

By the Judgement of 11 July 2023 No.37-II, the Constitutional Court assessed constitutionality of Article 71 (part 2) of the Criminal Procedure Code of the Russian Federation

Mentioned provision was the subject of consideration to the extent that it serves as a normative basis for resolving the issue of the participation in a criminal case of a specialist who had previously been questioned in this case as a witness.

The contested legal provision was recognized as not contradicting the Constitution to the extent that it excludes participation in a criminal case as a specialist of such a person and entails the recognition of evidence obtained with his participation as inadmissible.

The Constitutional Court separately noted that the judicial decisions rendered in the applicant's case are subject to review in accordance with the established procedure. The Presidium of the Supreme Court of the Russian Federation has the right to not change the relevant court decisions if the discrepancy in understanding of the contested legal provision with its revealed constitutional and legal in a systematic connection with other provisions of the criminal procedure law in combination with other evidence in this case does not cast doubt on the validity of the verdict.