# REPEATED PLACEMENT ON A WANTED LIST AFTER JUDICIAL ANNULMENT AS A FORM OF ARBITRARY RESTRICTION OF RIGHTS: A DOCUMENTED ANALYSIS OF TWO COMPLETED WANTED-LISTING CYCLES

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## Executive Summary

This report examines the use of the wanted listing of an accused person as an instrument of pressure, on the material of a single criminal case in which two cycles of the measure are closed by final court rulings: the listing ordered on 3 March 2023 was held unlawful on 19 October 2023, and the listing ordered on 29 February 2024 was held unlawful on 7 May 2025, after a higher court had set aside the initial refusal. Unlike studies that reconstruct such cases from indirect materials, the report rests on the full texts of all the court rulings in both cycles, including the first-instance refusal and the appellate ruling setting it aside, and on the original orders of the investigating authority declaring the accused wanted and suspending the investigation. The completeness of that base allows the whole life cycle of the measure to be traced: the defects of the orders themselves, the ways in which search activity was evidenced by the authority's own paperwork, and the price the individual pays for judicial protection.

**Principal findings.** In both cycles the listing was ordered while the address and the means of contact of the person were documented in the authority's own files: the orders declaring him wanted and suspending the investigation state his actual place of residence and his mobile number, and assert at the same time that his whereabouts are unknown. Search activity was evidenced solely by the authority's internal records, a log of outgoing documents and reports identical to one another, and was contradicted by objective data from an independent postal operator, according to which no correspondence from the investigating authority reached the person during the key period. On two occasions the official wanted registers did not confirm that the person was listed, weeks after the date of the corresponding order. No specific notification of the listing was given: on the prosecutor's official account, the person was informed of the measure in replies to his own petitions. Judicial protection did work, but in the second cycle only at the third round of review, after the appellate court had set aside the first-instance refusal: almost nine months of proceedings separate that refusal from the ruling holding the listing unlawful, and the full cycle, from the order to its actual cancellation by the authority, exceeded seventeen months.

**Recommendations.** The case yields an operational checklist of ten verifiable indicators of arbitrary listing; each of them is supported in the case studied by a specific document. The checklist is meant for human rights monitoring and for assessing the national basis of an international wanted request. The principal practical recommendation: the burden of proving search activity should move from the authority's internal records to external objective traces (data held by communications and postal operators, statements of residents), and court rulings annulling a listing should be executed automatically, including removal of the person from the registers without further petitions.

## Intended Readership

The report adds method and evidence to the debate on the abuse of search mechanisms and continues the international discussion of the improper use of cross-border wanted-person mechanisms, which has so far concentrated on the INTERPOL stage.

To international organisations that assess cross-border wanted-person requests, above all the Commission for the Control of INTERPOL's Files, the report offers a verifiable criterion for the national basis of a request: the judicial history of the domestic listing. The special procedures of the United Nations and the treaty bodies gain a documented example of arbitrariness within the meaning of articles 9 and 12 of the International Covenant on Civil and Political Rights, in which every assertion is verified by a court ruling.

For civil society organisations that monitor criminal prosecution, the checklist of indicators is a reproducible instrument for coding comparable cases. Practising lawyers will find the evidentiary standard formulated by the appellate court in the case studied: what is subject to verification is not the reporting of search activity but its external traces. For researchers of criminal procedure the case shows how a measure meant to secure the presence of the accused becomes an instrument of pressure in its own right, and offers a scheme for analysing the full life cycle of such a measure.

## Objective of the Study

The study seeks to establish by what mechanisms the wanted listing of an accused person turns from a measure securing his participation in the proceedings into an instrument of pressure, and what judicial protection against such practice actually costs.

The work documents the full life cycle of two completed listing cycles from the full texts of the court rulings and the original orders of the investigating authority: the internal defects of the orders, the state of the official registers, the ways in which search activity was evidenced. Recurring mechanisms of arbitrariness are gathered into an operational checklist of verifiable indicators, suitable for coding comparable cases and for assessing the national basis of an international wanted request. From this follow proposals for national regulation, for the assessment of international wanted requests and for human rights monitoring.

