

By the Judgement of 22 March 2018 No. 12-II/2018 the Constitutional Court gave appraisal of constitutionality of Sections 1 and 3 of Article 107 of the Criminal Procedure Code of the Russian Federation.

The contested provisions were the subject-matter of consideration insofar as on their basis it is decided to choose a measure of suppression in the form of house arrest in respect of a person suspected or accused of commission of a crime of small gravity.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation, so far as they contemplate that choosing of a measure of suppression in the form of house arrest in respect of the said person, suspected or accused of the commission of a crime of small gravity, is only allowed if in accordance with the provisions of the General and Particular parts of the Criminal Code of the Russian Federation, including Section 1 of its Article 56, deprivation of liberty may be prescribed as the most severe kind of punishment for this crime, or in the presence of exclusive cases envisaged by Section 1 of Article 108 of this Code for choosing of a measure of suppression in the form of detention, in which house arrest in principle may be applied.

In these cases court decision on application of a measure of suppression to the suspect or accused does not predetermine court's conclusions in the main question of a criminal case – on the defendant's guilt and his punishment.