authorities and officials are to solve a crime, find the guilty persons, substantiate and file the charges with the aim of sending a case to a court which is to examine the case on the merits and, thereby, to administer justice.

Vesting a court exclusively with the task of administration of justice, the Constitution of the Russian Federation does not assign prosecutorial functions to the court jurisdiction, because the exercise of this function is reserved to the executive branch enjoying constitutional powers to maintain public order and prevent crime.

5. The constitutional principle of separation and independence of legislative, executive and judicial powers (Article 10 of the Constitution of the Russian Federation) requires, within criminal proceedings, separation of functions vested in the respective authorities, i.e. constitutional functions of administration of justice and criminal prosecution.

Pursuant to Article 11 (Section 1) and Chapter 7 of the Constitution of the Russian Federation, administration of justice in the Russian Federation is vested in courts as bodies of judicial power, which examine and resolve specific cases during court hearings strictly following the statutorily prescribed procedures of constitutional, civil, administrative and criminal adjudication (Sections 1 and 2 of Article 118 of the Constitution of the Russian Federation).

6. Vesting a court with a power to institute criminal proceedings does not conform to the constitutional provisions on independence of the judiciary (Article 18, Section 1 of Article 46, and Article 120 of the Constitution of the Russian Federation). Essentially the same understanding of the judicial office status underlies the International Covenant on Civil and Political Rights (Article 14 § 1), which provides that in determination of any criminal charge against him everyone shall be entitled to a fair hearing by a competent, independent and impartial tribunal established by law. Similar provisions are found in the Procedures for the Effective Implementation of the Basic Principles of the Independence of Judiciary, adopted by the United Nations Economic and Social Council on 24 May 1989, Resolution 1989/60, stipulating that no judge shall be required to perform services that are inconsistent with his independent status. The constitutional principles of adversarial proceedings and equality of parties (Section 3 of Article 123 of the Constitution of the Russian Federation) speak to the same effect as well.

A court, as an authority administering justice, may not be vested with instituting criminal proceedings, a function which is not coherent with its nature, (Article 3 of the Criminal Procedure Code of the RSFSR), even more so, if proceedings are instituted despite a standing decision of investigation authorities to renounce prosecution and to discontinue criminal proceedings (Subsection 10, Section 1, Article 5 of the Criminal Procedure Code of the RSFSR). However, within the criminal proceedings on public prosecution cases a court may exercise judicial review of the legality and reasonableness of a decision to institute criminal proceedings,

denial to institute, or a decision to discontinue them. Such review shall be exercised through judicial examination of the materials submitted by the public prosecution authorities, including the materials under the complaints of persons whose constitutional rights have been violated by these decisions.

Therefore, instituting criminal proceedings as an aspect of criminal prosecution function, which is to be performed by one of the parties in the adversarial proceedings, that is a public prosecutor and/or a victim, does not belong to a court's role within administration of justice and may not be imposed on a court since it contradicts the principles of independence, objectivity and impartiality of courts.

For the very same reasons, a court in any case shall not be vested with a power to render a decision to institute criminal proceedings as a precondition to remittal of a case for further investigation, if the grounds to bring charges against a new person are present (as it is prescribed by Section 2 of Article 256 and permitted by Subsection 4, Section 2, Article 232 of the Criminal Procedure Code of the RSFSR).

Equally, there are no constitutional grounds for the provisions of Section 4 of Article 256 of the Criminal Procedure Code of the RSFSR, which provides that, while instituting criminal proceedings against a new person, a court has the power to impose a restraint measure on him. Imposing a restraint measure necessarily involves substantiation by a court of a suspicion in commission of a crime, which is squarely a function of the prosecution. A court decision to impose a restraint measure may be rendered solely on the basis of the materials obtained and submitted by the inquiry, investigation, and prosecution authorities. Examination of these materials is a judicial guarantee of the right to liberty and security of person, stipulated by Article 22 (Section 2) of the Constitution of the Russian Federation.

As follows from the above reasoning, if a court examining a criminal case establishes facts which disclose an appearance of a crime, it must refrain from statements as to whether there are sufficient grounds to suspect a particular person and from formulating charges. It shall refer the relevant materials to the prosecution authorities competent to carry out further checks of reasons and grounds to institute criminal prosecution. These authorities are obliged to immediately consider the facts and circumstances established by the court and to take appropriate measures.

Consequently, the provisions of Article 3, Subsection 6, Section 1 of Article 108, Sections 1, 2 and Subsection 1, Section 3 of Article 109, Articles 112 and 115, Subsection 4, Section 1 of Article 232, Sections 1, 2 and 4 of Article 256, Subsection 10, Section 1 of Article 5, Article 255, and Section 3 of Article 256 of the Criminal Procedure Code of the RSFSR unified by their normative content as they provide for the power of a court to institute

criminal proceedings upon the discovery of elements of crime, entailing public criminal prosecution, *inter alia* against a new person; and to impose a restraint measure on him, do not conform to Articles 10, 120 and 123 (Section 3) of the Constitution of the Russian Federation.

7. As has been repeatedly pointed out by the Constitutional Court of the Russian Federation, in particular, the officially published Decision of 26 January 1999 rendered on the ground of the request of the Vaninsky District Court of the Khabarovsk Territory, these conclusions do not concern the order, stipulated by the Criminal Procedure Code of the RSFSR, of instituting criminal proceedings in private prosecution cases under a victim's complaint.

