



# **RULING OF THE PLENARY SESSION OF THE SUPREME COURT OF THE RUSSIAN FEDERATION**

No. 1

Moscow

9 February 2012

## **On Certain Issues of Judicial Practice in Criminal Cases regarding Terrorist Crimes** (as amended by Plenary Ruling No. 41 of 3 November 2016)

Terrorism is a threat to international peace and security, to the development of friendly ties among states, the preservation of territorial unity of states, their political, economic and social stability, as well as to the enjoyment of basic human and civil rights, including the right to life.

The international community, understanding the dangers of terrorism and striving to elaborate effective measures to prevent it, has adopted a number of documents, including conventions of the United Nations (e.g. the International Convention against the Taking of Hostages, the International Convention for the Suppression of Terrorist Bombing, the International Convention for the Suppression of the Financing of Terrorism), the Shanghai Convention on Combating Terrorism, Separatism and Extremism, the Council of Europe Convention on the Prevention of Terrorism et al.

International documents stipulate that terrorism is under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and that persons guilty of perpetrating acts of terrorism and other crimes stipulated in the aforementioned conventions must be held liable in accordance with the law, and that punishment should be imposed

upon them with due regard to the grave nature of the committed crimes. Herewith, measures taken to prevent or suppress such crimes must be taken with due regard for the rule of law and democratic values, human rights and fundamental freedoms, as well as other provisions of international law.

In the Russian Federation the legal basis of countering terrorism is comprised by the Constitution of the Russian Federation, the universal principles and norms of international law, international treaties of the Russian Federation, Federal Law No. 114 of 25 July 2002 “On Countering of Extremism”, Federal Law No. 35 of 6 March 2006 “On Countering of Terrorism” and other normative acts aimed at countering of terrorism.

In order to provide a criminal law basis for countering of terrorism and fulfil international obligations, the Criminal Code of the Russian Federation [hereinafter referred to as the CrC RF] establishes liability for the commission of crimes stipulated in Articles [205](#), [205.1](#), [205.2](#), [205.3](#), [205.4](#), [205.5](#), [206](#), [208](#), [211](#), [220](#), [221](#), [277](#), [278](#), [279](#), [360](#) and [361](#).

With regard to the issues raised by the courts in consideration of criminal cases on terrorist acts (Article 205 of the CrC RF), assistance in terrorist activities (Article 205.1 of the CrC RF), public incitement to terrorist activities or public justification of terrorism (Article 205.2 of the CrC RF), undergoing of training for the purpose of engagement in terrorist activities (Article 205.3 of the CrC RF), organisation of a terrorist community and participation therein (Article 205.4 of the CrC RF), organisation of activities of a terrorist organisation and participation in them (Article 205.5 of the CrC RF), organisation of an illegal armed group and participation therein (Article 208 of the CrC RF), and for the purpose of unification of judicial practice, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, hereby rules:

1. To draw the attention of the courts to the fact that the purposes of destabilisation of activities of public authorities or international organisations or influence upon their decision-making are an obligatory element of a terrorist act (Article 205 of the CrC RF).

When deciding whether the intent of the guilty person was directed at the destabilisation of activities of public authorities or international organisations, the courts should proceed from the aggregate of all the circumstances of the

perpetrated acts and, in particular, take into account the time, place, manner, environment, instruments and means of the crime, the nature and volume of consequences (real or anticipated), as well as the conduct of the guilty person before or after the crime.

The fact that corresponding subjects were incited to perform or abstain from certain actions, the contents of demands of the participants of the crime may indicate that influence upon the decision-making of public authorities or international organisations was the purpose of the crime.

2. The perpetration of an explosion, arson or other actions of similar nature entail criminal liability under Article 205 of the CrC RF, where it is established that the aforementioned actions frightened the population and created the dangers of death of a person, significant property damage or of other grave consequences.

Actions that are able, by their nature, to put people in fear for their life and health, security of their close ones, safety of their property, etc. may be recognized as frightening the population.

The dangers of death of a person, significant property damage or other grave consequences must be real, which is to be established in each individual case, taking into account the time, place, instruments, means, manner of perpetration of the crime and other facts of the case (data about the number of persons located in the vicinity of the explosion, about the explosion yield and lethality of the explosive device used, etc.).

3. For the purposes of [Article 205](#) of the CrC RF, other actions frightening the population and creating the dangers of death of a person, significant property damage or other grave consequences should be understood as actions comparable by their consequences with an explosion or arson, e.g. causing of accidents at critical infrastructure objects; destruction of transport communications; contamination of sources of potable water supply and of food products; dispersion of malignant microbes able to cause an epidemic or epizootic; radioactive, chemical, biological (bacteriological) and other types of area contamination; assaults on settlements, firing at residential buildings, schools, hospitals, administrative buildings, places of deployment (stationing) of army personnel or law enforcement officers; capture and (or) destruction of buildings, stations, ports, cultural or religious structures.

4. A threat to perpetrate an explosion, arson or other actions frightening the population and creating the dangers of death of a person, significant property damage or other grave consequences (Part 1 of Article 205 of the CrC RF) may be expressed in different ways (e.g. elocution, printed publication, dissemination with the use of radio, TV or other mass media, as well as of information and telecommunication networks).

5. The crime stipulated in Part 1 of Article 205 of the CrC RF, committed through explosion, arson or other actions frightening the population and creating the dangers of death of a person, significant property damage or other grave consequences is regarded as completed from the moment of performance of the aforementioned actions.

6. When qualifying a terrorist act under Item “a” of Part 2 of Article 205 of the CrC RF, the courts should take into account that an organised group is a stable group of two or more persons, who united in advance in order to commit one or several crimes. Long-term existence of an organised group, repeated commission of crimes by members of the group, the level of their technical equipment and distribution of roles among them, long-term preparations for even one crime, as well as other facts (e.g. special training of members of the organised group) may serve as evidence of stability of an organised group.