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## 1. Introduction

Placing an accused person on a wanted list (in this report, a wanted listing) is designed as a procedural measure securing the accused's participation in the proceedings: it applies where his whereabouts are unknown and serves that single purpose. The status of being wanted, however, produces legal consequences of its own, valuable to the investigating authority irrespective of any search. The investigation can be suspended, defence petitions postponed, a threat of detention created at any contact between the person and the state, and the formal precondition for an international wanted request

prepared. Where those consequences become an end in themselves, the measure turns into an instrument of pressure.

The report answers two connected questions: by what concrete mechanisms that transformation is achieved, that is, how a listing is drawn up for a person whose whereabouts are known to the authority and what is offered as proof of search activity that did not take place; and what the throughput of judicial review over the measure actually is, that is, how many rounds of challenge and how much time it takes to overturn a single listing order.

The case on which the answer rests has a quality rare for this subject: both listing cycles are closed by final court rulings, and all the key documents, including those unfavourable to the applicant, are available in full text. What can be seen is therefore not isolated episodes but the whole sequence, from the work of judicial review at each of its rounds (section 6.4) to the collision between the authority's internal records and data from independent sources (section 6.5).

## 2. Existing Approaches and Their Limitations

The abuse of cross-border wanted-person mechanisms is well known in the international debate. In Resolution 2315 (2019) the Parliamentary Assembly of the Council of Europe recorded the use of INTERPOL's systems for prosecution on political and corruption-related motives and recommended stronger prior scrutiny of requests. Fair Trials has documented in a series of reports the typical scenarios of abuse of INTERPOL notices and diffusions and obtained reforms of the procedures of the Commission for the Control of Files (Fair Trials, 2018). INTERPOL's Rules on the Processing of Data require requests to be assessed for compliance with articles 2 and 3 of the Organization's Constitution, that is, with the spirit of the Universal Declaration of Human Rights and with the prohibition on intervention in matters of a political character.

These approaches share one limitation: they analyse the international stage and take the national basis as given. A request for an international wanted listing rests on a domestic listing, but the quality of that basis, how the national measure was drawn up, what evidenced it and how it withstood judicial scrutiny, remains outside both the procedures of the Commission for the Control of Files and most of the research. The relevant defects arise at the national stage, while international scrutiny generally sees only the formal basis of the request, not the gap between a listing order and the absence of any search.

The second limitation concerns the evidentiary base. Publications on the abuse of wanted mechanisms usually rest on interviews, media reports and materials supplied by the persons prosecuted; full texts of court rulings, including those unfavourable to the applicant, are ordinarily unavailable in such studies, which leaves the conclusions open to the objection that the picture is incomplete. Within a single case the report answers both limitations: it examines the national stage and rests on the complete set of court rulings from both cycles, including the first-instance refusal later set aside.

## 3. Legal Framework

Under the Code of Criminal Procedure of the Russian Federation, the search for an accused person is assigned to the bodies of inquiry where his whereabouts are unknown (article 210(1)); the listing may be ordered in the course of the investigation or simultaneously with its suspension (article 210(2)). The investigation may be suspended, among other grounds, where the accused has fled or where his whereabouts have not been established for other reasons (article 208(1)(2)). The distinction between those grounds carries weight of its own: only flight suspends the running of the limitation period (article 78(3) of the Criminal Code). Before suspension the investigator must perform every investigative act possible in the absence of the accused (article 208(5)). A summons is served against signature or transmitted by means of communication (articles 172 and 188). Decisions of the investigator and of the court must be lawful, well founded and reasoned (article 7(4)), and final court decisions are binding on public authorities and officials (article 392).

