

Judgment of the Constitutional Court of the Russian Federation
November 20, 2007 No. 13-P

CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

JUDGMENT

on November 20, 2007 No. 13-P

IN THE CASE CONCERNING THE CONSTITUTIONALITY OF SECTIONS 402, 433, 437, 438, 439, 441, 444 AND 445 OF THE CODE OF CRIMINAL PROCEDURE OF THE RUSSIAN FEDERATION IN CONNECTION WITH THE COMPLAINTS OF CITIZENS SG ABLAMSKIY, OB LOBASHOVA AND VK MATVEEV

In the name of the Russian Federation

The Constitutional Court of the Russian Federation, in the composition of Presiding Judge GA Zhilin and Judges YM Danilov, LM Zharkova, BD Zorkin, SM Kazantsev, MI Kleandarov, NV Melnikov, NV Seleznev,

with the participation of citizens SG Ablamvskiy and OB Lobashova, attorneys YL Yershov and VP Noskov representing citizen OB Lobashova, Candidate of Legal Studies EA Fomina representing the State Duma, Doctor of Legal Studies EV Vinogradova representing the Council of the Federation,

being guided by Article 125 (Part 4) of the Constitution of the Russian Federation, paragraph 3 of parts one, three and four of Article 3, paragraph 3 of part two of Article 22, Articles 36, 86, 96, 97 and 99 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation,"

has considered in open session the case concerning the verification of the constitutionality of certain provisions of Articles 402, 433, 437, 438, 439, 441, 444 and 445 Code of Criminal Procedure of the Russian Federation. The complaints of citizens SG Ablamvskogo, OB Lobashova and VK Matveeva were the reason for the review of this case. The grounds for review of this case was the uncertainty discovered in the question of whether the statutes contested by the applicants are constitutional under the Constitution of the Russian Federation.

Since all the complaints relate to the same subject matter, the Constitutional Court of the Russian Federation, guided by Article 48 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation," joined the proceedings on those complaints in one proceeding.

The court heard the judge-rapporteur NV Melnikov, the arguments of the parties, the conclusions of expert-Doctor of Laws SP Scherbo, and the comments of invited representatives: from the Prosecutor General of the Russian Federation - TL Oksyuk; from the Ministry of Internal Affairs of the Russian Federation - KE Lyubimov; from the Ministry of Health and Social Development of the Russian Federation - BA Kazakovtseva. The court examined the documents and other materials submitted to the court. Then, the Constitutional Court of the Russian Federation resolves:

1. Citizens SG Ablamvskiy, OB Lobashova and VK Matveyev have asked that the court hold unconstitutional a number of provisions of the Code of Criminal Procedure of the Russian Federation. These provisions regulate the conduct of proceedings concerning using compulsory medical measures on persons who have committed, while in a state of insanity, an act prohibited by the criminal law.

1.1. The Soviet District Court of Bryansk granted the petition of the investigator of the Bryansk regional prosecutor. The petition asked to place citizen SG Ablamskiy, accused of committing the act provided for by Article 129 "Defamation" of the Criminal Code of the Russian Federation, in the psychiatric ward of the Bryansk regional hospital for forensic psychiatric examination. The supervisory appeal of SG Ablamskiy to the Bryansk Regional Court regarding court decisions made in the conduct of investigation were returned without consideration on the merits, with the note that according to the results of the forensic psychiatric examination, SG Ablamskiy requires compulsory treatment, and is therefore not entitled to personally challenge the [District] Court's decision.

SG Ablamskiy assumes that the rules of Chapter 51 "The conduct of the application of compulsory medical measures" of the Criminal Procedural Code of the Russian Federation deprive a person, regarding whom is raised the issue of compulsory medical measures, of the possibility of personally reviewing the materials of the case, of participating in court proceedings, of personally carrying out his own defense, as well as of appealing decisions made in his case. Based on this assumption, SG Ablamskiy requests that this court hold that these regulations (the regulations found in the third paragraph of Article 433, the third and sixth parts of Article 439, part one of Article 441, and in Article 444) violate his rights under articles 45 and 46 of the Constitution of the Russian Federation.