If a terrorist act is regarded as perpetrated by an organised group, the actions of all its members that participated in preparation or perpetration of that crime, independent of their actual roles, should be qualified under the corresponding part of Article 205 of the CrC RF without reference to [Article 33](#) of the CrC RF.

7. When resolving whether the damage is significant (Item “c” of Part 2 of Article 205 of the CrC RF), the court should proceed from the cost of the destroyed property or from the costs incurred by restoration of damaged property, the significance of this property for the injured party, e.g. depending on the occupation of the injured person or her/his material status or the financial-economic condition of the legal person owning or otherwise possessing the destroyed or damaged property.

If a terrorist act results in significant property damage, this is qualified under Item “c” of Part 2 of [Article 205](#) of the CrC RF and does not require additional qualification under [Article 167](#) of the CrC RF.

8. For the purposes of Item “c” of Part 2 of Article 205 of the CrC RF, other grave consequences may include, in particular, grave harm to the health of at least one person, moderate harm to the health of two or more persons, disorganisation of activities of public authorities and local self-government bodies; protracted disturbance of operation of a facility (facilities) and (or) institution (institutions), independent of their sphere of work, form of ownership, legal form; significant deterioration of environmental conditions (e.g. soil degradation, pollution of open and inland waters, of the atmosphere, marine environment and other negative changes in the environment that preclude its preservation and lawful use and will require a long time and large costs to neutralize).

When resolving whether the disturbance of operation of a facility or institution was protracted, the courts should proceed from the concrete facts of the case, taking into account the features of their activities, overall length of the halt, amount of losses incurred, etc.

9. If a terrorist act resulted in the deliberate causing of a death of person (or of two and more persons), the perpetrated act is qualified under Item “b” of Part 3 of [Article 205](#) of the CrC RF and does not require additional qualification under [Article 105](#) of the CrC RF.

10. If illegally procured or stored nuclear materials and radioactive substances, as well as illegally procured, stored or manufactured firearms, ammunition, explosives or explosive devices were used in perpetration of a terrorist act, these actions are subject to qualification cumulatively for the crimes stipulated in Article 205 of the CrC RF and, correspondingly, in Article [220](#), [221](#), [222](#), [222.1](#), [223](#), [223.1](#) or [226](#) of the CrC RF.

11. The courts should take into account that an attempt on the life and health of another person, carried out by means of explosion, arson or other actions of similar nature, where committed by reason of revenge or personal animosity and not aimed at destabilising the activities of public authorities or international organisations or at influencing their decision-making, does not form the crime stipulated in Article 205 of the CrC RF and is qualified under the corresponding articles of the Special Part of the Criminal Code of the Russian Federation.

12. If a person makes an attempt on the life of a state or public actor or of a person engaged in the administration of justice or a preliminary investigation, a law enforcement officer by means of explosion, arson or other actions of similar

nature, with the purpose of destabilising the activities of public authorities or international organisations or influencing their decision-making, these actions should be qualified under Article 205 of the CrC RF.

Where the attempt on the life of a state or public actor is committed by the aforementioned means, but is aimed at terminating that person's state or public activities or is committed in revenge for such activities, these actions are qualified under Article 277 of the CrC RF.

An attempt on the life of a person engaged in the administration of justice or preliminary investigation, of a law enforcement officer, committed by means of explosion, arson or other actions of similar nature with the purpose of impeding their lawful activities or in revenge for such activities, is qualified, correspondingly, under [Article 295](#) of the CrC RF or [Article 317](#) of the CrC RF.

13. The actions of members of a terrorist community, terrorist organisation, illegal armed group, who committed a terrorist act, should be qualified as a cumulation of crimes stipulated in Article 205 of the CrC RF and, correspondingly, Articles 205.4, 205.5, 208 of the CrC RF.

14. During court consideration of criminal cases regarding crimes stipulated in Article 205.1 of the CrC RF, the "inducement, recruitment or enticement" of a person (group of persons) into commission of at least one of the crimes listed in Part 1 of Article 205.1 of the CrC RF should be understood, in particular, as deliberate actions aimed at enticement of a certain person (group of persons) into commission of one or several of those crimes, e.g. through suasion, bribery, intimidation, persuasion, plea, offer (including those performed through placement of materials on different storage devices and dissemination through information and telecommunication networks), physical coercion or through search for persons and their enticement into commission of at least one of the aforementioned crimes.

Inducement, recruitment or other enticement of a person into commission of at least one of the crimes listed in Part 1 of Article 205.1 of the CrC RF should be regarded as an accomplished crime from the moment of performance of said actions, independent of whether the person that the perpetrator was enticing commits the corresponding terrorist crime.

15. For the purposes of Part 1 of Article 205.1 of the CrC RF, arming is understood as provision of persons engaged in terrorist activities with weapons, ammunition,

explosives and explosive devices, radioactive substances, nuclear materials, war equipment, etc. for the purpose of commission of at least one of the crimes listed in that article.

Training of persons for the purposes of commission of crimes referred to in Part 1 of Article 205.1 of the CrC RF is teaching them the handling of weapons, ammunition, explosive devices, radioactive substances, nuclear materials, war equipment, communication means, the rules of combat operations, as well as holding the corresponding briefings, trainings, target practice, drills, etc.

16. Apart from provision of financial services, the financing of terrorism should be understood as provision or gathering not only of monetary funds (in cash or non-cash form), but also of material funds (e.g. clothing, equipment items, communication means, medication, residential or non-residential premises, means of transportation), with the understanding that they are intended for the financing of organisation, preparation or perpetration of at least one of the crimes stipulated in Articles 205, 205.1, 205.2, 205.3, 205.4, 205.5, 206, 208, 211, 220, 221, 277, 278, 279 and 360 of the CrC RF or for the financing or other material support of a person for the purpose of perpetration by that person of at least one of those crimes, or for ensuring the activities of an organised group, illegal armed group, criminal community (criminal organisation), created or being created for the perpetration of at least one of the aforementioned crimes (e.g. systematic or single payment into a pooled fund, procurement of real estate or payment of rental fees for that estate, provision of monetary funds for the purpose of bribing of officials).