Article 9 of the International Covenant on Civil and Political Rights prohibits arbitrary restriction of liberty; under General Comment No. 35 of the Human Rights Committee, arbitrariness is not confined to unlawfulness and takes in elements of inappropriateness, injustice, lack of predictability and lack of due process of law. Article 12 guarantees freedom of movement. Article 2(3) establishes the right to an effective remedy; a remedy that requires repeated passage through the instances to bring one and the same violation to an end can be regarded as effective only with substantial reservations. The European

Convention does not apply to the events studied ratione temporis, so the analysis proceeds within the universal mechanisms of the United Nations.

# 4. Methodology

## 4.1. Genre and sources

The study is a single-case study with documentary verification of every assertion. Its sources are the district court ruling of 19 October 2023 declaring the first listing unlawful; the ruling of the same court of 22 August 2024 refusing the complaint against the second listing; the appellate ruling of the regional court of 5 February 2025 setting that refusal aside; the ruling of the district court, differently composed, of 7 May 2025 declaring the second listing unlawful; the court ruling of 6 September 2023 on the unlawfulness of the opening of the first criminal case; the original orders of the investigator declaring the accused wanted (29 February 2024) and suspending the investigation (2 April 2023 and 9 March 2024); replies of the official online service of the Ministry of Internal Affairs on the state of the wanted registers on specific dates; and the correspondence of the person with the authorities from 2022 to 2026, with registration numbers. All the documents are held by the organisation in full text; quotations are given verbatim.

## 4.2. Anonymisation

The case is anonymised: the accused is designated L., officials and courts are designated by role, and the dates and content of the documents are preserved unchanged. Decisions on de-anonymisation and on the venue of publication are taken separately, in the light of the state of the criminal case.

## 4.3. Limitations

The case as a whole is not closed, and the subject of the report is deliberately confined to the two completed listing cycles covered by final court rulings. Circumstances outside those cycles, including the subsequent listing order of 30 December 2025 now under judicial review, are drawn on only where they show that the documented mechanism recurs, and do not form part of the main analysis. The conclusions relate to the case studied; how widespread the practice is would require testing on a wider body of material and belongs to the programme of further research (section 8). The coding of the case against the checklist was carried out by the organisation itself; each indicator is accompanied by the specific document, so that the coding can be checked independently.

# 5. The Factual Record of the Two Listing Cycles

## 5.1. Context

L. is under investigation by a police body for attempted fraud. The case was opened on the application of a person who was in a commercial dispute with the company L. represented, and the civil-law nature of that relationship was later confirmed by a commercial court. The first decision to open the case (October 2022) was held unlawful by the court on 6 September 2023, and the proceedings were opened afresh. Throughout the period L. maintained documented contact with the authorities: he sent petitions giving his address, telephone number and email address, and received replies; in 2023 he gave an operational officer of a police body in another region a handwritten explanation stating his actual place of residence; and in May 2023 his defence counsel travelled to that body in answer to a summons.

## 5.2. First cycle: March to October 2023

The chronology can be reconstructed from the original suspension order of 2 April 2023. On 27 February 2023 the investigation was suspended under article 208(1)(1) of the Code of Criminal Procedure, that is, because the person to be charged had not been identified. On 2 March 2023 the investigation was resumed and, the same day, L. was charged in absentia. On 3 March 2023 he was declared wanted. On 2 April 2023 the investigation was suspended ‘in connection with the search’. The text of the suspension order gives L.’s registered address, his actual address and his mobile telephone number; the ground for suspension is designated by the formula ‘para. 1 (2) of article 208(1)’, which makes it impossible to establish which of the two alternative grounds was applied.

