

By the Judgement of 11 July 2024 No.37-II, the Constitutional Court assessed constitutionality of Article 71 of the Criminal Procedure Code of the Russian Federation.

This legal provision has been examined insofar as it serves as a basis for resolving the issue of the participation in a criminal case of an expert who has previously been interrogated as a witness in the case.

The challenged provision was found not to be inconsistent with the Constitution of the Russian Federation insofar as it excludes the participation of such a person as an expert in a criminal case and entails the recognition of inadmissible evidence obtained with his participation.

The Constitutional Court separately noted that the judgments 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 leave the relevant judicial decisions unchanged if the difference in understanding of the contested legal provision in this case does not undermine the validity of the sentence.