17. The term “persons exercising the powers vested in them by virtue of their office” (Part 2 of [Article 205.1](#) of the CrC RF) should be understood as including both officials, as well state servants and persons working in local self-government bodies, who are not officials, and also persons that permanently, temporarily or in execution of special powers perform managerial or administrative functions in a commercial organisation (independent of its form of property) or in a non-commercial organisation that is not a state or municipal institution.

The exercise of powers during the commission of crimes stipulated in Article 205.1 of the CrC RF is realised not only through intended use of official powers by such persons, but also through the exercise of influence over other persons (based on the significance and authority of occupied office), for the purpose of inciting them to perform actions aimed at support of terrorist activities.

17.1. The courts should take into account that a person is liable for being an accessory under Part 3 of [Article 205.1](#) of the CrC RF, if he/she was an accessory during commission of at least one of the crimes stipulated in Article 205, Part 3 of Article 206, Part 1 of Article 208 of the CrC RF. Being an accessory is incorporated by Part 3 of Article 205.1 of the CrC RF and does not require additional qualification under Article 205, Part 3 of Article 206 or Part 1 of Article 208 of the CrC RF.

If a member of an organised group is an accessory to the crimes of a terrorist act, taking of a hostage or organisation of an illegal armed group, perpetrated by that organised group, criminal liability is entailed in accordance with the corresponding article of the Special Part of the CrC RF and does not require additional qualification under Part 3 of Article 205.1 of the CrC RF.

17.2. The attention of the courts is pointed to the fact that Part 4 of Article 205.1 of the CrC RF stipulates liability for organising or managing at least one of the crimes stipulated in Articles 205, 205.3, Parts 3 and 4 of Article 206, Part 4 of Article 211 of the CrC RF, as well as for organising the financing of terrorism. Herewith, no additional qualification under Articles 205, 205.3, Parts 3 and 4 of Article 206, Part 4 of Article 211 of the CrC RF, as well as under Parts 1 and 2 of Article 205.1 of the CrC RF in part of financing of terrorism is required.

Organising or managing a different terrorist crime, including the organising of other forms of support of terrorist activities, is qualified under the corresponding article of the Special Part of the CrC RF with reference to Part 3 of [Article 33](#) of the CrC RF, except where such actions were performed by a member of an organised group.

18. For the purposes of [Article 205.2](#), public incitement to terrorist activities should be understood as address to other persons, expressed in any form (e.g. oral, written, with the use of technical means), with the purpose of inciting them to engage in terrorist activities, i.e. to commit crimes stipulated in Articles 205–206, 208, 211, 220, 221, 277, 278, 279, 360, 361 of the CrC RF.

In accordance with Note 1 to Article 205.2 of the CrC RF, public justification of terrorism is expressed through a public statement on recognition of ideology and practice of terrorism as correct and requiring support and imitation. Herewith, the ideology and practice of terrorism is understood as the ideology of violence and the practice of influence upon the decision-making of public authorities, local self-



government bodies or international organisations, which involves frightening the population and (or) other forms of unlawful, violent actions (Item 1 of Article 3 of Federal Law “On Countering of Terrorism”).

19. The court should decide whether the incitement to terrorist activities or justification of terrorism ([Article 205.2](#) of the CrC RF) was of public nature, taking into account the place, manner, environment and other facts of the case (i.e. address to a group of persons in a public space, at a gathering, meeting, demonstration; distribution of flyers, demonstration of banners, dissemination of addresses through mass sending of messages to cellular network clients, etc.).

20. The crime of public incitement to terrorist activities (Part 1 of Article 205.2 of the CrC RF) should be regarded as accomplished from the moment of public pronouncement (distribution) of at least one address, independent whether it succeeded in inciting other persons to engage in terrorist activities.

Public justification of terrorism forms an accomplished crime from the moment when a person makes a public presentation, in which it recognises the ideology and practice of terrorism as correct and requiring support and imitation.

21. When deciding whether mass media, electronic or information and telecommunication networks (including the Internet) were used for public incitement to terrorist activities or public justification of terrorism (Part 2 of Article 205.2 of the CrC RF), the courts should take into account the provisions of the Law of the Russian Federation of 27 December 1991 No. 2124-1 “On Mass Media” and of Federal Law No. 149 of 27 July 2006 “On Information, Information Technologies and Information Protection”.

Crimes stipulated in Part 2 of Article 205.2 of the CrC RF, involving the use of mass media, should be regarded as accomplished from the moment of distribution of production of the mass media (i.e. sale, handout of a periodic publication, of an audio or video recording of a programme, start of broadcast of a TV or radio programme, screening of a newsreel programme, granting of access to an online publication).

21.1. When public incitement to terrorist activities or public justification of terrorism is committed through bulk messaging to cellular network clients or with the use of electronic or information and telecommunication networks (including the Internet), the crime should be regarded as accomplished from the moment

when the addresses are placed in the aforementioned open networks (e.g. on websites, forums or in blogs), when the messages are sent to other persons.

22. If public incitement to terrorist activities or public justification of terrorism is committed with the use of online publications (Internet websites registered as mass media in the stipulated manner), the crime should be qualified under Part 2 of Article 205.2 of the CrC RF as committed with the use of mass media. The use of websites, not registered in the stipulated manner as mass media, for the aforementioned actions is qualified under Part 2 of Article 205.2 of the CrC RF as committed with the use of electronic or information and telecommunication networks (including the Internet).

