Observatoire ARGA

INTERNATIONAL ANALYTICAL REPORT

D-27. Russia: Judicial Statistics and Procedural Safeguards

Country Monitoring. A 2026 Snapshot

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1. Principal Findings

Russian criminal proceedings, as assessed on 24 September 2026, combine an extensive framework of procedural safeguards, changes to the rules governing judicial scrutiny, and continuing difficulties in measuring their practical effectiveness. Constitutional rights to liberty, judicial protection, qualified legal assistance and the presumption of innocence are given specific effect in the Code of Criminal Procedure (CCP). However, the existence of a rule, the number of decisions issued and the quality of its application are different subjects of inquiry. Compliance with the right to a defence cannot be established solely by counting participating lawyers, nor can the justification for detention be determined from the proportion of applications granted. [1-2]

This report examines official statistical indicators, the substance of applicable safeguards and specific decisions of the higher courts. The statistical analysis is confined to indicators whose primary source and unit of measurement could be established. It does not contain a complete, comparable dataset of criminal judicial statistics for 2026. The year was still in progress at the date of the study; figures for 2025 announced in 2026 are expressly identified as results for the preceding period. Individual criminal cases are used to analyse legal mechanisms, not to calculate the prevalence of violations.

Three changes are particularly significant. Following the 2025 reform, the rules on detention distinguish more precisely between categories of offences and the circumstances of particular groups of accused persons. In February and June 2026, the Constitutional Court clarified the possibility of ordering detention in the absence of a person subject to a federal wanted notice and, exceptionally, of detaining an accused person who has absconded even where a sentence of imprisonment cannot be imposed. In May 2026, the cassation route for decisions of justices of the peace changed. These developments affect different stages of proceedings and cannot be reduced to a single trend towards greater severity or greater leniency. [6-11]

The Supreme Court's review published in March 2026 includes examples of judicial decisions being set aside because defence counsel took a position contrary to that of the client, a lawyer was absent from a cassation hearing, the confidentiality of judicial deliberations was breached, or procedural costs were incorrectly allocated. These examples confirm the legal significance of the safeguards concerned and their violation in particular proceedings. The selection of cases for a review does not establish either the prevalence of such violations or the likelihood that any accused person will obtain a successful review. [12]

The main finding is that three levels of assessment must be distinguished: the substance of a right, the mechanism for its judicial restoration, and the available empirical picture. At the first level, firm conclusions can be drawn about the court's legal duties. At the second, conclusions concern the means of correcting established errors. At the third, limitations remain: aggregate outcomes and selected published decisions do not provide a sufficient basis for a single quantitative rating of the fairness of criminal proceedings.

2. Scope and Temporal Boundaries

The report examines criminal justice in its judicial dimension: determination of the charge, scrutiny of restrictions on liberty, provision of a defence, review of judicial decisions and restoration of violated rights. Civil, administrative and commercial cases are considered only where necessary to explain indicators of workload across the judicial system. Statistics covering all courts are not used as a direct description of criminal proceedings. Nor are figures on commercial disputes equated with the number of criminal cases involving economic offences.

The expression "2026 snapshot" refers to the state of the relevant law and the sources available at the date of the report. It does not denote a completed year of observation. A law enacted during the current year, a judicial review published during that year and a statistical return covering that year concern different temporal objects. Assessing changes in practice requires attention to when a case was heard; understanding the rule applied requires attention to its operation at the relevant procedural stage.

This distinction is particularly apparent in Supreme Court Review No. 1 (2026). Several cases included in it passed through the lower courts in 2022-2025. Publication of a legal position in 2026 makes it part of the current official account of judicial practice, but does not move the underlying violation into 2026. Similarly, the Supreme Court President's address in February 2026 contains results for 2025 and proposals for further legislative changes. These categories of information are kept separate in this study. [5, 12]

The monitoring does not establish the facts underlying unresolved criminal allegations and does not replace examination of an individual case file. It does not systematically cover conditions in every remand facility, the entire body of disciplinary proceedings against judges, or all regional differences. The absence of these data limits the conclusions available, but does not remove the value of analysing published rules and judicial decisions. A legal defect can be reliably established in an individual case even when its prevalence across Russia is unknown.

3. Sources and Evidential Limits

The evidence base comprises the Constitution, criminal procedural legislation, decisions of the Constitutional Court and resolutions of the Supreme Court Plenum, an official review of judicial practice, an official address by the Supreme Court President, catalogues of judicial statistics, and international legal instruments. For judicial decisions, priority is given to the substance of the decision itself. Reproduction of its full text in a legal information system does not turn a judicial act into expert commentary; an official case review and the complete criminal case file nevertheless contain different amounts of information.

The Judicial Department's catalogues confirm the existence of statistical forms for 2024 and the first half of 2025. However, this study did not obtain a complete, verified set of the corresponding tables suitable for reproducible calculation of national rates. The catalogues are therefore used as evidence of the structure of published reporting, not as a source of figures absent from the accessible text. Technical inaccessibility of some files is not interpreted as the absence of reporting or an intentional restriction on publication. [3-4]

The indicators in the Supreme Court President's address have an official source, but differ from a dataset of statistical returns. The address uses rounded figures and generalisations, without defining every denominator. The figures below retain that degree of precision. They are not used to reconstruct the total number of convicted persons or derive an error rate for criminal cases. The report's own conclusions are distinguished from the official's assessment of the state of the system. [5]

Published decisions have a different evidential function. They can establish which violation a court recognised, which rule it applied and what procedural consequence followed. They generally cannot reconstruct every item in the prosecution file, evaluate unpublished evidence or establish what happened after a case was remitted for a fresh hearing. Accordingly, “the decision was set aside” is not synonymous with “the person was acquitted” or “the charge was found to have been fabricated”.

Finally, international bodies act within their mandates and temporal limits. Their legal standards, findings on individual complaints and general observations concerning a country have different evidential weight. The UN Committee's observations of 2022 are not used as a quantitative description of conditions in September 2026. This approach preserves critical analysis without substituting historical assessments for current data. [17-20]

4. Units of Measurement: Cases, Persons, Applications and Decisions

Judicial statistics do not provide a single counter of criminal prosecution. One case may involve several accused persons and several counts. One person may feature in several proceedings. In relation to one accused person, a court may successively consider an initial detention application, several extension applications, appeals and separate applications on other matters. Adding these quantities together would produce a fictitious number of people affected by criminal justice.

The flow of decisions also differs from the state of the system on a particular date. The number of detention orders issued during a year is not the number of people held in remand facilities at year end. Length of detention affects the latter indicator independently of the number of new detention orders. A fall in initial applications could theoretically coexist with longer restrictions on liberty in individual cases. Without information on duration, release and repeated extensions, the direction of the overall change cannot be determined.