Procedurally, instituting proceedings in cases of private prosecution initiated under a victim's complaint presumes separation of administration of justice functions vested in a court and criminal prosecution functions performed by the victim. The victim's complaint is not only an exclusive reason for instituting criminal proceedings in private prosecution cases, but also a bill of indictment framing criminal prosecution, which shall be filed with a defendant for preparation of his defence. Therefore, the fundamental feature of an adversarial trial, i.e. separation of deciding the case and prosecution powers, is not put in doubt. A court is not entitled to institute criminal proceedings in private prosecution cases and cannot take it for examination. Equally, a court, within this type of proceedings, is not vested with any other powers, which transgress the limits of administrations of justice as its constitutional function.

The court's power to institute criminal proceedings in private prosecution cases, provided by the Criminal Procedure Code of the RSFSR, is only its power and duty to take a victim's complaint for examination. Thus, instituting criminal proceedings in private prosecution cases under a victim's complaint has a distinct legal nature from instituting criminal proceedings case in public prosecution cases.

Accordingly, a power of a court to institute criminal proceedings shall be recognized as conforming to the constitutional norms only to the extent establishing specific procedural mechanism of instituting criminal proceedings in private prosecution cases under a victim's complaint prescribed by Article 27 of the Criminal Procedure Code of the RSFSR.

8. In its Judgment of 20 April 1999, the Constitutional Court of the Russian Federation expressed a legal opinion that a court, on its own motion, is not entitled to remit a case for further investigation due to incompleteness of inquiry or investigation which cannot be remedied during a court hearing, and where new charges are to be filed against a defendant (Subsections 1 and 3, Section one of Article 232 of the Criminal Procedure Code of the RSFSR). This opinion is also applicable to the provisions of Subsection 4, Section 1 of Article 232 and Section 2 of Article 256 of the Criminal Procedure Code of the RSFSR, which provide for court power to remit a case for further investigation on its own motion where there are grounds for charging

another person with a criminal offence and where it is not possible to sever the case against him into separate proceedings. Taking into consideration the conclusions in Sections 4–6 of the reasoning of the present Judgment, a court’s decision to remit a case for further investigation cannot be reasoned by its obligation to institute criminal proceedings against a new person, since this function shall be performed by the authorities in which public criminal prosecution is vested.

The provisions of Subsection 4, Section 1 of Article 232 and Section 2 of Article 256 of the Criminal Procedure Code of the RSFSR, to the extent that they provide for court power to remit a case for further investigation on its own motion where there are grounds for charging another person with a criminal offence and where it is not possible to sever the case against him into separate proceedings, are essentially the same as provisions recognized previously by the Constitutional Court of the Russian Federation as non-conforming to the Constitution of the Russian Federation. Accordingly, under Section 2, Article 87 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, these provisions shall not be applied by courts. The same approach can be observed in judicial practice (Section 2 of the Decree of the Plenum of the Supreme Court of the Russian Federation “On Practice of Application by the Courts of the Legislation Regulating Remittal of a Case for Further Investigation” of 8 December 1999).

Pursuant to Article 68 of the Federal Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation shall discontinue proceedings if, in the course of examination, grounds to deny consideration of an application are discovered. Consequently, the present proceedings to the extent that they concern the constitutionality of challenged Subsection 4, Section 1 of Article 232 and Section 2 of Article 256 of the Criminal Procedure Code of the RSFSR shall be discontinued since the Constitutional Court of the Russian Federation has previously rendered a judgment on this matter and it remains in force.

Concluding from the above and pursuant to Sections 1 and 2 of Article 71, Articles 72, 74, 75, 79, 87, 100 and 104, and Article 68 and Subsection 3, Section 1 of Article 43 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the Constitutional Court of the Russian Federation

h e l d :

1. To recognize Article 3, Subsection 6, Section 1 of Article 108, Sections 1, 2 and Subsection 1, Section 3 of Article 109, Articles 112 and 115, Subsection 4, Section 1, Article 232, Sections 1, 2 and 4 of Article 256 of the Criminal Procedure Code of the RSFSR united by their normative content and to the extent that they provide for court power to institute criminal proceedings against a new person and to impose a restraint measure on him as non-

conforming to the Constitution of the Russian Federation and its Articles 10, 46, 49, 120 and 123 (Section 3).

Pursuant to Section 2 of Article 87 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the provisions of Subsection 10, Section 1 of Article 5, Article 255 and Section 3 of Article 256 of the Criminal Procedure Code of the RSFSR non-conforming to the Constitution of the Russian Federation to the extent that they provide for court power to institute criminal proceedings shall not be applied by courts.

2. To discontinue the proceedings on the review of the constitutionality of Subsection 4, Section 1 of Article 232 and Section 2 of Article 256 of the Criminal Procedure Code of the RSFSR to the extent that they provide for court power to remit a case for further investigation on its own motion where there are grounds for charging another person with a criminal offence and where it is not possible to sever the case against him into separate proceedings, since these provisions are essentially the same as provisions recognized previously by the Constitutional Court of the Russian Federation as non-conforming to the Constitution of the Russian Federation by its valid judgment.

Pursuant to Section 2 of Article 87 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the specified provisions shall not be applied by courts.

3. Pursuant to Section 2, Article 100 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, the case against I. P. Smirnova is to be reconsidered by courts according to the established procedure.

4. This Judgment shall be final and shall not be subject to any appeal, it shall come into force immediately upon pronouncement, shall be directly applicable, and shall not require confirmation by other authorities and state officials.

5. Pursuant to Article 78 of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation”, this Judgment shall be published in the Collection of Laws of the Russian Federation and *Rossiyskaya Gazeta*. The Judgment shall also be published in the Bulletin of the Constitutional Court of the Russian Federation.

Constitutional Court
of the Russian Federation