

*/Coat of arms of the Russian Federation/*

**RULING  
OF THE PLENARY SESSION  
OF THE SUPREME COURT  
OF THE RUSSIAN FEDERATION**

No. 1

In the city of Moscow

On May 27, 2025

**On Amendments to Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 41 dated 19 December 2013 "On Judicial Practice of Application of the Legislation concerning Pre-trial Restrictions in the Form of Detention, House Arrest, Bail and Prohibition of Certain Actions"**

In connection with changes in legislation, as well as issues arising in judicial practice, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law of 5 February 2014 No. 3-FKZ "On the Supreme Court of the Russian Federation", resolves to amend Ruling of the Plenary Session of the Supreme Court of the Russian Federation of 19 December 2013 No.41 "On Judicial Practice of Application of the Legislation on Pre-trial Restrictions in the Form of Detention, House Arrest, Bail and Prohibition of Certain Action" (as amended by Rulings of the Plenary of the Supreme Court of the Russian Federation of 24 May 24 2016 No. 23, of 11 June 2020 No. 7) as follows:

1) In the Preamble:

a) Paragraph four shall be revised to read as follows:

"In accordance with Article 9 of the International Covenant on Civil and Political Rights, the criminal procedure legislation of the Russian Federation provides for the right of everyone who is deprived or restricted of his/her liberty by detention or house arrest to to take proceedings before a court, in order that the court may decide of the application of bail or another, more lenient, pre-trial restriction.";

b) Delete the words "and the European Court of Human Rights" from paragraph five;

2) In Item 1:

a) The words "and arising from Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms" shall be deleted;

b) Add paragraph two as follows:

"Based on the related provisions of Parts 1–2 of Article 108 of the CrPC RF, the selection of a pre-trial restriction in the form of detention shall be possible with respect to a person suspected or accused of committing only such an offense for which, taking into account the penal clause of the relevant provision of the Special Part and the provisions of the General Part (in particular, Part 1 of Article 56 and Part 6 of Article 88) of the Criminal Code of the Russian Federation, he/she may be sentenced to imprisonment.";

3) Item 4 shall be revised to read as follows:

"4. As a general rule, in relation to a suspect or accused of committing an offense of moderate severity not involving (the threat of) violence, the court, by virtue of Item 1, Part 1 of Article 108 of the CrPC RF, has the right to choose a pre-trial restriction in the form of detention only in exceptional cases, provided that, in addition to the grounds provided for in Article 97 of the CrPC RF, there exists one of the following circumstances specified in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF: the suspect or accused does not have a place of residence or place of stay in the Russian Federation; his/her identity has not been established; he/she has violated the pre-trial restriction selected earlier; he/she has disappeared from the preliminary investigation bodies or from the court.

In relation to a suspect or accused of committing offenses of moderate severity, listed in the first sentence of Part 1<sup>2</sup> of Article 108 of the CrPC RF, detention may be selected as a pre-trial restriction when it is impossible to apply another, more lenient, pre-trial restriction, including in the absence of the circumstances specified in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF.";

4) The text shall be added with Items 4<sup>1</sup> and 4<sup>2</sup> as follows:

"4<sup>1</sup>. According to Item 2, Part 1 of Article 108 of the CrPC RF, in relation to a suspect or accused of committing a minor offense, for which he/she may be sentenced to imprisonment, the pre-trial restriction in the form of detention is selected only in exceptional cases and provided that he/she has violated a pre-trial restriction selected earlier, or he/she has disappeared from the preliminary investigation bodies or from the court (sub-items c and d of Item 1, Part 1 of Article 108 of the CrPC RF).

In respect of a person suspected or accused of committing a minor offense provided for in the second sentence of Part 1<sup>2</sup> of Article 108 of the CrPC RF, for which he/she may be sentenced to imprisonment, the court shall select a pre-trial restriction in the form of detention in exceptional cases only and if there exists one or more circumstances specified in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF.