1.2. The decision of the Leninsky District Court of Yaroslavl extended the compulsory medical measures, in the form of outpatient treatment and follow-up observation with a psychiatrist in a psychiatric clinic, for citizen OB Lobashova who was accused of committing an offense under paragraph one of Article 318 "Violence against a representative of authorities" of the Criminal Code of the Russian Federation. Cassation and supervisory complaints against this decision filed by OB Lobashova in the Yaroslavl Regional Court, as well as her petition for the termination of compulsory treatment that was directed to the Leninsky District Court of Yaroslavl, were all returned without consideration on the merits with reference to the fact that in accordance with Articles 402, 444 and 445 Code of Criminal Procedure of the Russian Federation, she does not belong to the class of persons who have the right to appeal these judicial decisions and to file the respective petitions, and that her due process rights were adequately realized by her legal representative.

OB Lobashova sees the unconstitutionality of articles 402 and 444, as well as of the first part of Article 445 of the Code of Criminal Procedure of the Russian Federation, in that they contain provisions which exclude the person against whom coercive medical measures are used from the group of participants in criminal proceedings who are [a)] entitled to appeal court decisions regarding the use and extension of such compulsory medical measures, and [b)] able to initiate the consideration of the termination of such measures. OB Lobashova claims these provisions deprive her of her right to independently address the court for the protection of her rights, and thus run contrary to Articles 45 and 46 of the Constitution of the Russian Federation. Applicant asks the court to hold unconstitutional those rules of Chapter 51 of the Code of Criminal Procedure of the Russian Federation which she believes do not provide parties, with respect to whom proceedings are being conducted or decisions have already been reached regarding the implementation of compulsory medical measures, the right to examine decisions which affect their rights or to participate in the hearings. [The rules may be found in] part three of Article 433, in the third and sixth parts of Article 439, and in part one of Article 441.

In addition, OB Lobashova claims that the concept of "mental state," used in connection with the regulation of the grounds for the implementation, extension, modification and termination of compulsory medical measures, as it is used in chapter 51 of the Code of Criminal Procedure of the Russian Federation (part two of Article 443, part six of Article 445), and in chapter 15 of the Criminal Code of the Russian Federation (part three of Article 102, part two of Article 104), lacks a legal

definition and generates arbitrary application of these measures, which is contrary to articles 19 and 46 of the Constitution of the Russian Federation.

However, the absence in the law of formally defined criteria for the concept of "mental state," a concept which belongs by its nature to the categorical apparatus of the sciences which study the human mental sphere, should not by itself be regarded as violating the constitutional rights of the applicant. The content [of the "mental state" concept] is specified by the court in each criminal case through the special knowledge of experts in the field of forensic psychiatry on the basis of actual circumstances supported by evidence. Based on their findings regarding the presence or absence of a mental disorder in a person, and about the existence in connection with said mental disorder of the danger of causing of harm to himself or others, the court decides the associated changes in the mental state of the person, said changes acting as legal facts which can create, alter or forfeit the rights of the person. Thus, the court ensures a fair resolution of the criminal case or of procedural issues which arise in connection with the implementation of compulsory medical measures. Thus the court, when examining the question of whether there are grounds for the implementation, extension, modification or termination of compulsory medical measures concerning a person, is required to check in a court hearing the validity of the conclusions of mental health professionals regarding the existence of a mental disorder in a person and of the possible consequences of said mental disorder, and, depending on the mental state of that person, to make a duly reasoned judgment on the issue.

1.3. By the order of the Railway District Court of Novosibirsk, citizen VK Matveev was subjected to compulsory medical measures in the form of forced outpatient observation and treatment by a psychiatrist in his community, in connection with the commission by VK Matveev of an act provided the first part of Article 318 "Violence against a representative of authorities" of the Criminal Code of the Russian Federation. Assuming that in the proceedings of his case there was a violation of the Criminal Procedure Law (in particular, that he had no legal representative participating in any of the preliminary investigations or in court proceedings, and that he did not have a defense counsel during expert examination), VK Matveev has appealed this ruling in cassation, but the appeal was refused, citing the fact that Article 444 of the Code of Criminal Procedure of the Russian Federation grants the right to appeal such decisions only to the prosecutor and to the defense counsel, guardian or close relative of a person who is being prosecuted in a criminal case.

