

By the Judgement of 17 December 2024 No.58-II, the Constitutional Court assessed constitutionality of Article 413 (item 1 of part 4) and Article 414 (part 3) of the Criminal Procedure Code of the Russian Federation

These interrelated legal provisions were examined in so far as they served as a basis for the decision to reopen the criminal proceedings in the light of the Constitutional Court Judgement, in which the Court indicated the need to review the applicant's case where the contested act had been applied, if such reopening could lead to a worsening of the situation of a convicted or acquitted person.

The challenged provisions were found not to be inconsistent with the Constitution, since according to their meaning they presuppose the obligation to reopen criminal proceedings in order to review a court judgement that has entered into force and to correct a possible miscarriage of justice on the basis of the Judgement of the Constitutional Court that has declared a normative act or a separate provision thereof applied in the case inconsistent with the Constitution of the Russian Federation or has declared it consistent with the Constitution as interpreted by the Constitutional Court, if such judgement contains an express indication to review the case. When reviewing the case, the worsening of the situation of a convicted or acquitted person is permitted only if it is proportionate to the restoration of the rights of the person whose review is indicated in the Judgement of the Constitutional Court.