4<sup>2</sup>. If a suspect or accused has no place of residence or stay in the Russian Federation, it cannot be the only reason sufficient to impose the pre-trial restriction in the form of detention in respect of him/her in the absence of the grounds provided for in Article 97 of the CrPC RF. Moreover, the fact of being non-registered in the Russian Federation can be only one piece of evidence of the absence of a place of residence or place of stay, but it does not constitute, in itself, a circumstance, as provided for in sub-item a of Item 1, Part 1 of Article 108 of the CrPC RF, constituting grounds for selecting the pre-trial restriction in the form of detention in respect of such a person.

When resolving whether a person has a place of stay in the Russian Federation or not, the provisions of Law of the Russian Federation of 25 June 25 1993 No. 5242-I "Concerning the Right of Citizens of the Russian Federation to Freedom of Movement and Choice of Place of Stay and Residence Within the Russian Federation" and Federal Law of 18 July 2006 No. 109-FZ "Concerning the Migration Registration of Foreign Citizens and Stateless Persons in the Russian Federation" shall be taken into account.

The absence of documents proving the identity of a suspect or accused does not, in itself, indicate the existence of the circumstance provided for in sub-item b of Item 1, Part 1 of Article 108 of the CrPC RF.

When resolving petitions for detention as a pre-trial restriction, courts should discuss the possibility of applying another, more lenient, restriction in all cases, even in the presence of any of the circumstances specified in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF.";

5) Item 5 shall be supplemented with paragraph five as follows:

"The decision to satisfy the petition of the investigator or inquiry officer to select detention as a pre-trial restriction for the suspect or accused shall indicate only those grounds provided for in Article 97 of the CrPC RF, the existence of which has been established by the court in relation to the given suspect or accused and confirmed by specific circumstances.";

6) Items 6 and 7 shall be revised to read as follows:

"6. When considering a petition from an investigator or inquiry officer to impose detention as a pre-trial restriction, the court shall also take into account the circumstances specified in Part 1 of Article 99 of the CrPC RF: the severity of the offense, suspicion (accusation) of a person of committing an offense involving (the threat of) violence, information about the personality of the suspect or accused, his/her age, state of health, marital status, occupation and other circumstances (for example, suspicion (accusation) of a person of committing an offense against members of his/her family when living together; the behavior of the person after the offense of which he/she is suspected (accused), in particular admission of guilt, active assistance in the investigation of the offense, and making up harm caused as a result of the offense).

7. To draw the attention of courts to the specifics of the application of the pre-trial restriction in the form of detention provided for by law in relation to persons suspected and accused of committing offenses listed in Part 1<sup>1</sup> of Article 108 of the CrPC RF.

This provision prohibits the application of pre-trial detention in the absence of the circumstances specified in Items 1-3, Part 1<sup>1</sup> of Article 108 of the CrPC RF in relation to a suspect or accused of committing offenses provided for in Parts 5-7 of Article 159, Part 2 of Article 171, Parts 1<sup>1</sup>, 2, 4 and 6 of Article 171<sup>1</sup>, Part 2 of Article 171<sup>3</sup>, Articles 172-172<sup>3</sup>, Part 2 of Article 173<sup>1</sup>, Parts 3 and 4 of Article 174, Parts 3 and 4 of Article 174<sup>1</sup>, Article 176, Parts 2 and 3 of Article 178, Parts 2 and 3 of Article 180, Part 2 of Article 181, Parts 2-4 of Article 183, Part 2 of Article 185<sup>2</sup>, Article 185<sup>3</sup>, Part 2 of Article 185<sup>4</sup>, Article 190, Parts 2-5 of Article 191, Part 3 of Article 191<sup>1</sup>, Article 192, Part 2 of Article 193, Parts 2 and 3 of Article 193<sup>1</sup>, Parts 2-4 of Article 194, Parts 1<sup>1</sup>, 2<sup>1</sup>, 4 and 5 of Article 195, Articles 196, 197, Part 2 of Article 199, Part 2 of Article 199<sup>1</sup>, and Part 2 of Article 199<sup>2</sup> of the CrC RF, without any other conditions.