22.1. The crime stipulated in [Article 205.3](#) of the CrC RF is realised through receipt of training by a person for engagement in terrorist activities or for commission of one of the crimes stipulated in Articles 205.1, 206, 208, 211, 277, 278, 279, 360 and 361 of the CrC RF. Training may include receipt of necessary knowledge, practical skills and know-how during physical and psychological training, during the study of ways to commit the aforementioned crimes, study of handling of weapons, explosive devices, explosive and toxic substances, as well as of other items and substances presenting a danger to the general public. The receipt of training may also take the form of other actions of the guilty person, directly pertaining to her/his preparation for engagement in terrorist activities.

The crime is accomplished from the moment when the person begins to perform actions aimed at acquiring the corresponding knowledge, skills and know-how for the future engagement in terrorist activities or commission of at least one of the aforementioned terrorist crimes, independent of whether the person has acquired the necessary knowledge, skills and know-how.

If apart from receipt of training the person performs other actions aimed at creating the conditions for committing a certain grave or especially grave crime of terrorist or other nature, the aforementioned actions are additionally qualified as preparations for that crime.

22.2. In accordance with Part 1 of [Article 205.4](#) of the CrC RF, a terrorist community is a stable group of persons united in advance for the purpose of engaging in terrorist activities or for preparing or committing one or several crimes stipulated in Articles 205.1, 205.2, 206, 208, 211, 220, 221, 277, 278, 279, 360 and

361 of the CrC RF or other crimes aimed at propaganda, justification and support of terrorism.

In order to recognise an organised group as a terrorist community, a court decision on liquidation of an organisation due to its engagement in terrorist activities is not required.

22.3. The crime stipulated in Part 1 of [Article 205.4](#) of the CrC RF is accomplished from the moment of actual formation of a terrorist community, i.e. from the moment when two or more persons form a stable group for the purpose of engagement in terrorist activities or for preparing or committing one or several crimes stipulated in Articles 205.1, 205.2, 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the CrC RF or other crimes aimed at propaganda, justification and support of terrorism.

The existence of such a purpose may be indicated, in particular, by deliberate actions of those persons, aimed at creation of conditions for engagement in terrorist activities or for commission of the aforementioned crimes or showing the readiness of the terrorist community to realise its criminal intents, independent whether the members of the community have committed the planned crime. The readiness of the terrorist community to engage in terrorist activities or to commit the aforementioned crimes may be indicated, in particular, by its members reaching an agreement regarding the assistance in terrorist activities, public justification of terrorism, etc.

22.4. The management of a terrorist community, of its part or structural units comprising such a community should be understood as performance of managerial functions in regard of such a community, its part or structural units, as well as in regard of its separate members both during perpetration of concrete terrorist crimes and when ensuring the activities of that community.

Such management may, in particular, take the form of elaboration of general plans of activities of the terrorist community, preparation for commission of concrete terrorist crimes, performance of other actions aimed at reaching the goals set before the terrorist community or its structural units at the time of their creation (e.g. distribution of roles among the members of the community, organisation of material and technical support, elaboration of different ways to commit crimes, taking of security measures in regard of the members of the terrorist community).

22.5. Participation in a terrorist community should be understood as joining such a community with the intent to engage in terrorist activities or in preparation or perpetration of one or several crimes stipulated in Articles 205.1, 205.2, 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the CrC RF or of other crimes aimed at propaganda, justification and support of terrorism, participation in preparation of the aforementioned crimes or in their perpetration, as well as performance of functional duties ensuring the activities of such a community (provision of information, organisation of the document flow, etc.).

A crime in the form of participation of a person in a terrorist community is regarded as accomplished from the moment that person joins such a community with the intent to engage in terrorist activities or in preparation or perpetration of one or several crimes stipulated in Articles 205.1, 205.2, 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of the CrC RF or of other crimes aimed at propaganda, justification and support of terrorism.

If a member of a terrorist community commits a concrete crime, her/his actions should be qualified as a cumulation of crimes.

22.6. [Article 205.5](#) of the CrC RF stipulates liability for organising the activities of a terrorist organisation (Part 1) and participating in the activities of such an organisation (Part 2).

The attention of the courts is pointed to the fact that by virtue of Article 24 of Federal Law “On Countering of Terrorism” the federal executive body in the sphere of security manages a single federal list of organisations recognised as terrorist organisations in accordance with the legislation of the Russian Federation, the list of which is subject to official publication.

A person may be held criminally liable for the crimes stipulated in Article 205.5 of the CrC RF, if they were committed after the official publication of information about the recognition of the corresponding organisation as a terrorist one and the prohibition of its activities on the territory of the Russian Federation by virtue of a court decision.

22.7. By virtue of Part 1 of Article 205.5 of the CrC RF, criminal liability is entailed for organising the activities of a terrorist organisation through organisational actions aimed at continuation or renewal of unlawful activities of a

prohibited organisation (e.g. convocation of meetings, organisation of marches, use of bank accounts, unless this is done in relation to the liquidation procedure).

Participation in the activities of a terrorist organisation is understood as the performance of deliberate actions pertaining to continuation or renewal of activities of that organisation (holding of discussions for the purposes of propaganda of activities of the prohibited organisation, direct participation in organisational events, etc.).

If an organiser (manager) or a member of a terrorist organisation commits a concrete crime, her/his actions are subject to cumulative qualification as crimes stipulated in Part 1 or Part 2 of Article 205.5 of the CrC RF and in the corresponding article of the Special Part of the CrC RF.

If a person that organised the activities of an organisation, recognised as a terrorist one in accordance with the legislation of the Russian Federation, participated in the activities of such an organisation, this crime does not require additional qualification under Part 2 of Article 205.5 of the CrC RF.

23. It is brought to the attention of the courts that proceeding from Item 2 of Article 3 of Federal Law “On Countering of Terrorism”, the organisation of an illegal armed group for realisation of a terrorist act, as well as participation in such a structure, constitute terrorist activities.

