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Publication**Russian Supreme Court: materials from discontinued criminal proceedings may establish a defendant's liability in civil proceedings**[Русская версия >>](#)

The Russian Supreme Court has published its [ruling](#)* dated 28 July 2026 in case No. 4-КГ26-45-К1 link, concerning a claim for losses brought against the former head of a bankrupt bank.

The dispute centred on how a court should assess materials from criminal proceedings against a defendant that had been terminated on non-rehabilitating grounds.

Previously, court practice concerning the evidential value of materials from terminated criminal proceedings in determining the civil liability of a party who had caused harm had been unambiguous.

The courts consistently held that evidence obtained during the investigation of criminal proceedings terminated due to the expiry of the limitation period for criminal prosecution could not establish the civil liability of the relevant individual.

The Supreme Court has now held that the absence of a criminal conviction against the person who caused the harm does not preclude a court from assessing that person's conduct in order to determine whether a civil wrong has been committed.

The termination of criminal proceedings on non-rehabilitating grounds no longer releases the person who caused the harm from the obligation to compensate the resulting losses, nor does it disprove the unlawfulness of that person's conduct for the purposes of civil law.

Background of the dispute

The Deposit Insurance Agency sought to recover losses from the former head of a bank that had been declared bankrupt. The respondent's fault was substantiated by references to materials from the criminal proceedings. According to the investigation, the respondent had approved the issuance of loans on clearly unfavourable terms despite being aware of the borrowers' unsatisfactory financial position. Most of those loans remained outstanding.

The lower courts held that the claimant had failed to prove the respondent's fault or a causal link between the respondent's conduct and the losses. The key consideration was the absence of a criminal conviction against the respondent in the criminal proceedings, which had been terminated on non-rehabilitating grounds.

The Supreme Court's position

The Supreme Court held that the absence of a criminal conviction in proceedings terminated on non-rehabilitating grounds is not equivalent to the absence of fault in a civil wrong involving the causing of harm. When determining a civil claim, a court may independently assess materials from criminal proceedings discontinued on non-rehabilitating grounds as documentary evidence. However, the claimant must identify the specific facts relevant to the claim that are established by those materials.

On this basis, the Supreme Court set aside the judgments of the courts of three instances and remitted the case for reconsideration.

Practical implications

Materials from criminal proceedings discontinued on non-rehabilitating grounds may constitute evidence of the civil liability of the person who caused the harm.

**In Russian*

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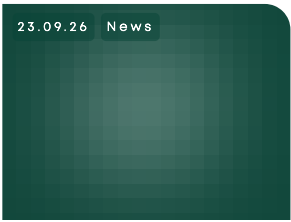
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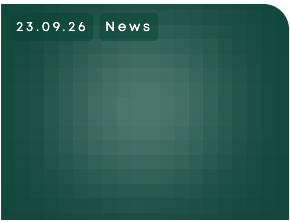
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