By its ruling of 19 October 2023 the district court held the listing unlawful and unfounded. The court established that no postal items had been sent to L.; that no requirement to appear had been passed to his

relatives; that no summonses had been sent to his place of work; that no searches, including searches to establish his whereabouts, had been carried out at his residence; that compulsory attendance had neither been effected nor initiated; that neighbours and colleagues had not been questioned; and that the investigator ‘did not attempt to make contact’ with L., made no telephone call and ‘sent no notification to the email address from which the petitions were submitted’. The investigator did not appear at the hearing and did not contest these submissions; the prosecutor’s written position was that, once the decision to open the case had been set aside, the listing was ‘unfounded and impossible’. Applying the preclusive effect of the ruling of 6 September 2023, the court held all decisions taken after the unlawful opening of the case to be ‘devoid of legal force, legally void’, and noted separately that ‘no evidence has been presented that he evaded appearance before the investigator’ and that, on the basis of an unlawful decision, the person was recorded in the registers ‘as having fled from the investigating authorities’.

## 5.3. Second cycle: February 2024 to May 2025

On 29 February 2024, on one and the same day, the order charging L. in absentia and the order declaring him wanted were issued. The original text of the listing order asserts that ‘it has now been established that the accused ... is hiding from the investigation’, with no reference to any step taken to establish this; the same document gives the actual address and the telephone number known to the authority and notes that the person had not been detained. On 9 March 2024 the investigation was suspended ‘in connection with the search’, with the same formula ‘para. 1 (2)’ and with the assertion that the investigative acts possible in the absence of the accused had been ‘completed’. On 16 April 2024 the official online service of the Ministry of Internal Affairs answered a query about the listing: ‘no results matching your query’.

Judicial review took three rounds, a round being one consideration of the complaint by a court. In the first, on 22 August 2024, the district court refused the complaint, holding it ‘unconditionally established’ that the charge was well founded and the listing lawful; the evidence consisted of copies of summonses with entries from the log of outgoing documents, orders for compulsory attendance that had ‘produced no result’, and information about operational search measures. The same ruling records the position of the prosecutor’s office: the person was informed of the listing ‘in replies to petitions’ sent by the prosecutor to his email address, that is, no specific notification of the listing was given.

In the second round, on 5 February 2025, the regional court set the refusal aside, finding that the requirements of article 7(4) of the Code of Criminal Procedure ‘had not been complied with’: from the log it was impossible ‘to establish when, to what address and by what means the summons was sent’; the orders for compulsory attendance at the known place of residence had not been executed and the file ‘contains no’ information about their execution; the reports of visits were ‘identical to one another’; and the first-instance court ‘left without attention or assessment the submissions ... that [L.] was not hiding from the investigating authorities but had not been duly notified of the need to appear’. The case was remitted for fresh consideration before a differently composed court.

In the third round, on 7 May 2025, the district court granted the complaint. The decisive evidence was objective: the reply of the postal operator, according to which correspondence from the investigating authority to L.’s registered address ‘did not arrive’ between 1 November 2023 and 1 April 2024; a notarised statement that no verification measures had been carried out at his actual address; and records of interviews with neighbours, who confirmed that no police officers had come since 2022. The court concluded that the person ‘was not duly notified of the need to appear ..., so that the conclusion that he is hiding from the investigating authorities was premature’, and that the listing order was unlawful and unfounded.

## 5.4. Consolidated chronology

| Date | Event | Source |
|---|---|---|
| 27 February 2023 | Suspension: the person to be charged ‘not identified’ | Order of 2 April 2023 |
| 2 March 2023 | Investigation resumed; L. charged in absentia the same day | Ibid. |
| 3 March 2023 | Listing No. 1 | Ibid.; court ruling of 19 October 2023 |
| 2 April 2023 | Suspension ‘in connection with the search’, ground ‘para. 1 (2)’ | Original order |
| 26 May 2023 | Defence counsel travels on a summons to the police | Counsel’s report; explanation in |