For the purposes of [Article 208](#) of the CrC RF, an illegal armed group is understood as a band, squad, militia or another armed group, not stipulated in federal law, created for realisation of certain goals (e.g. perpetration of terrorist acts, forcible alteration of the foundations of the constitutional system or violation of territorial integrity of the Russian Federation).

The possession of weapons, as a mandatory feature of an illegal group, presupposes that its participants possess any types of firearms or other weapons, ammunition and explosive devices, including improvised ones, as well as war equipment. Herewith, illegal procurement, storage, use, transfer of nuclear materials and radioactive substances, procurement, transfer, dealing of, storage, transportation, carrying or manufacturing of firearms and their main components, of ammunition, explosives and explosive devices are correspondingly qualified under Articles 220, 221, 222, 222.1, 223, 223.1 or 226 of the CrC RF.

24. The creation of an illegal armed group (Part 1 of [Article 208](#) of the CrC RF) is an accomplished crime from the moment of actual formation of the group, i.e. from the moment on which several persons unite into a group and at least some of them procure weapons, ammunition, explosive devices, war equipment.

25. The management of an illegal armed group (Article 208 of the CrC RF) is realized through performance of managerial functions in regard of the band, squad, militia or another group, as well as in regard of its certain members, for the purpose of ensuring the activities of the illegal armed group.

Such management may in particular take the form of adoption of general plans of activities of the illegal armed group, performance of other actions aimed at reaching the goals set by such a group (e.g. distribution of functions among the members of the illegal armed group, organisation of material and technical support, taking of security measures in regard of the members of such a group).

26. Financing of an illegal armed group (Part 1 of Article 208 of the CrC RF) should be understood as provision or gathering of funds or provision of financial services with the understanding that they are aimed at ensuring the activities of the band, squad, militia or another group.

Where a person supports terrorist activities through financing of an illegal armed group, its actions are incorporated by Part 1 of Article 208 of the CC RF and require no additional qualification under Part 1 of Article 205.1 as financing of terrorism.

27. It is clarified to the courts that criminal liability for participation in an illegal armed group is entailed under Part 2 of Article 208 of the CrC RF where the members of that group understand its illegal nature and their participation in it and act towards the realisation of its goals.

Participation in an illegal armed group should be understood as joining such a group (e.g. taking an oath, giving a written acknowledgment or oral consent, receipt of uniform, weapons), performance of functional duties ensuring the activities of such a group (training of its members; construction of temporary housing, of different structures and barriers; cooking; household farming at the location of an illegal armed group, etc.).

The crime in the form of participation of a person in an illegal armed group is regarded as accomplished from the moment of performance of concrete actions ensuring the activities of the illegal armed group.

28. If a member of an illegal armed group commits a concrete crime, her/his actions must be qualified as a cumulation of crimes stipulated in Part 2 of Article 208 of the CrC RF and in the corresponding article of the Criminal Code of the Russian Federation (e.g. Article 205, 205.1, 205.2 or 206 of the CrC RF).

29. If certain members of illegal armed groups unite into a stable armed group (gang) for the purposes of attacking citizens or organisations or unite into a terrorist community, manage such a group (gang) or terrorist community, as well as participate in attacks or terrorist crimes carried out by it, this is subject to qualification as a cumulation of crimes stipulated in Articles 208 and 209 or 205.4 of the CrC RF.

30. Voluntary termination of participation in an illegal armed group (Note to Article 208 of the CrC RF) is realised through termination of participation in that group of one's own free will, where it was objectively possible for that person to continue such participation.

The term "persons giving up weapons" should be understood as members of illegal armed groups that give up the weapons they possess to the authorities or show the places of storage of such weapons.

A member of an illegal armed group, who, by virtue of duties imposed upon her/him, does not possess a weapon, may be exempt from criminal liability on the grounds that he/she voluntarily terminates participation in the illegal armed group and informs the authorities about this.

30.1. In accordance with Items "a", "b", "c" of Part 1 of Article 104.1 of the CrC RF, the court must resolve, in regard of persons found guilty of crimes stipulated in Articles 205, 205.1, 205.2, 205.3, 205.4, 205.5, 206, 208, 277, 278, 279 and 361, the issue of confiscation of money, valuables and other property acquired as a result of perpetration of the aforementioned crimes, as well as of any income from that property; of money, valuables and other property, into which that property and income from it were fully or partially turned or transformed; of money, valuables and other property used or intended for the financing of

terrorism, extremist activities, of an organised group, illegal armed group, criminal community (criminal organisation).

Proceeding from the provisions of Item “d” of Part 1 of Article 104.1 of the CrC RF and of Part 3 of Article 81 of the Criminal Procedure Code of the Russian Federation [hereinafter referred to as the CrPC RF], the court may decide to confiscate the instruments, equipment or other means of perpetration of the crime belonging to the defendant.

30.2. If a judge considered a criminal case in regard of a member of a terrorist organisation, this does not preclude the same judge from considering a criminal case in regard of other members of the same terrorist organisation, unless Articles 61 and 63 of the CrPC RF apply.

31. When considering criminal cases regarding terrorist crimes, the court should establish the circumstances that enabled the commission of the aforementioned crimes, should establish the violations of rights and freedoms of citizens, as well as other violations of law committed during the preliminary investigation or during the consideration of the criminal case by a lower court. In accordance with Part 4 of Article 29 of the CrPC RF, the court should bring the attention of the corresponding organisations and officials to the established facts of violations of law by adopting special decrees or rulings.

