

By the Judgement of 27 September 2022 No 35-II/2022 the Constitutional Court assessed constitutionality of Article 56, part one, two and item 1 of part three; Article 74 of the Code of Criminal Procedure of the Russian Federation.

The said interconnected provisions became subject to examination insofar as they served as a basis to decide the issue about appellate court request the trial court to survey the jurors on the arguments of the appellant or the party challenging the verdict of the first-instance court, the alleged violation of the secrecy of their deliberations or other violations of criminal procedure law in discussing and passing the verdict, and whether the explanations received should be admitted as evidence.

The challenged interconnected provisions were recognized as not contravening the Constitution of the Russian Federation since according to their constitutional and legal meaning, they do not allow the trial court to receive explanations from the jurors as part of the service check about alleged violations of the secrecy of their deliberations or about other violations of the criminal procedure during the discussing and passing of the verdict, including at the request of a higher court in connection with its examination of the issue of such violations. If the materials of the appeal or representation of the party contesting the verdict provide grounds for assuming the existence of such a violation, the determination of the relevant circumstances must be carried out directly in the session of the court of appeal in accordance with the rules of the criminal procedure and the legal positions expressed in the Judgement of the Constitutional Court of July 7, 2020 № 33-P.

The Constitutional Court concluded that the judicial acts in the applicant's case are not subject to review.