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The Ministry of justice proposed to introduce additional guarantees for lawyers

The Ministry of justice of the Russian Federation has developed a draft Federal law on amendments to the criminal code of the Russian Federation and the code of criminal procedure of the Russian Federation in terms of establishing additional guarantees for the implementation of the principle of adversarial parties.

In accordance with the provisions of the draft law, interference in any form in the legal activities of a lawyer in order to hinder the exercise of his professional powers is punishable by a fine of up to 80,000 rubles or the income of the convicted person, and this may also be mandatory or correctional labor. If it is a question of preliminary collusion of a group of persons or the use of official position, the fine is increased and ranges from 100,000 to 300,000 rubles, and in this case, a sanction is provided in the form of imprisonment for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

If violence is used, such an act is punishable by forced labor for up to five years or by deprivation of liberty for the same period, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

The explanatory note to the draft law States that the purpose of these changes is to establish for lawyers the same guarantees that the Prosecutor, investigator or person conducting an inquiry already have. But in the article that provides for punishment for interference in the activities of lawyers, there is a condition according to which the criminal act must cause significant harm to the rights and legitimate interests of citizens or organizations, or to the interests of society or the state protected by law. Article 294 of the criminal code that protect the activities of the prosecution, no such condition, based on the direct interpretation at all sufficient the fact of interference with the prosecution. In the end, the defense will still not have the same rights as the prosecution. In addition, it is worth paying attention to the fact that the wording itself is about the subsequent attraction of harm. How exactly can you determine whether the rights and interests of citizens are harmed at the stage of preliminary investigation? How a lawyer can prove that, for example, a violation of the procedure for familiarizing with the case materials will actually affect the final result, if the information from these hidden case materials is unknown, and what meaning they carry is also unknown.

At the moment, we can say that this is already a big step towards securing the guarantee of equality of the parties in legal proceedings.

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