

By the Judgment of 12 May 2022 No. 18-II/2022 the Constitutional Court assessed constitutionality of Article 42, part 1 of Criminal Procedure Code of the Russian Federation.

This article determines the procedural status of the victim in criminal procedure.

The challenged provision was recognized as not contravening the Constitution of the Russian Federation insofar as it implies the possibility of recognition as a victim in a criminal case initiated against an investigator (inquirer) in connection with the falsification of evidence in a criminal case investigated by him, the person convicted in this criminal case, including cases where the guilty verdict of the convicted person has not been overturned (not amended).

Constitutional Court concluded that the case involving the applicant, which served as the basis for his appeal to the Constitutional Court, was not subject to review, and in case of cancellation of the guilty verdict in which the applicant claimed the status of a victim, the issue of granting him the rights of a victim, including the right to compensation for property and moral damage, must be decided on the basis of the legal positions expressed in this Judgment.

Constitutional court also noted that the applicant is entitled to compensatory mechanisms, which form and amount are determined by the Babushkinsky District Court of Moscow, which considered in the first instance the case involving the applicant, and in which the challenged provision was applied.