VK Matveev requests to hold relevant provisions of Articles 437, 438 and 444 Code of Criminal Procedure of the Russian Federation unconstitutional under the Constitution of the Russian Federation and its Articles 19, 45, 46 (parts 1 and 2), 50 (part 3) and 55 (Part 3), as said provisions [of the Code of Criminal Procedure] do not provide for appeal of a decision regarding the implementation of compulsory medical treatment by the person to whom these measures apply. In addition, he challenges the constitutionality of Section 437 of the Code of Criminal Procedure of the Russian Federation in that said Section does not provide mandatory involvement and participation of the legal representative of a person in proceedings on the application of compulsory medical measures to that person.

However, the rule, found in Article 437 of the Code of Criminal Procedure of the Russian Federation, calling for bringing in a legal representative of a person to participate in criminal proceedings when the proceedings concern the implementation of compulsory medical measures against said person serves as an important guarantee of the rights of persons unable (or insufficiently able) to independently participate in the proceedings by virtue of their having a mental disorder.

The phrase used by federal legislators, "a legal representative is brought into a criminal case," is by its nature an imperative prescription, which bars the conduct of proceedings regarding compulsory medical measures without the participation in the criminal case of a legal representative, just as Article

438 of the Code of Criminal Procedure of the Russian Federation does not allow for the hearing of [criminal] cases without the presence of a defense counsel. This conclusion is confirmed by the provisions of the third and sixth parts of Article 439 and the first and third parts of Article 445 of the Code of Criminal Procedure of the Russian Federation, which provide that the investigator and court are obliged to provide procedural documents to the legal representative during the proceedings of any case concerning the implementation of compulsory medical measures.

Consequently, the first part of Article 437 of the Code of Criminal Procedure of the Russian Federation, which when interpreted in context with other provisions of the Code provides for the compulsory participation of the legal representative of a person in proceedings concerning the implementation of compulsory medical measures against said person, can not be regarded as violating the rights guaranteed by Articles 45 and 46 of the Constitution of the Russian Federation.

1.4. Thus, the subject for the review of the Constitutional Court of the Russian Federation in the present case are the normatively unified provisions of Article 402, the third part of Article 433, Articles 437 and 438, parts three and six of Article 439, part one of Article 441, Article 444 and the first part of Article 445 of the Code of Criminal Procedure of the Russian Federation, on the basis of which provisions are determined the procedural rights of a person concerning whom are being conducted proceedings concerning the implementation of compulsory medical measures, said procedural rights namely the right to personally review the materials of the criminal case, the right to participate in the hearing while it is being decided, the right to petition, the right to initiate review of questions concerning the amendment and termination of compulsory medical measures, and the right to appeal procedural decisions.

2. The Russian Constitution proclaims that man, his rights and his freedoms are of supreme value, and - based on the concept that the rights and freedoms of man and citizen have direct effects, and determine the interpretation, the content and the application of laws and are guaranteed by law - [the Constitution] confers on the State the duty to recognize, respect and protect these rights and freedoms and to protect the dignity of the individual (articles 2 and 18, Article 21, Part 1). The inalienability of basic human rights and freedoms, and their belonging to everyone from birth (Article 17, paragraph 2, of the Constitution of the Russian Federation) implies the inadmissibility of said rights being belittled in any way, including in relation to persons suffering from mental disorders.

The rights and freedoms of man and citizen are recognized and guaranteed in the Russian Federation in accordance with generally recognized principles and norms of international law and in accordance with the Constitution of the Russian Federation; furthermore, the generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of its legal system, and if an international treaty of the Russian Federation stipulates other rules than those stipulated by law, the rules of the international agreement govern (Article 15, Part 4, Article 17, part 1, of the Constitution of the Russian Federation). Accordingly, the third part of Article 1 of the Code of Criminal Procedure of the Russian Federation stipulates that the generally recognized principles and norms of international law and international treaties of the Russian Federation are an integral part of Russian Federation legislation regulating criminal proceedings; if an international treaty of the Russian Federation stipulates other rules than those stipulated by the Code of Criminal Procedure of the Russian Federation, the rules of the international treaty govern.

According to the International Covenant on Civil and Political Rights, every person has the right to have any criminal charge against him be tried in his presence, and the right to defend himself in person or through legal assistance of his own choosing (paragraph "d" of paragraph 3 of Article 14). The right

of each person charged with a criminal offense to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given such assistance free when the interests of justice so require, is also established by the Convention for the Protection of Human Rights and Fundamental Freedoms (paragraph "c" of paragraph 3 of Article 6).