For outcomes on criminal charges, the person is an important unit. Decisions may differ between defendants in the same case. For one person, part of the charge may be discontinued, another part reclassified and a conviction entered on a third part. The statistical classification of the final outcome and the legal scope of rehabilitation do not necessarily match an everyday description of a case as “won” or “lost”. An aggregate row without its reporting rules does not reveal that distinction.

Comparability also depends on court level and procedural form. Cases heard by justices of the peace, jury proceedings, and ordinary and special procedures have different patterns of entry and adjudication. Comparing their outcomes without accounting for the categories of charges may wrongly attribute to procedure a difference that arose during case selection. Increasing the number of observations does not solve this problem: a large dataset with incompatible denominators remains methodologically unsound.

The practical significance of these distinctions lies in the limits of permissible interpretation. An indicator may accurately describe recorded activity of a particular kind without answering the broader question of the quality of justice. That question requires quantitative observation to be combined with analysis of the reasons for the decision, the opportunities available to the defence and the consequences of an error. Statistical information is therefore considered alongside legal mechanisms in this report, but does not replace them.

5. Verified Official Indicators

The address to the judicial conference on 19 February 2026 presented aggregate results for 2025 and selected information on the state of the judicial system at the beginning of 2026. The table preserves the original rounding and identifies the limits of each indicator. The figures do not form a single statistical population: some concern sentences, some cover all categories of court cases, and some concern staffing. [5]

Indicator / period	Value	Unit and interpretative limit
Cases considered, 2025	Over 34 million	All types of proceedings; not the number of criminal cases or persons. P. 1.
Actual imprisonment, 2025	26%; 125,000	Rounded official figures concerning convicted persons; no denominator is reconstructed. P. 10.
Other alternative penalties, 2025	320,000	Convicted persons as described in the address; not an exhaustive remainder of an independently calculated total. P. 10.
Decisions set aside or varied	No more than 5%	System-wide assessment in the annual address; not an established error rate for criminal cases. P. 11.
Workload of a justice of the peace	490 cases per month	Mean per judge actually working; different case categories, not the duration of one proceeding. P. 15.
Vacancies at the start of 2026	Over 3,500	Posts of justices of the peace and federal judges; no proportion of authorised staffing stated. P. 19.

The principal value of these figures is to describe the scale of judicial activity and certain outcomes. They provide no basis for calculating the proportion of persons acquitted, the probability of detention or the prevalence of violations of defence rights. Even the simultaneous availability of a workload indicator and the number of decisions set aside would not establish a causal relationship between them. That would require data on comparable courts, case categories and periods, together with consideration of other factors.

Combining rounded figures requires particular care. The 125,000 persons sentenced to actual imprisonment, the 26 per cent figure and the 320,000 persons receiving alternative penalties stated in the address cannot, without further definitions, be combined into an exhaustive breakdown of sentences. Arithmetically reconstructing the total number of convicted persons from a single rounded percentage would create an indicator that the primary source does not report in that form.

For the same reason, the table is not supplemented with precise national acquittal or detention-approval percentages circulated outside the verified material. Omitting these figures narrows the quantitative part of the monitoring but preserves the verifiability of its findings. The quality of procedural safeguards is examined below through the legal conditions governing coercive measures and published decisions on established violations.

6. Sentencing and Acquittal as Different Indicators

Sentencing and the determination of guilt operate at different analytical levels. The proportion receiving actual imprisonment describes the use of a particular penalty within a defined population of convicted persons. It does not show how carefully the charge was examined, whether independent assistance was secured or whether inadmissible evidence was present. Reduced severity of sentences is compatible both with better individualisation and with continuing defects in the preceding proceedings. The indicator alone cannot resolve that question.

Acquittal is not a universal unit of restored rights either. Discontinuance on grounds giving rise to rehabilitation, removal of an individual charge, reclassification of an offence and the setting aside of an unlawful preventive measure can materially affect a person without amounting to a full acquittal. Conversely, discontinuance on non-rehabilitating grounds cannot automatically be counted as recognition that the charge was unfounded. The legal basis of an outcome matters more than the convenience of combining different results in one category. [2]

A low acquittal rate is consistent with several explanations: pre-trial selection of charges, the composition of incoming cases, the prevalence of procedures based on acceptance of the charge, the characteristics of private prosecutions, or insufficiently critical judicial scrutiny. Choosing between these explanations requires additional information. A high proportion of convictions does not automatically prove either impeccable investigative quality or predetermination of every judgment. Both conclusions would exceed what the observed figure establishes.

Comparisons over time are complicated by changes in the composition of offences and the distribution of cases between procedures. If the overall population contains a changing share of categories in which charges are more frequently accepted, the aggregate percentage may change without any change in judicial conduct within each category. An overall indicator, even when correctly calculated, therefore does not remove the need for disaggregated analysis. In this report, the absence of the necessary verified tables prevents a reliable quantitative assessment of that composition.

The conclusion for monitoring is limited but clear: official sentencing figures cannot independently demonstrate compliance with the presumption of innocence. Substantive assessment of that safeguard concerns the allocation of the burden of proof, consideration of objections, admissibility of evidence and reasoning of the decision. These elements are open to legal analysis irrespective of whether a national acquittal rate can be constructed.

7. Special Procedure and the Limits of Outcome Comparisons

The Code of Criminal Procedure provides for different forms of criminal adjudication. The special procedure used where the accused accepts the charge is subject to specific conditions and limits. It cannot be described as a universal procedure for all offences or as ordinary evidentiary proceedings with a shorter hearing. Chapter 40 of the CCP concerns minor and medium-gravity offences, acceptance of the charge and compliance with the statutory procedural requirements. Proceedings involving a pre-trial cooperation agreement are regulated separately. [2]

The central safeguards concern the voluntary nature of the accused's position, understanding of its consequences and participation of defence counsel. Acceptance of the charge does not remove the court's duty to verify that the legal conditions for special procedure exist. A simplified process does not make every investigative assertion an established truth merely because the accused has signed a document. Nevertheless, the nature of judicial examination differs from a full examination of evidence under ordinary procedure, and this must be considered when comparing outcomes.

Statistically, mixing procedures creates a selection problem. A person disputing material facts and a person accepting the charge in the prescribed manner enter judicial proceedings with different procedural positions. Comparing acquittal rates without accounting for that difference attributes to the court an effect partly produced by the composition of incoming cases. Yet reference to special procedure does not eliminate questions about freedom of choice and the quality of prior legal assistance.

The position of an accused person held in custody warrants particular attention. Deprivation of liberty can create strong practical incentives to bring a case to an early conclusion, but such an incentive does not itself establish legally proven coercion to admit the charge. A finding of a violation requires examination of the particular circumstances: access to a lawyer, the explanations given, complaints of pressure, the timing of a change of position and the court's response. Without these materials, aggregate special-procedure statistics describe the form of proceedings, not the voluntariness of every instance of consent.