Chief Justice of the Supreme Court of  
the Russian Federation

V.M. Lebedev

Secretary of the Plenary Session, Judge of  
the Supreme Court of the Russian Federation

V.V. Doroshkov



## ANNEX

### **Translation of articles of the Criminal Code of the Russian Federation, referred to in the text of the Ruling (as of 1 April 2018)**

#### Article 33. Types of Accomplices of a Crime

1. In addition to the perpetrator, the accomplices of a crime are the organiser, the instigators and the accessory.
2. A perpetrator is a person that directly committed a crime or directly participated in its commission together with other persons (co-perpetrators), and also a person that committed a crime by using other persons, who are not subject to criminal liability due to age, insanity or other circumstances stipulated in this Code.
3. An organiser is a person that organised the commission of a crime or managed its commission, and also a person that created an organised group or a criminal community (criminal organisation) or managed them.
4. An instigator is a person that induced another person into committing a crime through suasion, bribery, threat or in another manner.
5. An accessory is a person that assisted in the commission of a crime by advice, directions, provision of information, means or instruments of the crime or by removing the obstacles to it, as well as a person that promised in advance to conceal the criminal, the means or instruments of the crime, the traces of the crime or the criminally acquired objects, as well as a person that promised in advance to purchase or deal in such objects.

#### Article 105. Murder

1. Murder, i.e. the deliberate causing of death of another person, - is punished by deprivation of liberty for a term of 6 to 15 years with or without restriction of liberty for a term up to 2 years.

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## Article 167. Deliberate Destruction or Damage of Property

1. Deliberate destruction or damage of another person's property, where these acts result in significant damage, -

are punished by fine in the amount up to 40 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 months, or by obligatory labour for a term up to 360 hours, or by corrective labour for a term of to 1 year, or by compulsory labour for a term up to 2 years, or by arrest for a term up to 3 months, or by deprivation of liberty for a term up to 2 years.

2. The same acts, motivated by hooliganism, or committed through arson, explosion or in any other generally dangerous manner, or, through negligence, resulting in death of a person or other grave consequences, -

are punished by compulsory labour for a term up to 5 years or by deprivation of liberty for the same term.

## Article 205. Terrorist Act

1. The perpetration of an explosion, arson or other actions, frightening the population and creating the threat of death of a person, significant property damage or of other grave consequences, for the purposes of destabilisation of activities of the public authorities or international organisations or of influence upon their decision-making, as well as a threat to commit the aforementioned actions for the purpose of influencing the decision-making of public authorities or international organisations, -

are punished by deprivation of liberty for a term of 10 to 15 years.

2. The same acts:

a) perpetrated by a group of persons by prior conspiracy or by an organised group;

b) resulting, through negligence, in death of a person;

c) resulting in significant property damage or other grave consequences, -

are punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years.

3. Acts stipulated in Parts 1 or 2 of this Article,

a) involving encroachment upon objects of atomic energy use or involving the use of nuclear materials, radioactive substances or radioactive radiation sources, or of poisonous, venomous, toxic, hazardous chemical or biological substances;  
b) resulting in deliberate causing of death to a person, -  
are punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

Note:

A person that participated in the preparation of a terrorist act is exempt from criminal liability, if he/she helped prevent the terrorist act by timely informing the authorities or in any other manner, unless the actions of this person contain the elements of a different crime.

#### Article 205.1. Assistance in Terrorist Activities

1.1. The inducement, recruitment or other enticement of a person into the commission of at least one of the crimes stipulated in Article 205.2, Parts 1 and 2 of Article 206, Article 208, Parts 1–3 of Article 211, Articles 220, 221, 277, 278, 279 and 360 of this Code, the arming or training of a person for the purpose of commission of at least one of the aforementioned crimes, -  
are punished by deprivation of liberty for a term of 5 to 15 years with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years.

1.1. The inducement, recruitment or other enticement of a person into the commission of at least one of the crimes stipulated in Articles 205, 205.3, 205.4, 205.5, Parts 3 and 4 of Article 206, Part 4 of Article 211 of this Code, the arming or training of a person for the purpose of commission of at least one of the aforementioned crimes, as well as the financing of terrorism, -  
are punished by deprivation of liberty for a term of 8 to 15 years with or without a fine in the amount of 300 000 to 700 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 4 years, or by deprivation of liberty for life.

2. Acts stipulated in Parts 1 and 1.1 of this Article, perpetrated in the exercise of powers vested in a person by virtue of her/his office, -  
are punished by deprivation of liberty for a term of 10 to 20 years with or without a fine in the amount of 500 000 to 1 000 000 rubles or in the amount of salary or

other income of the convicted person for a period of 3 to 5 years, or by deprivation of liberty for life.

3. Being an accessory in the perpetration of at least one of the crimes stipulated in Article 205, Part 3 of Article 206, Part 1 of Article 208 of this Code - is punished by deprivation of liberty for a term of 10 to 20 years.

4. The organisation of perpetration of at least one of the crimes stipulated in Articles 205, 205.3, Parts 3 and 4 of Article 206, Part 4 of Article 211 of this Code, or the management of its perpetration, as well as organising the financing of terrorism, -

are punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

Note 1.

In this Code, the term “financing of terrorism” is understood as provision or gathering of funds or provision of financial services with the understanding that they are intended for the financing of organisation, preparation or perpetration of at least one of the crimes stipulated in Articles 205, 205.1, 205.2, 205.3, 205.4, 205.5, 206, 208, 211, 220, 221, 277, 278, 279 and 360 of this Code, or for the financing or other material support of a person for the purpose of perpetration by that person of at least one of these crimes, or for ensuring the activities of an organised group, illegal armed group, criminal community (criminal organisation), created or being created for the perpetration of at least one of these crimes.

Note 1.1.

For the purpose of this Article, being an accessory means the deliberate assistance in perpetration of the crime by advice, directions, provision of information, means or instruments of the crime, or by removal of obstacles to it, as well as a promise to conceal the criminal, the means or instruments of the crime, the traces of the crime or the criminally acquired objects, and likewise a promise to purchase or deal in such objects.

Note 2.

A person that committed a crime stipulated in this Article is exempt from criminal liability, if it helped prevent or suppress the crime that he/she financed and (or) assisted, by timely warning the authorities or in any other manner, unless the actions of this person contain the elements of a different crime.