Specifying cited provisions of international human rights acts regarding persons suffering from mental disorders, The Principles of Mental Illness and the Improvement of Mental Health Care (adopted 17 December 1991 UN General Assembly Resolution 46/119) provide for the right of a mentally ill person to exercise all civil, political, economic, social and cultural rights recognized by international norms. The provisions point directly to the inadmissibility of any form of discrimination, that is, establishing in connection with a person having a mental illness any differences, exceptions or preferences which result in the denial or restriction of equal rights (paragraphs 4 and 5 of Principle 1). The general principles of protection shall apply in full against the perpetrators of acts prohibited by criminal law, if said perpetrators are suspected or found to be suffering from mental illness, with only the minimum changes and exceptions that are necessary under the circumstances and that will not damage the perpetrators' rights (Principle 20). Furthermore, states are obliged to ensure that appropriate mechanisms exist to comply with this resolution, including [mechanisms for] the resolution of associated complaints (principle 22).

A number of other documents - the recommendations of the Parliamentary Assembly of the Council of Europe 818 (1977), "The state of the mentally ill," the recommendations of the Committee of Ministers of the Council of Europe NR (83) 2 "on the legal protection of persons suffering from mental disorder who were hospitalized involuntarily", NR (99) 4 "On the Principles relating to the legal protection of incapable adults", Rec (2004) 10 "on the protection of human rights and dignity of persons with mental illness," the member-states of the Council of Europe proposed to establish that judicial decisions be taken only on the basis of medical reports and that a patient with a mental illness, just like any other person, was guaranteed the right to be heard, and that in cases where violations of the law were alleged a trial lawyer be present; persons with mental illness must be able to exercise all their civil and political rights, and that any restrictions are only permitted [if said restrictions are] in strict compliance with the Convention on Protection of Human Rights and Fundamental Freedoms, and cannot be based on the mere presence of mental illness.

Said provisions of the international instruments relate to provisions found in part one of Article 5 of the Law of the Russian Federation of July 2, 1992, "On psychiatric care and the guarantees of the rights of citizens under such care," which provide that persons suffering from mental disorders have all the rights and freedoms of citizens guaranteed by the Constitution of the Russian Federation and federal laws. Restriction of the rights and freedoms in the case of a mental disorder is permissible only in cases stipulated by the laws of the Russian Federation, as follows from Article 55 (part 3) of the Constitution of the Russian Federation.

3. According to the third part of Article 433 and the first part of Article 441 of the Code of Criminal Procedure of the Russian Federation, proceedings concerning the implementation of compulsory medical measures against a person who committed an act prohibited by the criminal law while in a state of insanity are conducted in the manner prescribed by the provisions of chapter 51 of the Code. Section II of the Code of Criminal Procedure of the Russian Federation does not specifically include in the class of participants in criminal proceedings those individuals in respect to whom proceedings concerning the implementation of compulsory medical measures are conducted. It does however include other persons (suspects and accused persons) who are also under investigation, but who can be held criminally responsible. Neither does chapter 51 of the Code of Criminal Procedure of the Russian Federation specifically include individuals with respect to whom proceedings concerning the

implementation of compulsory medical measures are conducted in the class of individuals whose rights as described in the chapter, in accordance with the rules, include the right to review the materials of the criminal case, and who have the right to be notified of the termination of a criminal case or of court hearings concerning the implementation of compulsory medical measures by being given a copy of the court orders, and who have the right to participate in the hearing concerning the compulsory medical measures (see the third and sixth parts of Article 439, and part one of Article 441); [individuals against whom compulsory medical measures are implemented] are not part of the class of individuals who have the right to appeal the court ruling in cassation and through supervisory complaints (see Articles 402 and 444), or the right to initiate the termination or modification of compulsory medical measures (Article 445). By virtue of Articles 437 and 438 of the Code of Criminal Procedure of the Russian Federation, the rights enumerated above are exercised by the legal representative and the defense counsel of the person against whom the proceedings concerning the implementation of compulsory medical measures are conducted.

In the practice of law enforcement, exemptions from the general criminal proceedings in relation to this category of persons should be interpreted as exemptions from their procedural status, said exemptions removing the possibility of their personal participation in criminal proceedings. Meanwhile, within the meaning of the legal position formulated by the Constitutional Court in the Resolution of June 27, 2000 N 11-P, the provision of procedural guarantees to persons whose rights and legitimate interests are affected in the course of criminal proceedings must be based not only on the relevant procedural status formally granted to said persons, but also, above all, on the essential features that characterize their actual position.