8. Setting Aside Decisions and Measuring Judicial Error

In the official address of 2026, the proportion of judicial decisions set aside or varied was described as no more than five per cent across the judicial system. This is an aggregate figure covering different types of proceedings. It is not an error rate established by this report specifically for criminal cases. Nor does it mean that the remaining decisions were independently examined and found to be error-free. [5]

Several stages lie between a decision being issued and an error being established by a higher court. The person concerned must obtain the decision, assess the grounds for challenge, prepare a complaint and pass through the applicable review procedure. Some forms of review involve preliminary screening. The absence of a decision being set aside may reflect its correctness, but also the absence of a complaint, insufficient grounds advanced or limits on the reviewing court's powers. An aggregate result cannot distinguish these situations.

Decisions are also set aside or varied for different reasons. These may concern legal classification, sentencing, defence rights, procedural costs or other grounds. Variation of part of a decision and the setting aside of a conviction with remittal for a fresh hearing have different scope. Assessing consequences requires attention not only to the number of corrections, but also to the stage at which they occurred, the duration of the restriction maintained and the possibility of restoring the person's position.

A published decision identifying a material violation has a dual evidential function. It confirms a defect in the lower proceedings and also demonstrates the operation of review. Using it only as evidence of failure, or only as proof that the system fully corrects itself, omits half of the legal picture. Correction of a particular error also does not establish how many similar violations remained undetected.

The report therefore contains no single percentage measuring “judicial quality”. Instead, it examines specific types of error and the procedural consequences of their identification. This is less convenient for a short ranking, but permits a more precise assessment of published practice. The change in the cassation route is particularly significant in 2026: it changes the institutional structure of observation and prevents a mechanical comparison of complaint flows before and after reform.

9. Workload, Staffing and Independence

Official workload and judicial-vacancy figures concern the organisational conditions of justice. They may indicate constraints on available time and resources, but do not prove a violation in a particular case. The average workload of a justice of the peace includes different types of proceedings, with substantial differences in complexity and procedural demands. Dividing the total number of cases by a notional number of working hours would not produce a reliable duration for the adjudication of a criminal charge. [5]

An average also conceals the distribution. The same mean could reflect a relatively even workload or a combination of severely overloaded and less busy judicial districts. Assessing the effect of vacancies requires information on authorised staffing, judges actually working, the duration of vacancies and case allocation. An absolute vacancy count without that denominator cannot establish a percentage staffing shortfall or its consequences for a particular court.

Workload and independence relate to procedural quality in different ways. A shortage of time may hinder detailed examination of objections, while independence also concerns freedom of decision-making, institutional safeguards and the absence of improper influence. The Constitution guarantees judicial independence and subjection to the Constitution and federal law. The existence of that rule does not remove the need to analyse implementation, but a general workload indicator is not a measure of external pressure. [1]

In its concluding observations of 2022, the UN Human Rights Committee expressed concern about judicial independence, including mechanisms of appointment, promotion and removal from office. This is an assessment by an international treaty body within a particular cycle of scrutiny of the state's report. It matters to the institutional context, but does not establish the proportion of decisions lacking independence in 2026 or prove interference in any particular criminal case. [19]

This monitoring distinguishes the normative safeguard, the organisational indicator and an established procedural violation. A causal connection between these levels requires further evidence. For example, setting aside a decision for breach of the confidentiality of deliberations establishes a violation of the rules governing judicial decision-making, but does not, without more, attribute it to understaffing or political influence. This restraint does not diminish the violation's seriousness; it clarifies precisely what has been established.

10. The Constitutional Structure of Procedural Safeguards

The rights to liberty and personal security, judicial protection and qualified legal assistance provide the normative basis for scrutiny of criminal prosecution. Constitutional provisions on the presumption of innocence and the prohibition of evidence obtained in breach of federal law limit not only the ultimate conviction, but also the permissible means of obtaining it. Victims' rights and the public interest in investigating crime operate within the same constitutional framework and do not displace the accused's safeguards. [1]

The CCP gives this structure specific effect through requirements of lawful, substantiated and reasoned procedural decisions, adversarial proceedings and evaluation of evidence. The court does not perform the prosecutorial function. The duty to prove guilt and rebut defence arguments rests with the prosecution within the limits established by law. Doubts that cannot be resolved are interpreted in favour of the accused. These rules have independent significance, irrespective of the proportion of charges ending in conviction in a statistical dataset. [2]

Different procedural stages address different questions. When deciding on a preventive measure, the court examines the grounds for restricting liberty rather than finally determining guilt. When adjudicating the charge, it must assess whether the offence and the defendant's involvement have been proved. Review concerns the existence of statutory grounds for intervening in a judicial decision. Transferring the standard of one stage to another can produce either inadequate scrutiny or premature determination of the outcome.

A substantive safeguard therefore concerns not merely the involvement of a court, but also the subject of its examination. A detention order does not replace a conviction; a conviction does not automatically make all preceding restrictions lawful; the subsequent removal of part of a charge does not invariably entail full rehabilitation. Each decision requires its own legal and factual basis. This structure permits the lawfulness of individual measures to be assessed without assuming that the entire criminal process has already reached a particular outcome.

In 2026, it is especially important to read statutory provisions together with current constitutional interpretation. A literal reproduction of an earlier formula governing detention may be incomplete following a Constitutional Court judgment. At the same time, judicial clarification of an exception does not remove the other conditions governing the measure. The following sections therefore examine separately the basis of suspicion, procedural risks, special prohibitions and the new positions on wanted status and evasion.

11. Reasonable Suspicion and Procedural Risk

When a court considers an application for detention, reasonable suspicion and the necessity of restricting liberty are distinct matters. The former concerns the person's connection with the alleged offence. The latter concerns the risk of absconding, continuing criminal activity, influencing participants, destroying evidence or otherwise obstructing proceedings in the circumstances prescribed by law. One element does not replace the other. Strong suspicion does not automatically justify the most restrictive measure, while an asserted risk does not dispense with examination of the person's connection to the conduct. [2, 7-8]

The Supreme Court Plenum requires scrutiny of specific information supporting suspicion, without finally determining guilt. This is an intermediate judicial task: the court does not conduct a complete criminal trial at a preventive-measure hearing, but neither is it confined to repeating the formal charge. The distinction matters in practice to the accused, who may challenge the sufficiency of the grounds for detention without having to establish final innocence at that stage.

The May 2025 amendments expressly link the reasons for granting an application to those grounds under Article 97 of the CCP that have been established in relation to the individual and supported by specific circumstances. Listing every possible risk without explaining its relevance is inconsistent with individual examination. The gravity of the charge is considered alongside other circumstances, but is not itself an exhaustive explanation of why a less restrictive measure is unavailable. [7]

Absence of registered residence is also not identical to absence of a place of residence or stay. The revised Plenum guidance distinguishes this issue from the independent grounds under Article 97. Similarly, lacking an identity document does not necessarily mean that identity has not been established. These distinctions prevent factual examination from being replaced by a convenient administrative marker. A person's membership of an easily recorded category does not relieve the court of examining the legally relevant circumstance.

