

By the Judgement of 9 July 2024 No.36-II, the Constitutional Court assessed constitutionality of Article 7 of the Federal Law “On the Detention of Persons Suspected or Accused of a Crime”.

This legal provision has been examined in so far as it serves as a basis for determining the conditions of detention of suspects and accused persons in convoy premises located in the buildings of courts of general jurisdiction.

The challenged provision was found to be inconsistent with the Constitution of the Russian Federation insofar as, although it was objectively justified not to include such premises in the list of places of detention, it did not provide for determining the conditions of detention in such premises for persons detained on suspicion of committing a criminal offence or for persons suspected or accused of committing a criminal offence in respect of whom a preventive measure in the form of remand in custody had been chosen.

Until appropriate changes are made to the legislation, the contested provision cannot prevent a court from recognising a violation of the conditions of detention of suspects and accused persons in convoy premises located in courts of general jurisdiction if the court concludes, on the basis of the totality of the circumstances of a particular case (such as the size of the premises, their physical and technical equipment, and their sanitary and hygienic conditions, etc.), that the conditions of a person's stay in convoy quarters have undermined his or her human dignity.