| | | |
|---|---|---|
| | body of another region; L.'s handwritten explanation to the same body (2023) | the inspection file |
| 19 October 2023 | Listing No. 1 held unlawful; the decisions 'legally void' | Court ruling, full text |
| 10 to 15 November 2023 | 'Summonses' according to the log of outgoing documents | Court rulings of 22 August 2024 and 7 May 2025 |
| 29 February 2024 | Charge in absentia and Listing No. 2 on one and the same day | Original listing order |
| 9 March 2024 | Suspension 'in connection with the search', ground 'para. 1 (2)' | Original order |
| 16 April 2024 | Ministry of Internal Affairs service: 'no results' for the listing query | Reply of the service, screenshot |
| 22 August 2024 | First-instance refusal: the listing is 'lawful' | Court ruling, full text |
| 5 February 2025 | Appellate annulment: article 7(4) of the Code 'not complied with' | Court ruling, full text |
| 7 May 2025 | Listing No. 2 held unlawful; correspondence 'did not arrive' | Court ruling, full text |
| 22 August 2025 | Actual cancellation of the listing by the investigating authority | Reply of the prosecutor's office of 1 October 2025 |

# 6. Mechanisms of Arbitrary Wanted Listing

## 6.1. The fiction of the ground: a listing without a search

The only lawful ground for a listing, that the whereabouts of the person are unknown, is not presumed but established by prior steps. In both cycles the courts found those steps to be entirely absent, while the authority's own orders carried the person's addresses and telephone number. The listing order of 29 February 2024 reproduces the formula 'it has been established that ... he is hiding' without a single indication of what established it, and reports the known address of residence alongside. The document refutes itself: the authority asserts that the whereabouts are unknown and records that they are known.

## 6.2. Internal defects of the orders

The original texts show defects that no summary preserves. In the 2023 cycle the ground turned into its opposite: on 27 February 2023 the proceedings were suspended because the person to be charged was 'not identified', and three days later, without a single investigative act reflected in the file, that same person was 'incriminated' and charged in absentia. In both suspension orders the ground is designated as 'para. 1 (2) of article 208(1)', with no choice made between 'the person has not been identified' and 'has fled', although both the lawfulness of the listing and the running of the limitation period depend on that choice; an indeterminate ground is in itself incompatible with the requirement that a decision be reasoned. To this is added the formulaic character of the texts: the orders of 2023 and 2024 coincide down to the formula that 'the investigative acts whose performance is possible in the absence of the accused have been completed', which is followed by no list of such acts.

## 6.3. Divergence between the orders and the official registers

On 16 April 2024, a month and a half after the listing order, the official service of the Ministry of Internal Affairs did not confirm that the person was listed. The same divergence was recorded in this case later, at the start of the following cycle (a check on 8 January 2026 against an order of 30 December 2025, which lies outside the subject of this report). What produced the divergence cannot be established from the available data: it may reflect the absence of any actual entry in the register, a delay in recording the entry, or some other cause, and the material of the case does not allow a choice among them. Its consequence for the person is the same in each event: whether he is listed cannot be reliably ascertained, and a timely challenge becomes impossible with it. Unpredictability of this kind is among the elements that General Comment No. 35 treats as constitutive of arbitrariness.

## 6.4. Three rounds of judicial review: the cost of effective protection

The second cycle allowed judicial review to be observed at every stage: the first-instance court took the authority's internal records as evidence, the appellate court required the actual content of the steps to be

verified, and the newly constituted court applied that standard to objective data and held the listing unlawful. Almost nine months of proceedings separate ‘unconditionally established that ... well founded’ from ‘the correspondence did not arrive’; more than fourteen months passed between the listing order and its judicial refutation, and a further three and a half months before the authority actually cancelled the listing. The remedy did work in the end, but only at the third round and at a cost not everyone can bear: throughout that time the unlawful measure remained in force.

### 6.5. Internal records against objective data

The authority sought to substantiate the search through documents it had produced itself: the log of outgoing correspondence, the reports of visits, the orders for compulsory attendance. The defence countered with evidence outside the authority’s control: the postal operator’s reply that no correspondence had arrived, notarised statements, interviews with residents. The appellate court formulated a criterion that matters beyond this case: an entry in an internal log ‘records only the fact that a number was assigned to the summons, not the fact of dispatch’. For monitoring comparable cases a practical rule follows: what is verified is not the reporting of the steps taken but their external traces.

