

By the Judgement of 12 October 2021 No 44-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 220, paragraph three of the Code of Civil Procedure of the Russian Federation; Article 135, item five and Article 138, item one of the Code of Criminal Procedure of the Russian Federation.

These provisions were subject to examination insofar as within the current legal regulatory system they served as basis to decide on civil procedure consideration by court of a claim to compensate wages that were not paid to citizen due to his or her unlawful or unfounded criminal prosecution, if these claims were previously considered under criminal procedure and partially granted, but a citizen disagrees with the relevant judicial decision.

The challenged provisions were recognised as not contradicting the Constitution of the Russian Federation for the following reasons:

they allow a rehabilitated person to produce said claims in civil procedure if they were not resolved on the merits within criminal procedure;

they also allow courts considering the case under criminal procedure, taking into account the constitutional legal meaning of these provisions within the current legal regulatory system, to leave the claim without consideration on the merits in order to ensure more effective protection of rights of the rehabilitated person – if a court finds that the dispute as regards law or fact must be resolved under civil procedure rather than under Chapter 18 of the Code of Criminal Procedure of the Russian Federation.

The Constitutional Court found that there were no grounds to review decisions applying the challenged provisions to the applicants' case.