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Joint written statement submitted by Citoyens en action pour la démocratie et le développement, Coordination des Associations et des Particuliers pour la Liberté de Conscience, non-governmental organizations in special consultative status*

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 August 2026]

* Issued as received, in the language of submission only.

The Protection of Procedural Guarantees in the Case of Konstantin Rudnev in Argentina

Citoyens en action pour la démocratie et le développement (CADD) and Coordination des associations et des particuliers pour la liberté de conscience (CAP-LC) submits this written statement to the Human Rights Council to report on recent developments in the case of the Russian dissident and spiritual teacher Konstantin Rudnev, currently under arrest in Argentina. CADD and CAP-LC has already presented two statements on this situation, and the new information received raises serious concerns about the effective application of Argentina's own procedural safeguards and of its international human rights obligations.

Rudnev is recovering from surgery and a period of hospitalization. Medical prescriptions require strict bed rest and continuous assistance. In these circumstances, any measure that would send him back to prison would expose him to risks that authorities charged with protecting fundamental rights cannot overlook. His condition is fragile, and the danger to his life is concrete.

Against this medical background, CADD and CAP LC notes that the Federal Chamber of Criminal Cassation has agreed to examine a complaint lodged by the prosecution against the decision that replaced pretrial detention with house arrest, and has granted such complaint. The new Federal Code of Criminal Procedure (CPPF) defines the scope of cassation review in detail. Its provisions, including articles 53, 54, and 350, assign decisions taken during the preliminary investigation stage, such as those concerning coercive measures, to judges with review functions and exclude them from the jurisdiction of the Cassation Court. This architecture was designed to avoid endless disputes over preventive measures and to preserve the presumption of innocence.

The decision to entertain and grant the prosecutorial complaint departs from this framework. A procedural avenue has been opened that the CPPF does not foresee, and a defendant in a delicate medical condition is once again exposed to the possibility of incarceration. The appeal submitted by Rudnev's lawyer describes how a complaint without legal basis was declared admissible, how the intervention conflicts with the CPPF and with Supreme Court jurisprudence on coercive measures, and how the ruling lacks adequate reasoning and fails to respect constitutional and conventional guarantees, including the right to an effective remedy.

International law adds further elements of concern. Article 14.2 of the International Covenant on Civil and Political Rights sets out safeguards for a fair and impartial trial. Article 14.5 protects the right to have a conviction and sentence reviewed by a higher tribunal. These provisions form part of the broader protection of due process and require remedies that are genuinely available and judicial decisions that remain within procedural limits. Argentina has incorporated the ICCPR into its constitutional order, and its courts are bound to apply it.

The current situation also reveals an institutional practice that affects the balance of the system. Prosecutor Fernando Arrigo's attitude in the case was examined by international scholars, who concluded that it borders on a special obsession for this defendant and the "cult" he allegedly leads. Arrigo has assumed a role that goes beyond the functions normally associated with his office. He indicates to judges how the Criminal Code should be read and how its limits may be set aside. This practice alters the relationship between prosecution and judiciary, places prosecutorial strategy above the wording of the law, and creates an environment in which procedural guarantees risk losing their effectiveness.

In light of these developments, we respectfully invites the Government of Argentina and the competent judicial authorities to ensure that the CPPF is applied according to its own terms and that the jurisdictional boundaries it establishes are respected. Appeals that the code does not authorize should not be used to prolong or intensify coercive measures.

Decisions on Rudnev's situation should take full account of his medical condition and avoid any return to prison that his health cannot sustain.

Konstantin Rudnev's case shows how the protection of legality and human rights depends on the consistent application of domestic procedural safeguards and of international commitments. The ICCPR provides the necessary framework. CADD and CAP-LC urges that this framework be used to guarantee that Rudnev's rights are effectively protected and that further injustice is prevented.