Assessment of reasoning turns on the connection between a fact and the anticipated conduct. Foreign connections, for example, may be discussed in relation to a risk of evasion, but do not themselves establish an intention to abscond. Distinguishing possibility, supposition and substantiated risk helps identify the quality of judicial scrutiny. Without a body of reasoned decisions, it is impossible to determine how consistently that reasoning is applied nationally; the legal standard nevertheless remains established.

12. The 2025 Reform of Detention Rules

Federal Law No. 13-FZ of 28 February 2025 changed the regulation of preventive measures. Supreme Court Plenum Resolution No. 1 of 27 May 2025 extensively adapted the guidance on Article 108 of the CCP. For the 2026 snapshot, what matters is not only the new general rule, but also the system of exceptions, special categories and the duty to consider alternatives. Describing the reform in isolation as a complete prohibition of detention for less serious offences would be incorrect. [6-7]

Under the Plenum's guidance, detention for a medium-gravity offence not involving violence or its threat generally requires exceptional circumstances in addition to the grounds under Article 97. These include the absence of a place of residence or stay in Russia, unidentified identity, breach of a previously imposed preventive measure, or absconding from the investigation or court. Separate conditions apply to specific statutory offences. The gravity category therefore does not exhaust the legal inquiry.

For minor offences, the rules are likewise based on exceptional application, but the conditions cannot simply be transferred from the regime for medium-gravity offences. The revised Plenum distinguishes breach of a previous measure, absconding and special statutory cases. Restrictions on imposing imprisonment under the General Part of the Criminal Code also matter. Following Constitutional Court Judgment No. 44-P, however, this connection includes a specific exception for a person who has absconded, discussed in the section on that judgment below. [7, 10]

Separate restrictions apply to minors, pregnant women and persons specified by law who have responsibilities for raising children. These safeguards cannot be described as a prohibition of detention for every woman or every parent. The offence category, violence, special offences and the person's precise family status matter. In June 2026, the Constitutional Court expressly stated that its legal positions did not in themselves broaden the possibility of detaining these protected categories. [7, 10]

The reform thus made the regime more differentiated. A judicial decision requires identification not only of the gravity of the charge, but also of the applicable branch of the rules. This complicates statistical analysis: a change in detention numbers after the reform cannot confidently be attributed to its effect without a breakdown by offence category and grounds for exception. The normative change is established; its quantitative outcome has not been measured in this study.

13. Federal Wanted Status and Detention in Absentia: Judgment No. 9-P

Constitutional Court Judgment No. 9-P of 25 February 2026 arose from Yaroslav Malinovsky's complaint concerning Article 108(5) of the CCP. The case involved detention ordered in the accused's absence, where an international wanted notice was issued after the relevant judicial decision. The judgment's significance goes beyond the sequence of actions in that case: the Court determined the constitutional meaning of the wanted-status condition for deciding detention in absentia. [9]

The Constitutional Court permitted such consideration where the accused was subject to a federal wanted notice, irrespective of an international or interstate wanted notice. The earlier formula under which international or interstate wanted status was invariably required for any detention order in absentia therefore no longer reflects the current binding interpretation. Federal wanted status was not, however, made an independently sufficient ground for detention: the statutory conditions governing the measure itself remain subject to examination.

The Court linked the permissibility of a decision in absentia to safeguards enabling the accused's position to be put before a court. Participation of defence counsel, access to the order and the opportunity to challenge it matter even before actual apprehension. Once circumstances permit the accused to participate personally and in person, that opportunity must be provided. The judgment specifically recognised that an appointed lawyer who has had no contact with a wanted person may be unaware of circumstances explaining that person's unavailability to investigators.

This clarification matters to the assessment of absconding. Procedural wanted status and the actual reason for absence do not fully coincide. The accused may dispute the finding of evasion and submit information explaining unavailability on other grounds. A decision in absentia must not remove subsequent substantive scrutiny merely because an initial hearing has already taken place without the accused. The Constitutional Court treats judicial protection as a continuing safeguard, not a one-off formality.

The judgment's cross-border significance is also limited. A Russian detention order may be used in international cooperation, but does not compel a foreign court to authorise extradition or replace INTERPOL's rules. National wanted status, international circulation of data and an extradition decision are separate legal acts. A finding that one is lawful does not automatically extend to the others. For country monitoring, Judgment No. 9-P matters as a change to the domestic regime governing restrictions on liberty, not as universal recognition of the legitimacy of pursuit abroad.

14. Absconding Where Imprisonment Cannot Be Imposed: Judgment No. 44-P

Constitutional Court Judgment No. 44-P of 30 June 2026, on Nikolay Karimov's complaint, concerns exceptional detention on a charge of a minor offence. The applicant argued that the measure was unconstitutional because the sentencing rules precluded imprisonment in his case. The issue was the relationship between the prospective final sentence and coercion used to secure a person's participation in criminal proceedings. [10]

The Court accepted detention of a suspect or accused who has absconded from the investigation or court as a necessary and compelled measure occasioned by that person's unlawful conduct. This also applies where the statutory penalty or sentencing rules preclude imprisonment. Consequently, in the 2026 snapshot, the general proposition in the 2025 Plenum guidance linking detention to the availability of such a sentence cannot be applied without the constitutional exception.

The key limitation lies in the meaning of absconding. The Constitutional Court linked it to deliberate, active steps intended to make the person's whereabouts unknown to the investigating authorities or the court. Mere lack of contact or non-attendance does not remove the need to establish that conduct. The court deciding detention must examine the circumstances independently, and the accused may counter a finding of evasion with explanations and evidence of another reason for unavailability.

The judgment does not justify describing detention as an additional punishment for failure to appear. Its permissibility is explained by the need to secure proceedings and remains subject to necessity and proportionality. Judicial scrutiny and the possibility of seeking compensation for harm caused by an unlawful measure also remain. The reasoning specifically emphasises that such compensation does not always depend unconditionally on full rehabilitation: established unlawfulness of the procedural coercion itself may be relevant.