### 6.6. Absence of specific notification of the listing

The refusal ruling of 2024 records the position of the prosecutor’s office: the person was informed of the listing in replies to his own petitions. The authority thereby confirmed officially that no specific notification of the listing existed. The person learned of a measure restricting his rights from correspondence he had himself initiated, and in the first cycle, as the court noted, learned of the listing from the media. Where the measure is not notified, a challenge is postponed indefinitely, which is incompatible with the procedural guarantees contained in articles 9 and 14 of the International Covenant on Civil and Political Rights.

### 6.7. Cumulative effect and the risk of international escalation

For more than two years the person went through repeated periods of wanted status, each of which meant a risk of detention at any contact with the state and the prospect of his data being passed to international wanted systems. One documented consequence was his preventive applications to international organisations. The status was also put to procedural use: it justified the suspension of the proceedings, during which the authority declined to consider defence petitions on the merits. A domestic listing is the technical precondition of an international one, and the case shows that the quality of that precondition may require independent scrutiny. The judicial history of the national measure accordingly deserves examination when the admissibility of an international request is assessed under articles 2 and 3 of INTERPOL’s Constitution.

## 7. Indicators of Arbitrary Wanted Listing: An Operational Checklist

The case supports a set of verifiable indicators whose combination points to the use of a wanted listing as an instrument of pressure. An indicator here is an observable feature of the file rather than a mechanism: each carries a code and is accompanied, for the case studied, by the document that establishes it. The codes follow the Russian version of the report. The list is open, and extensions to new cases and refinements of wording are recorded under version numbers.

| Code | Indicator | Documentary support in the case |
|---|---|---|
| PR-01 | The listing was ordered without documented prior steps: summonses, compulsory attendance, checks at the places of residence and work, interviews with those around the person | Court rulings of 19 October 2023, 5 February 2025 and 7 May 2025 |
| PR-02 | The listing or suspension order itself states addresses and means of contact known to the authority | Original orders of 2 April 2023, 29 February 2024 and 9 March 2024 |
| PR-03 | The authority had working channels of contact (correspondence that was delivered, registered petitions, a known defence counsel) and did not use them to summon the person | Court ruling of 19 October 2023; correspondence 2022 to 2026 |
| PR-04 | The person showed procedural activity incompatible with evasion: he answered summonses in person or through counsel, sent petitions and received replies | Handwritten explanation to a body in another region (2023); counsel’s travel on a summons, 26 May 2023; correspondence with registration |

| | | |
|---|---|---|
| | | numbers |
| PR-05 | The charge in absentia and the listing were made on the same day or one immediately after the other, with no intervening steps | Orders of 2 to 3 March 2023 and of 29 February 2024 |
| PR-06 | The ground for suspension is left unspecified (alternative reference to both sub-paragraphs) or is replaced by its opposite with no steps reflected in the file | The formula ‘para. 1 (2)’ in the orders of 2 April 2023 and 9 March 2024; change of ground, 27 February to 2 March 2023 |
| PR-07 | The official registers diverge from the dates of the orders: the person is not listed after the date of an order, or remains listed after judicial annulment | Replies of the Ministry of Internal Affairs service of 16 April 2024 and 8 January 2026 |
| PR-08 | Search activity is evidenced only by the authority’s internal records; external traces of the steps are absent or contradict those records | Court rulings of 5 February 2025 and 7 May 2025; reply of the postal operator |
| PR-09 | Neither the person nor counsel is notified that the order has been made; the person learns of the listing from replies to his own petitions or from the media | Position of the prosecutor’s office in the ruling of 22 August 2024; finding of the court of 19 October 2023 |
| PR-10 | A court ruling annulling the listing is executed with substantial delay, or the listing is reproduced after annulment with the factual circumstances unchanged | Cancellation by the authority on 22 August 2025 against the ruling of 7 May 2025; renewed listing after the annulment of 19 October 2023 |