3.1. A person with respect to whom proceedings concerning the implementation of compulsory medical measures are conducted, who is also a suspect and the accused in a criminal case, is essentially accused of committing an act prohibited by the criminal law. Therefore, such a person, although not subject to criminal liability, should be given due process rights equal to those of other persons who are also being prosecuted, - the more so because, as follows from paragraph 3 of the second part of Article 29, paragraph 16 of the fourth part of Article 47, paragraph 4 of the third paragraph of Article 49, paragraph 3 of Article 196 and Article 203 of the Code of Criminal Procedure of the Russian Federation, before the results of the forensic psychiatric examination are obtained, the examined person is already considered accused or suspected, and thus already has the relevant due process rights (see Articles 46 and 47 of the Code of Criminal Procedure of the Russian Federation).

Taken alone, the absence of specific mention in parts three and six of Article 439, Articles 402 and 444, part one of Article 445 of the Code of Criminal Procedure of the Russian Federation of this category of persons as independent subjects of due process rights, and equally the vesting the right of acting in said persons' interests of legal representatives and defense counsel as described in Articles 437 and 438 of the Code, cannot be regarded as precluding said persons' participation in legal proceedings. However, in legal practice, after the opinion of a forensic psychiatric examination is obtained and a person is recognized as insane, said person is, as a rule, not only automatically considered to be unable to personally exercise the due process rights referred to in the above rules, but is also deprived of other rights granted in criminal proceedings to persons against whom criminal proceedings are pending: namely, to know which socially dangerous act he is accused of having committed, to give an explanation of the circumstances of the case, to make motions, to participate in investigative actions and judicial proceedings, to lodge complaints against the actions and decisions of the investigator, the prosecutor and the court, to review expert opinions, and others.

Once the results of the forensic psychiatric evaluation are added to the materials of the criminal case,

the provision of due process rights of said category of persons is fully transferred to their legal representatives and defense counsel, thus those said persons effectively lose their legal capacity to partake in the criminal process, in effect becoming the subject of proceedings concerning implementation of compulsory medical measures, without a court hearing to check whether said persons indeed are unable (in terms of mental state) to personally defend their own rights. The absence, in criminal law and criminal procedure law, of the differential regulation, said differentiation based on a mandatory assessment of the actual abilities of individuals, of the rights of those who have retained this ability despite mental illness and those whose mental state is such that they truly cannot independently defend their rights, fails to meet the international obligations of the Russian Federation and the legislation of the Russian Federation regarding psychiatric care, and does not protect the rights of individuals against unreasonable restrictions. The deprivation of an individual, who is subject to or is undergoing compulsory medical measures, of the possibility to independently exercise his own due process rights, constitutes, if the mental illness does not preclude exercise of said rights, a restriction of rights which are guaranteed to every individual by Articles 45 (part 2) and 46 (part 1) of the Constitution of the Russian Federation, and thus does not accord with constitutionally important objectives established in Article 55 (part 3) of the Constitution.

This finding corresponds to that of the European Court of Human Rights, which in its decision of 20 October, 2005 in the case "Romanov v. Russia" recognized that the applicant's presence in the hearing is a necessary condition for the judge to personally observe the applicant's mental state and thus to make a fair decision; hearings both in the trial court and in the court of appeals, in the absence of the applicant (if the absence is against his will), which cannot be compensated for in any way, is permissible only in special circumstances, for example if there are any signs of aggressive behavior or if the applicant's physical and mental condition does not allow him to appear before the court.

3.2. The constitutional right to judicial protection in its interpretation by the Constitutional Court assumes that, first of all, every individual has a right to appeal to the court either personally or through a representative, legal representative or defense counsel; at the same time, under the legal positions formulated by the Constitutional Court of the Russian Federation in the Terms of May 3, 1995 N 4-P, dated March 16, 1998 N 9-P, dated November 17, 2005 N 11-P and on February 20, 2006 N 1-P, the authority to personally appeal to the court for protection of one's own rights and freedoms has a universal character and is an integral part of the normative content of this right. Even person in respect to whom there is a question concerning the implementation, extension, alteration or termination of compulsory medical measures cannot be deprived of said authority and rights.