In relation to a suspect or accused of committing offenses provided for in Parts 2-4 of Articles 159, 159<sup>1</sup>, 159<sup>2</sup>, 159<sup>3</sup>, 159<sup>5</sup>, 159<sup>6</sup>, 160, Part 2 of Article 165, and Article 201 of the CrC RF, the same prohibition shall apply provided that these offenses were committed by an individual entrepreneur in connection with the entrepreneurial activity and (or) the management of property belonging to him/her and used for the purposes of entrepreneurial activity, or provided that these offenses were committed by a member of the management body of a commercial organization in connection with the exercise of his/her powers to manage the organization or in connection with the entrepreneurial or other economic activities carried out by the commercial organization (Items 27<sup>1</sup> and 27<sup>2</sup> of Article 5 of the CrPC RF).

In this regard, the court, in response to each petition received from an investigator or inquiry officer for the application of pre-trial restrictions in the form of detention in relation to a suspect or accused of committing the said offenses, who is an individual entrepreneur or a member of the management body of a commercial organization, should check whether the decision on initiating petition and the files attached to the decision contain specific information confirming the conclusion that the alleged offense of the said person was not committed in connection with his/her carrying out entrepreneurial activity and (or) the management of property belonging to him/her and used for the purposes of entrepreneurial activity, or not in connection with the exercise of his/her powers to manage a commercial organization, or not in connection with the entrepreneurial or other economic activity carried out by this organization. In the absence of this information, such a petition shall be dismissed.

The consideration of a petition from an investigator or inquiry officer of selecting detention as a pre-trial restriction in relation to a suspect or accused of committing offenses specified in Part 1<sup>1</sup> of Article 108 of the CrPC RF should also take into account the requirements of Part 2 of Article 99 of the CrPC RF, according to which the court must consider the possibility of selecting a pre-trial restriction that will allow continuing the entrepreneurial activity and (or) management of the property owned and used for the purposes of entrepreneurial activity, with the exception of seized or arrested property, or the activity related to the exercise of powers to manage an organization, or in connection with the entrepreneurial or other economic activity carried out by a commercial

organization.

If a person is suspected or accused of committing not only an offense specified in Part 1<sup>1</sup> of Article 108 of the CrPC RF, but also another offense provided for in a different article of the Special Part of the Criminal Code of the Russian Federation and which does not exclude the application of detention, the court has the right, if there are grounds for doing so, to select this pre-trial restriction.";

7) Item 10 shall be revised to read as follows:

"10. As a general rule, by virtue of the provisions of Parts 1 and 2 of Article 108 of the CrPC RF, the pre-trial detention cannot be selected for a person suspected or accused of committing a minor or moderate offense if he/she is a minor, a pregnant woman, a woman with a minor child, a man who is the sole parent of a minor child, an adoptive parent or guardian of a minor child, the sole parent, adoptive parent, guardian or trustee of a disabled child.

If such a person is suspected or accused of committing an offense of moderate severity involving (the threat of) violence, an offense of minor or moderate severity, as specified in Part 1<sup>2</sup> of Article 108 of the CrPC RF, the pre-trial detention may be imposed on him/her only in exceptional cases and in the presence of one of the circumstances specified in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF.

In this case, the court shall take into account the provisions of Part 6 of Article 88 of the CrC RF, according to which the pre-trial detention cannot be applied to a minor under 16 years suspected or accused of committing a minor or moderate offense for the first time, as well as to other minors suspected or accused of committing minor offenses for the first time.";

8) The text shall be added with Items 12<sup>1</sup> and 12<sup>2</sup> as follows:

"12<sup>1</sup>. When deciding to select detention in respect of a person to whom this pre-trial restriction is applicable only in exceptional cases by virtue of a direct instruction of the law, the court shall check and analyze all the files and arguments of the participants in the court hearing attached to the petition for the selection of pre-trial restriction, taking into account the provisions of Articles 97, 99 and 108 of the CrPC RF. The order of the pre-trial detention shall specify the circumstances in relation to this suspect or accused, which require placing him/her in detention to achieve the purposes of application of pre-trial restrictions.

Such a conclusion cannot be drawn on formal grounds without providing specific circumstances that were confirmed at the court hearing.