## Article 205.2. Public Incitement to Terrorist Activities, Public Justification of Terrorism or Propaganda of Terrorism

1. Public incitement to terrorist activities, public justification of terrorism or propaganda of terrorism -

are punished by fine in the amount of 100 000 to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years, or by deprivation of liberty for a term of 2 to 5 years.

2. The same acts, perpetrated through the use of the mass media, electronic or information and telecommunication networks, including the Internet, -

are punished by fine in the amount of 300 000 to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period of 3 to 5 years; or by deprivation of liberty for a term of 5 to 7 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years.

Note 1.

In this Article, the term “public justification of terrorism” is understood as a public statement on recognition of ideology and practice of terrorism as correct and requiring support and imitation.

Note 1.1.

In this Article, the term “propaganda of terrorism” is understood as distribution of materials and (or) information, aimed at conceptualising the ideology of terrorism for other persons, persuading them that the ideology of terrorism is attractive or forming convictions that it is acceptable to engage in terrorist activities.

Note 2.

In this Article, the term “terrorist activities” is understood as perpetration of at least one of the crimes stipulated in Articles 205–206, 208, 211, 220, 221, 277, 278, 279, 360, 361 of this Code.

## Article 205.3. Undergoing of Training for the Purpose of Engagement in Terrorist Activities

Receipt of training, with the knowledge that it is conducted for the purposes of engagement in terrorist activities or commission of one of the crimes stipulated in

Articles 205.1, 206, 208, 211, 277, 278, 279, 360 and 361 of this Code; in particular, the receipt of knowledge, practical skills and know-how during physical and psychological training, during the study of ways to commit the aforementioned crimes, study of handling of weapons, explosive devices, explosive and toxic substances, as well as of other items and substances presenting a danger to the general public, -

is punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

Note:

A person that committed a crime stipulated in this Article is exempt from criminal liability, if he/she informs the authorities about receipt of training with the knowledge that it was conducted for the purposes of engagement in terrorist activities or commission of one of the crimes stipulated in Articles 205.1, 206, 208, 211, 277, 278, 279, 360 and 361 of this Code, helps solve the committed crime or helps establish other persons that received, performed, organised or financed such training, as well as helps discover the places where it was conducted, unless the actions of this person contain the elements of a different crime.

#### Article 205.4. Organisation of a Terrorist Community and Participation Therein

1. Creation of a terrorist community, i.e. of a stable group of persons united in advance for the purpose of engaging in terrorist activities or for preparing or committing one or several crimes stipulated in Articles 205.1, 205.2, 206, 208, 211, 220, 221, 277, 278, 279, 360 and 361 of this Code or of other crimes aimed at propaganda, justification and support of terrorism, and likewise the management of such a terrorist community, of its part or of structural units comprising such a community -

are punished by deprivation of liberty for a term of 15 to 20 years with or without a fine in the amount up to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period up to 5 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

2. Participation in a terrorist community -

is punished by deprivation of liberty for a term of 5 to 10 years with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years.

Note 1.

A person that voluntarily terminates her/his participation in a terrorist community and informs about its existence is exempt from criminal liability, unless her/his actions contain the elements of a different crime. If a person terminates participation in a terrorist community at the moment of detention or after detention, or after investigative or other procedural actions are initiated in regard of this person, which is known to her/him, such termination cannot be regarded as voluntary.

Note 2.

In this Article, in Item “p” of Part 1 of Article 63 and Note to Article 205.2 of this Code, the term “support of terrorism” is understood as provision of services, of material, financial or any other aid that enables terrorist activities.

#### Article 205.5. Organisation of Activities of a Terrorist Organisation and Participation in Them

1. Organising the activities of an organisation, recognised as a terrorist organisation in accordance with the legislation of the Russian Federation, - is punished by deprivation of liberty for a term of 15 to 20 years with or without a fine in the amount up to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period up to 5 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

2. Participation in the activities of an organisation, recognised as a terrorist organisation in accordance with the legislation of the Russian Federation, - is punished by deprivation of liberty for a term of 10 to 20 years with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years.

Note:

A person that commits a crime stipulated in this Article for the first time and voluntarily terminates participation in the activities of an organisation, recognised as a terrorist one in accordance with the legislation of the Russian Federation, is exempt from criminal liability, unless her/his actions contain the elements of a different crime. If a person terminates participation in the activities of an organisation, recognised as a terrorist one in accordance with the legislation of the Russian Federation, at the moment of detention or after detention, or after

investigative or other procedural actions are initiated in regard of this person, which is known to her/him, such termination cannot be regarded as voluntary.

#### Article 206. Taking of a Hostage

1. The capture or detention of a person as a hostage, perpetrated for the purpose of compelling the state, an organisation or a citizen to perform or abstain from a certain action, which is presented as a condition for the release of the hostage, - are punished by deprivation of liberty for a term of 5 to 10 years.

2. The same acts,

a) perpetrated by a group of persons by prior conspiracy;

b) *abrogated*;

c) perpetrated with the use of violence that is dangerous to life and health;

d) perpetrated with the use of weapons or objects used as weapons;

e) knowingly perpetrated in regard of an underage person;

f) perpetrated in regard of a woman in a state of pregnancy, which is known to the guilty person;

g) perpetrated in regard of two or more persons;

h) motivated by profit or perpetrated by hire, -

are punished by deprivation of liberty for a term of 6 to 15 years, accompanied by restriction of liberty for a term of 1 to 2 years.

3. Acts stipulated in Parts 1 or 2 of this Article, where perpetrated by an organised group or where, through negligence, they result in death of a person or other grave consequences, -

are punished by deprivation of liberty for a term of 8 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years.

4. Acts stipulated in Parts 1 or 2 of this Article, resulting in deliberate causing of death to another person, -

are punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

Note: A person who releases a hostage voluntarily or at the request of the authorities is exempt from criminal liability, unless her/his actions contain the elements of a different crime.



