

**By the Judgement of 24 May 2018 No. 20-II/2018 the Constitutional Court appraised constitutionality of Section 1 of Article 435 of the Criminal Procedure Code of the Russian Federation.**

The contested norm was the subject-matter of consideration insofar as on its basis, when there has been established mental illness of a person, to whom keeping in custody has been applied as a measure of suppression, court decides on the transfer of this person to a medical organisation which renders psychiatric aid in hospital conditions and on terms of his keeping in such organisation.

The Constitutional Court has recognised the contested provisions as not contradicting the Constitution of the Russian Federation to the extent to which they contemplate that:

in the event of revelation of mental illness of a person, to whom keeping in custody has been applied as a measure of suppression, court, deciding on his transfer to medical organisation which renders psychiatric aid in hospital conditions – in the presence of medical indications for it, fixed in the conclusion of experts participating in forensic expertise and, if necessary, in the medical conclusion of a respective medical organisation – must set the term for which this person shall be put to the said medical organisation, including the calendar date of its expiry;

prolongation of the term of this person's stay in the said medical organisation must be carried out with regard to the provisions of the Criminal Procedure Code of the Russian Federation determining the order of prolongation of the term of keeping in custody and with ensuring him the right to exercise procedural rights of a suspect, accused envisaged by Articles 46 and 47 of this Code in person (if his mental condition allows to exercise such rights independently), as well as with the help of a counsel for the defence and legal representative;

the term established by court, for which this person is being put in the said medical organisation, in no event may be regarded as an obstacle for his release from such medical organisation, as soon as absence of grounds for being there is stated by competent officials of a respective medical organisation;

discontinuance of stay in the said medical organisation of a person, in whose respect the decision on transfer to such medical organisation was taken during application to him a measure of suppression in the form of keeping in custody, contemplates – if by the moment of disappearance of grounds of stay of this person in the respective medical organisation the term for which this measure of suppression was prescribed expired – resolution of the question of the need to apply to this person the same or other measure of suppression, bearing in mind criminal persecution carried out in his respect, in order to ensure fulfilment of tasks of criminal proceedings.