At the same time, the existence of the circumstances provided for in sub-items a – d of Item 1, Part 1 of Article 108 of the CrPC RF does not indicate, in itself, that this case is exceptional and the most stringent pre-trial restrictions are required against the person.

12<sup>2</sup>. Taking into account the fact that Part 2<sup>1</sup> of Article 108 of the CrPC RF prohibits the selection of a pre-trial restriction in the form of detention in relation to a suspected or accused person suffering from a serious disease that is included in the list of serious disease that prevent detention approved by the Government of the Russian Federation, the court should carefully examine the submitted medical

documents confirming the existence of such an disease in the suspected or accused person (which do not come within the requirements of Part 1<sup>1</sup>, Article 110 of the CrPC RF in accordance with law), and request additional documents and involve relevant specialists, as the case may be, in the consideration of the petition, including representatives of the health care facility or persons that issued such documents.

It should be borne in mind that the law, which prohibits the imposition of detention, shall apply to a person suffering from the said disease, regardless of the grade of the offense of which such a person is suspected or accused, and the existence of the circumstances provided for in sub-items a - d of Item 1, Part 1 of Article 108 of the CrPC RF."

9) The text shall be added with Item 13<sup>1</sup> as follows:

"13<sup>1</sup>. To draw the attention of courts to the fact that, as a general rule, by virtue of the provisions of Part 4 of Article 108, Parts 8 and 13 of Article 109 of the CrPC RF, the participation in the court hearing of the suspect or accused, in respect of whom the issue of pre-trial detention or extension of detention is being decided, is mandatory. The issue of the form of such participation – physical presence or through video conferencing systems (hereinafter referred to as "VCS") – shall be decided by the court, taking into account both the mentioned provisions and Article 241<sup>1</sup> of the CrPC RF, including technical feasibility of using VCS.

By virtue of Part 4 of Article 108 of the CrPC RF, the court decides on the participation of a suspect detained in accordance with the procedure established by Articles 91 and 92 of the CrPC RF, through VCS in the event of circumstances that preclude the possibility of his/her physical presence in the court hearing (for example, the implementation of quarantine measures at the place of detention of the person or temporary lack of transport accessibility that prevent the delivery of the detainee to the court).

By implication of this provision in its relation to the provisions of Part 1 of Article 241<sup>1</sup>, Parts 8 and 13 of Article 109 of the CrPC RF, in the presence of the said circumstances, the court shall decide on the participation of the accused (suspect) in the court hearing through VCS in the event of consideration of a petition both for the selection of pre-trial restrictions in relation to him/her and for the extension of the same. In the absence of the said circumstances, the court has the right to decide on the participation of the accused (suspect) in the court hearing through VCS at his/her petition.

In the event that a suspected or accused person participates in a court hearing using VCS, the following requirements of Parts 3 and 9 of Article 241<sup>1</sup> of the CrPC RF must be observed: mandatory participation of a defense attorney (the form of which shall be decided by the court) and provision of the defense attorney with the opportunity for unhindered confidential communication with his/her client detained in custody, including the that detained in accordance with the procedure established by Articles 91 and 92 of the CrPC RF. If a suspected or accused person does not have a defense attorney, his/her participation in the consideration of the investigator's or inquirer's petition for pre-trial detention shall be provided on the grounds of Part 3 of Article 51 of the CrPC RF.";

10) Sub-item a of Item 14 shall be added with the words "and (or) interstate" following the word "international";

11) Paragraph one of Item 16 shall be supplemented with the words ", as well as the case of the participation of a suspect or accused in a court hearing through VCS (Item 3<sup>1</sup>, Part 1 of Article 51, Article 241<sup>1</sup> of the CrPC RF)";

12) Paragraph two of Item 17 shall be added with the following sentence: "Taking into account the provisions of Part 5, Article 241<sup>1</sup> of the CrPC RF, the court can decide on the participation of the said persons in the court hearing through VCS.";

13) Paragraph one of Item 20 shall be supplemented with the words "(except in cases where a person is on the international and (or) interstate wanted list)";

