

By the Judgement of 22 May 2023 No.25-II, the Constitutional Court of the Russian Federation assessed constitutionality of Article 77¹, part 3 of the Code of Execution of Criminal Sentences of the Russian Federation

The above-mentioned legal provision has been the subject of examination to the extent that it constitutes the legal basis for the court's consideration of a claim for compensation for moral damage in connection with a violation of the conditions of detention in the pre-trial detention facility of a prisoner sentenced to imprisonment in a penal colony who has remained in the pre-trial detention facility or has been transferred to it in order to take part in the investigation or trial proceedings.

The contested provision was found not to be inconsistent with the Constitution of the Russian Federation to the extent that its constitutional and legal meaning in the system of the current legal regulation of judicial review of disputes on compensation for moral damage in the above circumstances suggests that the amount of space allocated to such persons in a pre-trial detention cell is not determined in accordance with the standards of living space established by Article 99 (part 1) of the Code of Execution of Criminal Sentences of the Russian Federation, but in accordance with the standard of sanitary space, at least not less than that established under Article 23 (part 5) of the Federal Law “On Detention of Persons Suspected or Accused of Crime”