

By the Judgement of 23 October 2025 No.35-II, the Constitutional Court assessed constitutionality of Article 33 of the Federal Law of 15 July 1995 No.103-FZ «On the Detention of Suspects and Accused of Committing Crimes»

Mentioned legal provision was the subject of consideration to the extent that, it serves as a basis for placement of court staff (including former) in common cells during their detention.

The contested provision was found to be inconsistent with the Constitution since it does not include members of court staff (including former) in the list of persons in respect of whom detention is provided separately from other suspects and accused persons in connection with their professional activities.

Until the appropriate legislative changes are made members of court staff (including former) are detained in accordance with the requirements of Article 33 (item 7 of part 2) of the Federal Law of 15 July 1995 No.103-FZ «On the Detention of Suspects and Accused of Committing Crimes».

Constitutional Court separately noted that the wording of Article 80 (part 3) of the Penal Code of the Russian Federation “former employees of the courts” includes both former judges and former court staff, allows identifying persons belonging to the latter for the purposes of separate detention, and can also be extended to the analogy of the law in the relevant part to persons who still retain the status of an employee of the court staff.