14) Item 21 after paragraph 1 shall be followed by a new paragraph:

"Courts should pay special attention to the consideration of petitions for extension of the term of detention in respect of a person to whom this pre-trial restriction, by law, can only be applicable in exceptional cases. Each decision to extend the term of detention in respect of such a person must indicate the availability of sufficient data indicating that the achievement of the purposes of the application of pre-trial restrictions is possible only by maintaining the most stringent of them in relation to this person. In all cases of consideration of such petitions, the court should discuss the possibility of changing the pre-trial restriction for this person to a more lenient one.";

15) Paragraph two of Item 22 shall be revised to read as follows:

"In the event that a petition for extending the term of detention is filed with the court repeatedly and on the grounds of the need to carry out investigative actions specified in previous petitions, or the need to identify the suspect or accused, the court must find out the reasons why the investigative actions were not carried out and the person detained in custody was not identified. If, in the opinion of the court, the reason lies in the ineffective organization of the investigation, it may be one of the circumstances leading to the dismissal of the petition. In such cases, the court has the right to respond to identified violations by issuing special rulings.";

16) In paragraph one of Item 24, the numbers "2, 3" shall be replaced with numbers "2-3";

17) Item 33 shall be deleted;

18) Paragraph two of Item 36 shall be revised to read as follows:

"The procedure for deciding on the selection and extension of the term of this pre-trial restriction shall be similar to the procedure provided for in Articles 108 and 109 of the CrPC RF for the selection of detention as pre-trial restriction and extension of its term (Part 3 of Article 107 of the CrPC RF), including in terms of the form of participation of the suspect or accused and other persons in the court hearing (physical presence or through VCS). In the case of consideration of the issue of extending the term of house arrest at the stage of trial, the provisions of

Parts 2 and 3 of Article 255 of the CrPC RF shall be taken into account. At the same time, the conditions related to the grade and nature of the offense, which are established in Parts 1, 1,<sup>2</sup> and 2 of Article 108 of the CrPC RF to use detention as a pre-trial restriction, shall not apply to house arrest, since they are not provided for in Article 107 of the CrPC RF.";

19) Item 42<sup>1</sup> shall be preceded with the title of the section: "Bail";

20) In Item 42<sup>2</sup>, the words in brackets shall be deleted;

21) The title of the section "Bail" shall be deleted before Item 43;

22) Item 49 shall be revised to read as follows:

"49. The court shall select bail as a pre-trial restriction in respect of an accused for up to 2 months in accordance with the procedure established by Article 108 of the CrPC RF, taking into account the specifics defined by Article 106 of the CrPC RF.

Based on the provisions of Parts 2 and 7 of Article 106 of the CrPC RF in their relation to the provisions of Part 5 of Article 107 and Parts 3 and 7<sup>1</sup> of Article 108 of the CrPC RF, the court may decide of the pre-trial restriction in the form of bail not only based on the results of consideration of the investigator's petition agreed with the head of the investigative body, or the inquirer's petition agreed with the prosecutor, but also based on the results of consideration of the petition filed by the suspect, the accused, his/her defense attorney, legal representative, or another natural or legal person, as well as on the results of discussion at the court hearing of the possibility to apply pre-trial restrictions alternative to detention or house arrest. The examination by the court of the factual and legal grounds for selecting bail shall be carried out in a competitive and equal manner, ensuring that the suspect or accused has the opportunity to present their position to the court, in particular regarding the type and amount of bail.

The term of application of bail may be extended by a court decision in accordance with the procedure established by Article 109 of the CrPC RF, taking into account the specifics defined by Article 106 of the CrPC RF.