All ten indicators are documented in the case studied. In human rights monitoring the checklist serves as a coding scheme for cases of wanted listing, separating defects of the orders (PR-01, PR-02, PR-05, PR-06) from the absence of search activity itself (PR-03, PR-04, PR-07, PR-08) and from the suppression of the possibility of defence (PR-09, PR-10). Where the national basis of an international request is assessed, several confirmed indicators, PR-07, PR-08 and PR-10 in particular, give reason to examine whether the measure underlying the request performs any securing function at all.

# 8. Applications and Further Research

The checklist, with each indicator tied to a type of supporting document, works as a coding scheme: comparable cases can be coded from the materials of judicial review and from correspondence with the authorities, and the requirement to name the document keeps the confirmed apart from the assumed whatever the source.

Where international wanted requests are examined under articles 2 and 3 of INTERPOL’s Constitution, court rulings holding a domestic listing unlawful should in our view be treated as a material factor in assessing the admissibility of the request. The formal validity of a national order, as the case shows, is compatible with the complete absence of any search.

Two techniques that proved decisive here can be reproduced in any comparable case: fixing the state of the official registers on specific dates, and querying postal operators about the actual arrival of correspondence.

For national regulation the case suggests automatic removal of the person from the wanted registers on the basis of a court ruling holding the listing unlawful; mandatory notification of the person and of counsel that a listing order has been made, with service of a copy; a duty to specify the ground for suspension and a prohibition on alternative references; a renewed listing after judicial annulment only where the factual circumstances are new, and with judicial verification that takes the earlier rulings into account; and the orientation of the courts towards verifying the external traces of search activity, on the standard formulated by the appellate court in this case.

Several tasks continue the work. The checklist needs testing on a wider body of material, above all on cases documented in the practice of the Commission for the Control of Files and in reports on the abuse of INTERPOL; beyond the case studied, how far the indicators reproduce is unknown. The third listing cycle in this case will enter the analysis once its judicial review is complete, and will show how resistant the practice is to two annulments already handed down. The relation between the national and the international stage calls for separate treatment: which indicators are in principle observable by the Commission for the Control of Files under its current procedures, and which require the disclosure of national materials.

# 9. Conclusion

The case shows the full life cycle of an arbitrary listing: an order that refutes itself by giving a known address; search activity that exists only in internal records; registers that do not match the orders; notification replaced by replies to the complaints of the person concerned; judicial review that works only at the third round and with months of delay in execution. Neither annulment stopped the practice: after the first, the listing was renewed with the factual circumstances unchanged. Within this case, arbitrariness appears not as an isolated failure but as a reproducible order of action, in which listing, annulment and renewed listing cost the authority nothing visible, while the annulment of each takes the person months of litigation.

The operational checklist of ten indicators, each supported by a document of a definite kind, moves the assessment of arbitrariness from general characterisation to verifiable assertions. The evidentiary standard of the appellate court, verification of the external traces of the steps taken rather than of the internal reporting about them, may be applied in comparable cases, in judicial review and in human rights monitoring alike. The asymmetry between the cheapness of imposing the measure and the cost of defending against it will persist as long as court rulings annulling a listing are not executed automatically and search activity is proved by the authority's own records; in the case studied, that asymmetry substantially reduced the effectiveness of the guarantees of articles 9 and 12 of the International Covenant on Civil and Political Rights.

# Sources


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Orders of the investigating authority: suspension of the investigation of 2 April 2023 and 9 March 2024; wanted listing of 29 February 2024.

Replies of the official online service of the Ministry of Internal Affairs of Russia of 16 April 2024 and 8 January 2026; reply of the postal operator (reproduced in the court ruling of 7 May 2025); correspondence with the authorities, 2022 to 2026.