The applicant's actual outcome must nevertheless not be replaced by a general account of safeguards. The Constitutional Court stated that Karimov's case was not subject to reopening as a result of the judgment and that there were no grounds for applying compensatory mechanisms to him. Proceedings on part of the challenge concerning other CCP provisions were discontinued. The judgment therefore both broadens the understanding of a permissible exception and formulates limits on its use, but is not an example of the applicant's release or an award of compensation. It also expressly preserves the special restrictions applicable to categories protected by Article 108(2). [10]

15. Extensions of Detention and the Significance of Time

Initial detention and subsequent extensions require related but distinct assessments. At an early stage, a risk of influencing a witness who has not yet been interviewed may have one factual basis; after the relevant step is completed, the situation may change. An extension requires examination of whether the risk persists and why proceedings remain unfinished. Simply repeating the wording of the initial order does not explain the necessity of continued restriction of liberty. [2, 7-8]

The official address of February 2026 identified the problem of lengthy extensions based on unchanged grounds. This shows that the issue has been raised within the judicial system itself, but does not establish the number or proportion of such decisions. A quantitative conclusion would require the orders, information on the sequence of extensions and case categories. The report uses the official criticism to identify a subject of scrutiny, not as ready-made statistics of unlawful detention. [5]

A case's complexity may explain the length of an investigation, but does not replace examination of how the authorities conducted proceedings. The objective volume of evidence, parties' conduct and delays attributable to the organisation of work are distinct. Conversely, a lengthy period alone does not permit a conclusion, without examination of the file, that every extension was unlawful. Legal analysis requires the applicable limit, factual grounds and reasons for the particular order to be established.

Alternative measures also differ in substance. House arrest significantly restricts liberty; prohibitions on specified conduct may affect communications and professional activity; bail depends on its amount and the real ability to provide it. Formal replacement of detention with another measure does not always restore the person's ordinary position. At the same time, the differences between measures are material and prevent them from being treated as interchangeable statistical units.

Assessment of individual proceedings concerns the entire period of restriction, including changes in the grounds and the opportunity to challenge them. National monitoring requires the distribution of durations and the frequency of repeated decisions. Without those data, fewer applications do not prove a reduction in the total restriction of liberty. Article 9 of the Covenant and the UN Committee's interpretation likewise link pre-trial deprivation of liberty to individual necessity and examination of alternatives, rather than to an automatic consequence of being charged. [17-18]

16. Economic Charges and Special Restrictions on Detention

The particular rules governing detention for economic charges depend on the specific offence and the statutory connection between the conduct and business or other economic activity. The Supreme Court Plenum, as revised in May 2025, distinguishes groups of offences for which special restrictions apply without further conditions of that kind from offences for which the person's status and the nature of the activity matter. It is therefore legally inaccurate to assert that detention is prohibited in all economic cases. [2, 7]

For certain charges, including the relevant forms of fraud, misappropriation and embezzlement, the connection between the alleged conduct and business activity or management of a commercial organisation is important. Judicial examination is not exhausted by the accused's job title. The revised guidance requires examination of whether the materials contain specific information supporting a finding that no such connection exists where that finding is relied upon to justify detaining an entrepreneur or manager.

The duty to consider a measure permitting the relevant activity to continue is a separate element of individualisation. Restricting a manager's liberty may affect the organisation's management, but that collateral consequence does not create absolute immunity. Equally, involvement in a corporate dispute does not prove that the charge is improper. What matters is the factual substance of the alleged conduct, the applicable offence and the conditions for an exception to the restrictions on detention.

An additional charge may change the legal position. The Plenum recognises the possibility of detention where, alongside a specially regulated economic offence, a person is charged with another offence that does not preclude the measure, and the necessary grounds exist. This does not mean that any additional charge is sufficient in itself: suspicion and risk remain subject to examination. But a statistical category of “economic case” that does not reveal the composition of the charges may conceal a legally important distinction.

For monitoring, compliance with special safeguards therefore cannot be assessed solely from the number of detained entrepreneurs. Information on the offences, their connection with the activity and the reasons for the judicial decision is needed. Published rules permit the court's duty to be described precisely, but this report does not contain a verified body of decisions from which to calculate the frequency of breaches. There is also no basis for equating an economic charge with politically motivated prosecution without independent evidence of the latter.

17. Defence Rights: A Lawyer's Presence and Effective Assistance

The right to qualified legal assistance is not exhausted by a record that a lawyer attended the hearing. Confidential communication, knowledge of the client's position, time to prepare, access to materials under the applicable rules and the ability to make substantive objections all matter. The Supreme Court Plenum's resolution on defence rights considers the safeguard in relation to the actual position of a person subjected to criminal prosecution, not merely the formal name of the procedural status assigned to them. [1-2, 13]

Appointed and retained counsel are different means of providing assistance, but appointment does not diminish professional duties. The method of payment nevertheless does not itself reveal the quality of the defence. An assertion that every appointed lawyer acts only formally would be as unfounded as an assumption that assistance is effective in every case involving retained counsel. The relevant inquiry concerns the actual exercise of procedural rights and fulfilment of duties.

Counsel's position is particularly important where the accused denies guilt. A lawyer's tactical independence does not confer a right to adopt an arbitrary position contrary to the client. Establishing a violation requires attention to the substance of statements and conduct, the procedural circumstances and statutory exceptions. Analysing a specific higher-court decision is therefore more useful than inferring defence quality from the overall number of lawyers or hearings attended by them.

The participation of another admitted defender does not replace a lawyer in every situation. The CCP permits certain forms of participation by a close relative or another person, but the scope of that possibility depends on the procedural stage and court. The exception associated with proceedings before a justice of the peace cannot automatically be transferred to cassation proceedings in another case. The permissible composition of the defence must be determined under the applicable rule. [2]

Two cases in Supreme Court Review No. 1 (2026) illustrate different defects. In one, a lawyer was present but took a position contrary to the client's. In the other, a non-lawyer's participation did not remedy the absence of professional defence counsel at the cassation hearing. These situations cannot be combined under an indicator that “a defender was present”: a formal attendance characteristic would conceal legally contrasting circumstances. [12]

18. Defence Counsel Taking a Position Contrary to the Defendant

Paragraph 32 of Review No. 1 (2026) concerns case No. 129-УД 24-4-А 1. The defendant denied guilt and contested the charge. The circumstances described in the review showed that appointed counsel adopted a contrary position on the examination of evidence and in closing submissions. The Supreme Court held that this violated defence rights, set aside the conviction and appellate ruling, and remitted the case for a fresh hearing. [12, paragraph 32]

What mattered legally was not a lawyer's absence from the hearing, but the substance of the defence provided. This distinction demonstrates the limits of statistical recording of counsel's participation. The same entry, “lawyer participated”, may correspond to effective assistance or to a violation requiring a fresh hearing. Identifying the latter requires information on the defendant's position, the lawyer's conduct and the court's response.

The account of the case also referred to the defendant's allegation of improper pressure in obtaining earlier statements. The existence of that allegation does not mean that the Supreme Court's ruling established violence or the guilt of particular officials. The ground of the procedural decision must be distinguished from all the assertions made by a party. Otherwise, analysis of defence rights would become an unsupported assertion of a different violation.

Setting aside a decision and remitting the case is not equivalent to acquittal either. It means that the earlier outcome could not stand in the presence of the established procedural defect. The charge had to be determined in properly conducted proceedings. This remedy protects the conditions for a fair hearing, but does not itself determine the outcome to be reached once the violation is removed.

