

By the Judgement of 28 March 2024 No. 13-II, the Constitutional Court assessed constitutionality of Article 20 (parts 1 and 4), Article 31 (parts 1 and 2), Article 147 (part 4) and Article 318 (parts 1 and 3) of the Criminal Procedure Code of the Russian Federation

These legal provisions have been the subject of consideration in so far as they determine whether a district court should accept for its proceedings, at the request of a victim (or his or her legal representative), a criminal case on private prosecution for the purpose of establishing the criminal liability of an accused person.

The challenged legal provisions were found not to be inconsistent with the Constitution of the Russian Federation, since they do not imply that a district court should refuse to accept such a criminal case on the grounds that the rules provided for Chapter 41 of the Code of Criminal Procedure determine that proceedings in criminal cases involving private prosecution are under the jurisdiction of a justice of the peace.

The Constitutional Court concluded that there were no grounds for reviewing the judgments rendered on the basis of the contested legal provisions and stated that the applicant is entitled to compensatory mechanisms, the form and amount of which will be determined by the court of first instance which examined the cases in which the contested provisions were applied.