

**By its Judgement of 18 July 2022 No. 33-II/2022 the Constitutional Court of the Russian Federation assessed constitutionality of Article 27, part 2 of the Criminal Procedure Code of the Russian Federation and Article 78, part 1, point “B” of the Criminal Code of the Russian Federation.**

According to Article 27, part 2 and also Article 24, part 1, item 3 of the Criminal Procedure Code of the Russian Federation, the termination of criminal prosecution on the grounds provided for is not allowed if the suspect or the accused against this and in this case the criminal proceedings continue as usual.

In accordance with Article 78, part 1, point “B” a person is exempted from criminal liability if ten years have elapsed since the commission of a serious crime.

The challenged provisions were recognized as not conforming to the Constitution of the Russian Federation to the extent that they allow, in their interrelationship, the continuation of criminal prosecution after the expiration of the statute of limitations for criminal prosecution at the pre-trial stage of criminal proceedings, including for a serious crime, if the suspect or accused objected at the time of expiration of this period to the termination of criminal prosecution on this non-rehabilitating basis, – they do not guarantee that the legal status of such a person in relation to suspicion or accusation of committing a crime will be achieved within a reasonable time.

Pending the introduction of appropriate legislative changes, the continuation of the investigation of a criminal case after the expiration of the statute of limitations of criminal prosecution, when the suspect or accused objected at the time of expiration of this period to the termination of the criminal case on this non-rehabilitating basis, is allowed for a period not exceeding twelve months from the date of expiration of the statute of limitations of criminal prosecution. After the expiration of the specified period, if the criminal case is not transferred to the court in accordance with the established procedure, it is subject to immediate termination and without the consent of the suspect or the accused, who has the right to challenge such a decision to the court, and the court is obliged to resolve his complaint according to the rules provided for in Article 125<sup>1</sup> of the Code of Criminal Procedure of the Russian Federation. The procedure introduced by this Resolution begins to be applied in criminal cases of minor crimes – after three months, for fairly serious crimes – after six months, for serious crimes (except for the applicant's case) – after nine months, for especially serious crimes - a year after the entry into force of this Resolution.

If the criminal case against the applicant has not been referred for consideration in accordance with the established procedure, it is subject to termination regardless of the nine-month period defined for serious crimes from the date of entry into force of this Resolution. In case of disagreement with the grounds for termination of the case, the applicant has the right to apply for judicial protection of his rights in accordance with the procedure provided for in Article 125<sup>1</sup> of the Code of Criminal Procedure of the Russian Federation.