By implication of these provisions, when making such a decision, the court must determine the term for which this pre-trial restriction is extended, indicating the specific date of its expiration. Moreover, the term of application of bail may be extended multiple times within the pre-trial or trial proceedings, respectively (in the latter case, taking into account the provisions of Article 255 of the CrPC RF).";

23) The second sentence in paragraph 51 shall be deleted;

24) Item 51<sup>1</sup> shall be preceded by the title of the section: "Prohibition of certain actions";

25) Item 51<sup>2</sup> shall be revised to read as follows:

"51<sup>2</sup>. To draw the attention of courts to the fact that the prohibition imposed on a suspect or accused to leave the residential premises where he/she lives as an owner, tenant or on other legal grounds, provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, is associated with a restriction of the constitutional right to freedom. Therefore, when imposing such an obligation on a suspect or accused, the

court must establish the term of this prohibition in relation to a specific person, the means of his/her communication with the investigator, the inquiry officer and the supervisory body, and other conditions in accordance with the requirements of Parts 7, 9 and 10 of this Article.

It should be borne in mind that the prohibition provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF is imposed and extended in accordance with Article 109 of the CrPC RF, and the duration of this prohibition is defined in Part 10 of Article 105<sup>1</sup> of the CrPC RF.";

26) Item 51<sup>3</sup> shall be supplemented as follows:

"51<sup>3</sup>. It should be borne in mind that the requirements of Articles 108 and 109 of the CrPC RF concerning the terms of detention as a pre-trial restriction and their extension do not apply to bail and prohibition of certain actions.

When it is impossible to complete the preliminary investigation within 2 months and there are no grounds for changing or canceling the pre-trial restriction in the form of bail or prohibition, as provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, the effect of these pre-trial restrictions may be extended, including for a period exceeding 12 months, by a judge of a district court or garrison military court according to the procedure established by Part 3 of Article 108 of the CrPC RF, upon petition of the investigator agreed with the head of the investigative body, as well as upon petition of the inquiry officer agreed with the prosecutor.

In respect of suspects or accused persons specified in Part 1<sup>1</sup> of Article 108 of the CrPC RF, the effect of the bail or prohibition provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF can be extended, including for a period exceeding 12 months, by a judge of a district court or garrison military court upon petition of the investigator submitted with the consent of the head the relevant investigative body in the constituent entity of the Russian Federation, or another equivalent head of the investigative body.";

27) Item 51<sup>3</sup> shall be followed by the title of the section "Issues arising when returning a criminal case to the prosecutor" and Item 51<sup>4</sup> as follows:

"51<sup>4</sup>. When returning a criminal case to the prosecutor, the judge (court), in accordance with Part 3 of Article 237 of the CrPC RF, shall decide on the pre-trial restriction in relation to the accused.

If a judge (court), given the grounds for doing so, imposes a pre-trial restriction for the accused in the form of prohibition of certain actions, as provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the Criminal Procedure Code of the Russian Federation, in the form of bail, house arrest or detention, or extends the effect of this pre-trial restriction, then the operative part of the court decision shall indicate a specific reasonable term for which the pre-trial measure is imposed (extended), as well as the end date of the same. Such a term is determined based on the circumstances that constituted grounds for the decision to return the case to the prosecutor, the scope and content of violations of the law, its sufficiency for investigative and other procedural actions necessary to remove obstacles to the consideration of the case in court, including ensuring the right of the parties to additional studying the case files, and taking into account the time limits provided for in Article 109 of the CrPC RF, but calculated without applying the rules

established by this Article, including Parts 4 and 5 of the same.

When a criminal case is re-submitted to the court, the total period of detention of a person, as provided for in Part 2 of Article 255 of the CrPC RF, shall include the time of detention from the date of the initial receipt of the criminal case by the court until its return to the prosecutor.";

28) In Item 52:

a) Paragraph one shall be revised to read as follows:

"52. By virtue of Parts 2, 5 and 10 of Article 105<sup>1</sup>, Part 2 of Article 106, Part 3 of Articles 107, Part 11 of Article 108, and Part 8 of Article 109 of the CrPC RF, the decisions of a judge on the imposition of a pre-trial restriction in the form of detention, house arrest, bail or prohibition of certain actions and on the extension of the term of detention, house arrest, bail, prohibition of certain actions provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, or decisions on dismissal of the same made both at the stages of pre-trial proceedings in a criminal case and during the preparation and conduct of the trial (Part 2 of Article 228, Article 255 of the CrPC RF) can be appealed within 3 days from the date of their issuance in accordance with the procedure established by Article 389<sup>3</sup> of the CrPC RF. A petition and submission for appeal shall be considered within the same period from the date of receipt of the petition and submission for appeal in the court of appeal. In this regard, the courts, upon receipt of a petition and (or) submission against the said decisions, shall immediately send the relevant files for appeal proceedings.";

b) Paragraph five shall be added with the word ", bail" following the words "house arrest";