It is exactly such types of regulations which are created to solve the problems connected with declaring individuals legally incapacitated and with their involuntary hospitalizations in psychiatric hospitals in civil proceedings, in which a person is allowed to personally participate in court sessions if it is possible in accordance with their state of health; if, however, according to the information provided by a representative of a psychiatric institution, the mental state of an individual does not permit him to personally attend the a court hearing regarding the question of his hospitalization, then the application for the involuntary hospitalization of the citizen is heard by the judge in the psychiatric hospital; the right to personally petition and appeal regarding such acts and decisions of medical and other professionals in the course of providing psychiatric aid that violate the rights and freedoms of citizens is also recognized, and also the right to personally appeal, both in cassation and supervisory means, the court decisions regarding involuntary hospitalization, extension of said hospitalization's terms, and of declaring an individual legally incapacitated (part one of Article 284, part one of Article 304, Article 336 and part one of Article 376 of the Code of Civil Procedure of the Russian Federation, part two of Article 34, part three of Article 35 and part two of Article 37 of the Law of the Russian Federation "On

psychiatric care and guarantees the rights of citizens upon its provision").

The absence, in Chapter 51 of the Code of Criminal Procedure of the Russian Federation, of rules regarding the rights granted to persons in criminal proceedings who are suffering from mental disorders is construed in legal practice as permission to not take into account the actual ability of persons in respect to whom the proceedings concerning the implementation of compulsory medical measures are conducted to personally participate in the proceedings and to independently carry out due process actions to protect their own interests.

In the process of further improvement of criminal procedural legislation in this area the federal legislator has the right - the right granted on the basis of the constitutional principle of equality, which does not allow unequal regulation of relationships which are legally equivalent (Decision of the Constitutional Court of the Russian Federation dated May 28, 1999 N 9-P) - within the bounds of its discretionary power to implement out a differentiated regulation of the rights of the said persons, based on their mental state and their ability to personally participate in criminal proceedings.

3.3. Thus, the normatively aligned provisions of Article 402, part three of Article 433, Articles 437 and 438, parts three and six of Article 439, part one of Article 441, Article 444 and part one of Article 445 of the Code of Criminal Procedure of the Russian Federation violate Articles 19, 45 (part 2), 46 (part 1) and 55 (part 3) of the Constitution of the Russian Federation to the extent that these provisions - taking the meaning assigned to them by the current legal practice - do not allow persons in respect of whom are conducted proceedings concerning the implementation of compulsory medical measures, [to do the following:] to personally review the materials of their criminal case, to participate in the hearing when the case is being decided, to submit petitions to initiate consideration of the amendments or the termination of compulsory medical measures, or to appeal procedural decisions.

Based on the foregoing and guided by parts one and two of Article 71, Articles 72, 74, 75, 79 and 100 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation," the Constitutional Court of the Russian Federation

resolved:

1. To hold unconstitutional under the Constitution of the Russian Federation and its Articles 19, 45 (part 2), 46 (part 1) and 55 (Part 3), as well as the normatively aligned provisions of Article 402, part three of Article 433, Articles 437 and 438, parts three and six of Article 439, part one of Article 441, Article 444 and part one of Article 445 of the Code of Criminal Procedure of the Russian Federation, to the extent that these provisions - taking the meaning assigned to them by the current legal practice - do not allow persons in respect of whom are conducted proceedings concerning the implementation of compulsory medical measures, [to do the following:] to personally review the materials of their criminal case, to participate in the hearing when the case is being decided, to submit petitions to initiate consideration of the amendments or the termination of compulsory medical measures, or to appeal procedural decisions.
2. The enforcement decisions concerning citizens SG Ablamskiy, OB Lobashova and VK Matveev, if there are no other obstacles, may thus be reviewed in the prescribed manner, taking into account this decision.
3. This decision is final and not subject to appeal, shall enter into force immediately after the proclamation, acts directly and does not require confirmation by other bodies or officials.

4. According to Article 78 of the Federal Constitutional Law "On the Constitutional Court of the Russian Federation," the present decision is subject to immediate publication in "Rossiyskaya Gazeta" and "Meeting of the legislation of the Russian Federation." This decision shall be published in the "Bulletin of the Constitutional Court of the Russian Federation."

Constitutional Court
Russian Federation