For monitoring purposes, the case confirms the substantive nature of the right to assistance and the judicial system's duty to respond to conflicting procedural positions. It does not establish how frequently appointed counsel act in this way or permit comparison with retained lawyers. Those quantitative questions remain open. Nevertheless, one established case is sufficient to demonstrate that a lawyer's formal presence is not exhaustive proof of compliance with the safeguard.

19. Absence of a Lawyer at a Cassation Hearing

Paragraph 45 of Review No. 1 (2026) concerns case No. 226-УД 25-11-К 10. Following conviction by a garrison military court and appellate review, the case proceeded to cassation. An admitted defender who was not a lawyer attended the hearing, but professional defence counsel was absent. There was no written waiver of legal assistance by the convicted person, and provision of that assistance had not been properly addressed. The Supreme Court set aside the cassation ruling and remitted the case for a fresh cassation hearing. [12, paragraph 45]

It is important to identify precisely which decision was set aside. The Supreme Court did not acquit the person or automatically overturn the entire sequence of earlier decisions on the charge. The established defect concerned the cassation stage; the remedy was a repeat hearing at that stage with defence rights observed. The scope of the procedural outcome must not be enlarged in a short account of the case.

The legal significance lies in distinguishing professional legal assistance from other forms of support for the accused. Participation of a relative or another person may be useful and lawful within the prescribed limits, but does not remove mandatory requirements for a lawyer's assistance in the relevant proceedings. The special rules on defenders before a justice of the peace cannot be transferred to cassation proceedings before a military court.

The example shows that violations may arise after a conviction has been entered and become final. Statistical recording of the first-instance outcome does not capture the quality of subsequent access to review. Even an unchanged conviction at earlier stages does not diminish the independent importance of examining whether the convicted person received proper assistance when challenging judicial decisions.

The published ruling also demonstrates the operation of a corrective mechanism. It supports neither a conclusion that defence assistance is absent from all cassation proceedings nor that restoration is adequate in every analogous case. The latter conclusion would require information on the fresh hearing and the practical consequences of delay. The reliably established outcome is narrower: the earlier cassation hearing did not meet the necessary requirements, and its ruling was set aside.

20. Child Victims and the Examination of Testimony

Not every restriction on direct questioning violates defence rights. In paragraph 31 of Review No. 1 (2026), case No. 64-УД 24-3-А 5, the Supreme Court considered the reading out of a child victim's testimony in a sexual-violence case. The special rules in Article 281(6) of the CCP, information on the victim's psychological condition and assessment of the possibility of participation were material. The Court did not find the procedure unlawful in the circumstances described. [12, paragraph 31]

This example is necessary for a complete analysis. Procedural safeguards do not belong exclusively to the accused. Protecting a child from further trauma may justify special means of examining evidence. However, the existence of that objective does not legitimise every restriction: the decision must rest on the applicable rule and specific circumstances, not merely a general reference to convenience or the sensitivity of the charge.

The review indicates the significance of professional information about the victim's condition and consideration of the participants' positions. This differs from an automatic refusal to examine testimony. Assessment of procedural fairness concerns the entire way in which evidence is introduced and tested, including the conditions in which earlier statements were obtained and the defence's opportunity to question their reliability in a legally permissible form. Reading testimony out does not relieve the court of subsequently evaluating its substance.

The legal position does not automatically extend to an adult witness's evidence, every instance of a victim's absence, or other grounds for reading statements out. Special protection of a child and the general rules governing witness testimony have different legal prerequisites. An expansive reading of the example could erase the very conditions that made the procedure permissible in that case.

For country monitoring, the decision counterbalances a selection consisting only of decisions set aside. It shows that substantive scrutiny may confirm the lawfulness of a restriction where specific grounds exist. The criterion is the justification for the particular balance of rights, not a predetermined outcome favouring one party. It follows also that the number of defence applications granted does not itself reflect the quality of judicial consideration of each application.

21. Evidence, Reasoning and Legal Classification

A reasoned judgment connects established facts to legal classification and the resulting consequence. A list of evidence does not replace an explanation of why the court accepted some information and rejected other material. The CCP and the Plenum resolution on criminal judgments require evaluation of the evidence as a whole, resolution of material contradictions and rejection of findings of guilt based on supposition. [2, 14]

The admissibility of the method by which evidence was obtained is a separate question. Seemingly persuasive content does not remove a statutory prohibition on using information obtained in breach of the applicable requirements. At the same time, a party's allegation of a violation is not equivalent to established inadmissibility. Judicial scrutiny must identify the facts, the rule and the legal consequence. External analysis must distinguish the applicant's assertion, an established fact and the court's conclusion.

An error may also arise in the transition from facts to an element of an offence. In paragraph 28 of Review No. 1 (2026), case No. 15-УД 24-3 СП-А 4, the Supreme Court examined the classification of property damage caused using fire. The use of fire alone was not held sufficient to establish the relevant aggravating element without the necessary circumstances concerning its spread or a threat to other property and persons. The conduct was reclassified from Article 167(2) to Article 167(1) of the Criminal Code. [12, paragraph 28]

Such a change does not deny the existence of any offence or amount to an acquittal. It shows that proof of the basic offence and proof of an aggravating element are different questions. A correct conclusion on one does not cure inadequate proof of the other. Similar analytical caution is required when reading statistics on variations of convictions: a single row may contain materially different legal outcomes.

Reasoning also matters to procedural safeguards as a condition of effective review. A party can specifically challenge the connection between evidence and a finding only where that connection is expressed in the decision. Inadequate reasoning hinders review irrespective of whether the outcome seems intuitively plausible. Length is not the same as quality of justification, however: extensive reproduction of the case materials does not guarantee an answer to a decisive defence argument.

22. Challenges to Pre-Trial Decisions and Effective Judicial Scrutiny

Article 125 of the CCP provides for judicial challenges to certain decisions, acts and omissions of prosecuting and investigating authorities that may affect constitutional rights or impede access to justice. It is a separate mechanism of judicial protection at the pre-trial stage. Its subject matter does not, however, coincide with determination of the criminal charge on the merits. In these proceedings, the court must not pre-empt the eventual determination of guilt or exercise an investigator's procedural powers in the investigator's place. [2, 15]

The delineation of competence creates an important analytical difficulty. Refusal to consider a particular argument under Article 125 may reflect the existence of another statutory means of examining it. Such refusal alone does not prove that no remedy exists. Yet reference to another procedure is meaningful only in light of the actual procedural opportunity to use it. Legal assessment requires identification of the question raised, the decision reached and its reasons.

A successful complaint does not always mean that the problem has been finally resolved. A finding that an act or decision is unlawful or unfounded, coupled with a duty to remove the violation, differs from actual restoration of the applicant's position. Effectiveness depends on subsequent compliance, the substance of the new decision and how long the violation persisted. An aggregate count of successful complaints does not reveal this chain.