29) Item 53 shall be revised to read as follows:

"53. When sending an appeal or submission to a higher court, the court of first instance should attach certified copies of documents from the criminal case file: a decision to initiate criminal proceedings, a record of arrest of the suspect or accused, a decision to commit the accused for trial, a decision on the application of detention, house arrest, bail or prohibition of certain actions as a pre-trial restriction; all copies of petitions and decisions on extending the term of detention, house arrest, bail and prohibition of certain actions provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, ruling on suspending and resuming the investigation, on joining and separating the criminal case, on accepting the criminal case for proceedings, on sending the criminal case to the court, etc.; minutes (or an extract) of the court hearing, information about the participation of the defense attorney, victim in the case; documents confirming the need or no need for pre-trial detention, house arrest, bail or prohibition of certain actions, including information about the personality of the accused.";

30) Item 54<sup>1</sup> shall be revised to read as follows:

"54<sup>1</sup>. To draw the attention of courts of appeal and cassation to the need for a thorough examination and verification of the arguments of persons appealing a judge's ruling on the selection, change, or cancellation of a pre-trial restriction in the form of detention, house arrest, bail, or prohibition of certain actions, on extending the term of these pre-trial restrictions, or dismissal of the same, and, if there are grounds for doing so, the timely change or cancellation of unlawful and

(or) unfounded court decisions.

Every decision to impose a preventive measure in the form of detention or to extend its term with respect to persons for whom, by law, it may be selected only in exceptional cases, must be checked, among other things, for the validity of the conclusion that the purposes of the application of a pre-trial restriction in relation to such a person can be achieved only by detaining him/her in custody.

In the event of upholding a decision (ruling) of the lower court or disagreeing with a decision made, the court of appeal or cassation shall provide in its decision (ruling) the specific reasons for recognizing this decision as lawful and substantiated, or subject to modification or overturn.

31) Item 58 shall be revised to read as follows:

"58. By overturning a sentence or other court decision and transferring a criminal case to a lower court for a new trial, the courts of appeal and cassation, in order to protect the rights and legitimate interests of participants in criminal proceedings and properly conduct the court hearing, shall resolve the issue of a pre-trial restriction in relation to a person detained in custody within a reasonable time upon petition of the prosecutor or on their own initiative. In doing so, the courts of appeal and cassation have the right to impose any of the pre-trial restrictions provided for in Article 98 of the CrPC RF if it ensures a smooth conduct of criminal proceedings.

When deciding on the application of a pre-trial restriction in the form of detention, house arrest, bail, or prohibition of certain actions provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, the courts of appeal and cassation shall indicate a specific reasonable term of the pre-trial restriction in the operative part of the decision (ruling), taking into account the provisions of Article 255 of the CrPC RF. If, at the time of the decision by the court of appeal, the term of detention, house arrest, bail or prohibition of certain actions established (extended) earlier, as provided for in Item 1, Part 6 of Article 105<sup>1</sup> of the CrPC RF, has not expired, and this term is sufficient to ensure the aforementioned purposes, then the operative part of the decision (ruling) should indicate the fact of upholding the pre-trial restriction. In any case, the descriptive and reasoning part of the decision (ruling) shall include the reasons for the decision made, and the operative part shall indicate the expiration date.";

32) Item 59 shall be added with the word ", and bail" following the words "on extension of terms of detention, house arrest".

33) Item 60 shall be added with the word ", and bail" following the words "and extension of terms of detention, house arrest".

Chief Justice of the Supreme Court of the  
Russian Federation

I.L. Podnosova

Secretary of the Plenary Session,  
Judge of the Supreme Court of the  
Russian Federation

V.V. Momotov