The evidence available for this study does not include a complete, comparable body of Article 125 decisions from which to calculate a national proportion of substantive restoration. The report therefore concludes neither that the mechanism is universally formalistic nor that it is fully effective. Normatively, it provides a distinct channel of scrutiny; empirically, its operation requires data on individual outcomes and implementation. These propositions are compatible and concern different evidential levels.

Its relationship with other remedies matters too. Challenging detention, arguing that evidence is inadmissible, contesting a refusal to institute a criminal case and seeking review of a conviction have different objects and consequences. Combining them under the heading “complaints upheld” may conceal failure to restore the particular right restricted. In this monitoring, a procedural safeguard is assessed by whether the remedy addresses the violation, not solely by the existence of a formal right to go to court.

23. The 2026 Cassation Reform

Federal Law No. 78-FZ of 9 April 2026 changed cassation review for a defined group of criminal judicial decisions. From 10 May 2026, final judicial decisions of justices of the peace and the corresponding decisions of district courts acting as appellate courts follow the statutory review route through the presidia of regional-level courts. This does not transfer all criminal cases to those bodies or abolish the cassation courts of general jurisdiction. [11]

The substantive boundary of the reform is fundamental. A district court may act at first instance in one case and as the appellate court for a justice of the peace in another. The same institutional name does not imply the same cassation route for all its decisions. Determining the applicable procedure requires attention to the court's procedural role, the type of decision and transitional provisions. A simplified account that “district-court cassation has returned to the regions” may therefore mislead.

For the relevant group of final decisions, the law provides for preliminary examination of the complaint and a decision on referral for consideration at a hearing. Receipt of a cassation complaint is consequently not the same event as its substantive examination by a panel. Statistical observation must use different denominators for these events. Numbers of applications, referrals and varied decisions cannot substitute for one another.

The transitional rule preserves the previous procedure for complaints and prosecutorial applications lodged before the law entered into force. Proceedings following different routes therefore coexist in 2026. The date of the lower-court conviction does not itself determine the transitional regime: the statutory condition concerning when the complaint was lodged is material. Comparing calendar-year outcomes without accounting for transition may attribute to practice a result produced by organisational redistribution of cases. [11, Article 2]

In February 2026, the change in route was discussed in the official address as a proposal. Enactment changed its status. This example shows why institutional statements cannot automatically be described as applicable law, but also why a measure cannot remain classified as a proposal after the relevant rule takes effect. The report distinguishes the proposal from the legislative structure that implemented it. [5, 11]

A possible reduction in geographical distance and a change in the filter governing access to a hearing are different aspects of the reform. The first concerns organisation; the second concerns the procedural conditions of review. The available evidence does not establish the ultimate effect on defence quality or the frequency of error correction by September 2026. A change in legal procedure is confirmed; a claim of demonstrated success or failure would require comparable data on its application.

24. Rehabilitation, Partial Discontinuance and Procedural Costs

Restoration of rights following unfounded prosecution is not confined to changing the recorded case outcome. Financial consequences, procedural costs and the scope of the charge giving rise to rehabilitation also matter. Chapter 18 of the CCP provides the relevant mechanism, but full acquittal, partial discontinuance of prosecution and a finding that an individual coercive measure was unlawful are not identical. The legal basis of restoration must be established separately. [2]

Paragraph 33 of Review No. 1 (2026), case No. 69-УД 24-8-К 7, illustrates the consequences of partial discontinuance. After one count had been removed on rehabilitating grounds, liability for procedural costs had not been properly addressed. The Supreme Court set aside the relevant part of the judicial decision and remitted the issue for fresh consideration. The review also records the appellate court's subsequent reduction of the costs. [12, paragraph 33]

The point of the case is not that the person was relieved of all costs or that the entire charge was found unfounded. The error was retaining a financial consequence without accounting for the changed scope of prosecution. This shows that procedural correction must reach connected parts of a decision. A change in the principal legal classification or the scope of the charge may leave a separate question concerning collateral obligations.

This aspect can easily disappear in conviction statistics. A case may remain classified as a conviction even though part of the prosecution was found unfounded and requires restoration of rights. Conversely, a reduction in costs does not automatically classify the person as fully rehabilitated. Without distinguishing grounds, the quantitative picture will distort both the scope of the charge and the scope of the restored right.

Constitutional Court Judgment No. 44-P further confirms the need to separate the lawfulness of a particular coercive measure from the ultimate outcome of the charge. It discusses compensation mechanisms for harm caused by unlawful restriction that do not always depend on full rehabilitation. The availability of compensation does not mean that it must automatically be awarded whenever detention and the eventual sentence differ. The unlawfulness or lack of justification of the measure, and the applicable conditions of restoration, must be established. [10]

25. Confidentiality of Deliberations and the Procedure for Judgment

Paragraph 34 of Review No. 1 (2026), case No. 53-УДП 24-31-К 8, concerns a breach of the procedure for delivering a criminal judgment. While formally deliberating on a criminal case, the judge heard civil cases. The Supreme Court held that the breach of the confidentiality of deliberations justified setting aside the conviction and subsequent decisions and remitting the case for a fresh hearing. The prosecution initiated the review. [12, paragraph 34]

That last circumstance matters to an accurate understanding of procedural roles. Correction of a violation does not necessarily occur only on a defence complaint and does not always place the accused's safeguard in conflict with the prosecutor's position. In this case, the prosecutor sought removal of a defect in the judicial procedure. This permits no general conclusion about prosecutorial conduct in other cases, but rules out an oversimplified account of this example.

Confidentiality of deliberations and compliance with the procedure for reaching a decision protect the independence of judicial reasoning. Their breach cannot be reduced to an insignificant organisational inconvenience merely because the judgment's substance may seem convincing. The law links certain procedural defects to a need for a fresh hearing, without requiring an outside observer to prove precisely which conclusion changed because of the breach. This safeguard operates at the level of the lawfulness of the decision-making procedure.

At the same time, setting aside the decision does not prove the defendant's innocence, political pressure on the judge or deliberate distortion of evidence. Those claims would require their own foundations. The circumstance established in the review has a defined legal meaning: the judgment was delivered in breach of a mandatory procedure. Preserving that precise meaning neither minimises the error's seriousness nor attributes findings to the decision that it does not contain.

For monitoring, the case shows the limits of assessing justice through final sentences. Even if a fresh hearing produces a similar outcome on the charge, the earlier defect does not disappear retrospectively. Procedural form protects the conditions for a lawful decision, not a particular result. Accordingly, the frequency with which initial and subsequent judgments coincide, even if known, would not be a sufficient indicator that the original proceedings were free from violations.

26. Public Decisions, Data Access and Digital Mechanisms

Several distinct institutions secure openness in judicial activity. A public hearing, a party's access to the case file, publication of an anonymised decision and publication of statistics serve different functions. Federal Law No. 262-FZ regulates access to information on court activity, including publication of specified information and judicial texts, subject to statutory limitations and information-protection rules. A publicly available decision is not the full criminal case file. [2, 16]

Publication restrictions matter to the research sample. Cases involving sensitive information, legally protected secrets or children's rights may be presented differently from ordinary public proceedings. Anonymisation makes linking different stages of one case more difficult, while absence of a full text from a particular database does not prove that no decision exists. An accessible publication collection therefore cannot be treated, without checking, as an exhaustive register of all procedural events.

Statistical reporting and published decisions also answer different questions. The former may cover a wider range of events but usually lacks detailed reasoning. The latter provide substantive material but may be incomplete as a population. Combining the sources is potentially useful, but requires compatible identifiers and an understanding of selection rules. No such combined database was constructed in this study, so no causal or prevalence findings are claimed on the basis of publications.

Electronic filing may reduce the cost of making an application, but the number of electronic submissions does not establish the quality of their determination. One participant sends several documents; one case generates many procedural communications. Growth in electronic traffic may reflect a change of channel rather than an increase in the number of people obtaining judicial protection. Accessibility of an interface and substantive access to justice remain related but distinct characteristics.

Discussion of artificial intelligence, electronic identifiers and new communication tools in official addresses likewise does not prove their use in determining guilt or preventive measures. A proposal for organisational digitalisation is not evidence of an operational automated system making criminal procedural decisions. Without primary legal and technical materials, the report does not attribute to Russian courts a particular risk-assessment algorithm, a level of accuracy or an effect on case outcomes. [5]

27. International Standards and Temporal Jurisdiction

The International Covenant on Civil and Political Rights provides an independent normative basis for assessing liberty, a fair hearing and effective protection. Article 9 governs deprivation of liberty and judicial scrutiny; Article 14 governs criminal procedural guarantees, including the presumption of innocence and opportunities for the defence. General Comment No. 35 elaborates the requirements governing pre-trial detention and its individual justification. These provisions are used as legal criteria, not as a statistical account of Russian practice. [17-18]

International assessment of a particular situation requires a distinction between the operative obligation, the body's competence and implementation of its findings. The existence of a treaty standard does not automatically remove a domestic violation. Conversely, implementation difficulties do not make the standard nonexistent. Legal analysis concerns the substance of the right and the available mechanism; empirical analysis concerns the actual results of an application. These levels must not replace one another.

In its 2022 concluding observations on Russia, the UN Human Rights Committee addressed judicial independence, reports of ill-treatment and investigations of such reports. The document reflects the Committee's assessment in the relevant review. It does not contain a prevalence rate for such violations as of September 2026 verified in this report. Its function here is to identify previously articulated institutional questions, not to replace current observation. [19]

A separate temporal boundary applies to the European Convention. Russia ceased to be a party on 16 September 2022. The European Court retains jurisdiction over acts and omissions relating to the period before cessation of membership. A later date of an ECtHR judgment does not move the underlying violation into the current period or create general jurisdiction over new events after that boundary. [20]

International decisions and standards are therefore used for different purposes. Historical case law may explain the substance of a safeguard and identify previously established problems. Current domestic procedure must be analysed through applicable rules and contemporary decisions of the competent bodies. The report does not present an earlier international assessment as a new decision on facts arising in 2026, nor does it assume that the cessation of one mechanism removes every other international obligation of the state.

28. Competing Explanations and the Limits of General Conclusions

The material permits several competing interpretations, and comparing them is necessary for a robust final assessment. A high rate of decisions remaining unchanged may reflect sound initial adjudication. It also depends, however, on access to challenge, the scope of review and screening of applications. Published reversals may demonstrate effective scrutiny while also confirming that material violations survived earlier stages. Neither aspect automatically excludes the other.

Similarly, a decline in detention applications, if established in a comparable dataset, is consistent with several mechanisms: a change in the composition of investigated cases, stricter selection of applications or greater use of alternatives. Without further information, it does not answer questions about the duration of custody for those already detained. The reverse movement does not itself prove a decline in lawfulness either. The number of applications of a measure and the quality of individual justification describe different characteristics.

More detailed legislation can narrow discretion while generating new questions of interpretation. The 2025 reform and the Constitutional Court's 2026 judgments demonstrate precisely such a complex picture. Special restrictions on detention remain, while an exception for an absconding person has been clarified. Detention in absentia has been extended to federal wanted status, while subsequent personal defence has simultaneously been emphasised. Reducing these developments to “liberalisation” or “tightening” would lose material conditions.

Institutional explanations have limits too. Workload and staffing vacancies may matter to the organisation of proceedings but do not establish the cause of every violation. International concern about independence does not replace proof of interference in an individual case. An economic charge does not establish political motivation, and a person's public profile does not determine the reasonableness of suspicion. In all these situations, context helps formulate the question but is not a ready-made answer.

Taken together, the sources firmly establish the substance of certain safeguards, changes to individual procedures and specific errors recognised by courts. They do not reliably establish a nationwide probability of an unjust conviction or unlawful detention. This limitation results from analysis of the available evidence, rather than an assertion that quantitative research is inherently impossible. A broader conclusion without the necessary data would be less evidentially grounded, not more critical.

29. Overall Assessment

The snapshot as of 24 September 2026 shows a criminal procedural system in which safeguards of liberty and defence have extensive normative expression and are given specific content by higher-court decisions. Material changes concern grounds for detention, preventive-measure proceedings in absentia and the cassation route for cases heard by justices of the peace. A legally accurate account of the current position cannot rely solely on legislative and judicial formulations predating these changes. [1-2, 6-11]

Published practice confirms several different forms of violation and restoration: setting aside decisions where counsel's position contradicted the defendant's, repeating cassation proceedings because a lawyer was absent, correcting the financial consequences of partial discontinuance, and setting aside a judgment for breach of the decision-making procedure. The example involving a child victim also shows that a special restriction on direct questioning may be upheld under established conditions. [12]

The statistical analysis has narrower evidential force. Verified official indicators describe the scale of court activity and certain sentencing outcomes. They do not form a complete dataset from which to calculate national frequencies of procedural violations. Stability of decisions across the system is not the proportion of error-free criminal decisions, while the number of sentences imposed does not measure the quality of scrutiny of the charge. These distinctions define the boundaries of the conclusion; they are not merely technical qualifications.

The central substantive tension lies between the existence of a legal safeguard and the ability to establish its practical effectiveness. In an individual case, the connection is revealed by reasoning, defence participation, consideration of objections, timely review and actual restoration. At national level, comparable data on procedural stages and the consequences of decisions are needed. The available sources confirm the operation of corrective mechanisms, but do not establish that every violation has been detected and removed.

The overall assessment therefore neither presumes an impeccable system nor asserts that all its safeguards are ineffective. Specific legal duties, specific changes in 2026 and specific court-recognised violations have been established. Their prevalence beyond the material examined remains unknown. This distinction supports the most definite conclusion the evidence permits: procedural safeguards exist as applicable legal requirements, while assessment of their implementation requires examination of each mechanism and each indicator within its own limits.

30. Sources

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