## Article 208. Organisation of an Illegal Armed Group or Participation Therein

1. Creation of an armed group (band, squad, militia or another group) that is not stipulated in a federal law, and likewise the management or financing of such a group -

are punished by deprivation of liberty for a term of 10 to 20 years, accompanied by restriction of liberty for a term up to 2 years.

2. Participation in an armed group, not stipulated in a federal law, as well as participation, in a foreign state, in an armed group not stipulated in the legislation of that state, for the purposes contrary to the interests of the Russian Federation, - are punished by deprivation of liberty for a term of 8 to 15 years, accompanied by restriction of liberty for a term of 1 to 2 years.

### Note:

If a person that committed a crime stipulated in this Article for the first time voluntarily terminates his/her participation in the illegal armed group and gives up weapons, he/she is exempt from criminal liability, unless his/her actions contain the elements of a different crime.

## Article 211. Hijacking of an Air or Water Transport Vehicle or of a Railway Vehicle

1. Hijacking of an air or water transport vehicle or of a railway vehicle, and likewise the capture of such a vehicle for the purpose of hijacking it - are punished by deprivation of liberty for a term of 4 to 8 years with or without restriction of liberty for a term up to 1 year.

2. The same acts, perpetrated:

a) by a group of persons by prior conspiracy;

b) *abrogated*;

c) with the use of violence that is dangerous to life and health, or with the threat of such violence;

d) with the use of weapons or items used as weapons,

are punished by deprivation of liberty for a term of 7 to 12 years, accompanied by restriction of liberty for a term up to 2 years.

3. Acts stipulated in Parts 1 or 2 of this Article, where perpetrated by an organised group, or where, through negligence, they result in death of a person or other grave consequences, -  
are punished by deprivation of liberty for a term of 8 to 15 years, accompanied by restriction of liberty for a term of 1 to 2 years.

4. Acts stipulated in Parts 1, 2 or 3 of this Article, where conjoined with a terrorist act or other terrorist activities, -  
are punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

#### Article 220. Illegal Treatment of Nuclear Materials or Radioactive Substances

1. Illegal acquisition, storage, use, transfer or destruction of nuclear materials or radioactive substances -  
are punished by restriction of liberty for a term up to 2 years, or by compulsory labour for a term up to 2 years, or by arrest for a term up to 4 months, or by deprivation of liberty for a term up to 2 years.

2. The same acts, where through negligence they result in death of a person or other grave consequences, -  
are punished by deprivation of liberty for a term up to 5 years.

3. Acts stipulated in Part 1 of this Article, where through negligence they result in death of two or more persons, -  
are punished by deprivation of liberty for a term up to 7 years.

#### Article 221. Stealing or Extortion of Nuclear Materials or Radioactive Substances

1. Stealing or extortion of nuclear materials or radioactive substances -  
are punished by fine in the amount of 100 000 to 500 000 rubles or in the amount of salary or other income of the convicted person for a term of 1 to 3 years, or by compulsory labour for a term up to 5 years, or by deprivation of liberty for the same term.

2. The same acts, perpetrated:  
a) by a group of persons by prior conspiracy;

b) *abrogated*;

c) in the exercise of powers vested in a person by virtue of her/his office;

d) with the use of violence, not dangerous to life or health, or with the threat of such violence,

are punished by deprivation of liberty for a term of 4 to 7 years with or without restriction of liberty for a term up to 1 year.

3. Acts stipulated in Parts 1 or 2 of this Article, where perpetrated:

a) by an organised group;

b) with the use of violence that is dangerous to life or health, or with the threat of such violence, -

c) *abrogated*

are punished by deprivation of liberty for a term of 5 to 10 years with or without a fine in the amount up to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period up to 5 years, accompanied by restriction of liberty for a term up to 1 year.

*Note abrogated.*

Article 222. Illegal Acquisition, Transfer, Dealing in, Storage, Transportation or Carrying of Weapons, Their Main Components, Ammunition

1. Illegal acquisition, transfer, dealing in, storage, transportation or carrying of firearms, their main components, ammunition (except for civilian smooth-bore long-barrel weapons, their main components and cartridges for them, limited lethality firearms, their main components and cartridges for them) -

are punished by restriction of liberty for a term up to 3 years, or by compulsory labour for a term up to 4 years, or by arrest for a term up to 6 months, or by deprivation of liberty for a term up to 4 years with or without a fine in the amount up to 80 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 months.

2. The same acts, perpetrated by a group of persons by prior conspiracy, -

are punished by deprivation of liberty for a term of 2 to 6 years with or without a fine in the amount up to 100 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months.

3. Acts stipulated in Parts 1 or 2 of this Article, perpetrated by an organised group, -  
are punished by deprivation of liberty for a term of 5 to 8 years with or without a fine in the amount of 100 000 to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 year to 18 months.

4. Illegal dealing in civilian smooth-bore long-barrel weapons, limited lethality firearms, gas-propelled weapons and cold arms, including missile weapons, -  
is punished by obligatory labour for a term up to 480 hours, or by corrective labour for a term of 1 to 2 years, or by restriction of liberty for a term up to 2 years, or by compulsory labour for a term up to 2 years, or by arrest for a term of 3 to 6 months, or by deprivation of liberty for a term up to 2 years with or without a fine in the amount up to 80 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months.

Note:

A person that voluntarily gives up the items referred to in this Article is exempt from criminal liability under this Article. If the items, referred to in this Article and in Articles 222.1, 223 and 223.1 of this Code, are seized during the detention of a person, as well as during investigative actions aimed at their discovery and seizure, they cannot be regarded as given up voluntarily.

Article 222.1. Illegal Acquisition, Transfer, Dealing in, Storage, Transportation or Carrying of Explosives or Explosive Devices

1. Illegal acquisition, transfer, dealing in, storage, transportation or carrying of explosives or explosive devices -  
are punished by deprivation of liberty for a term up to 5 years, accompanied by a fine in the amount up to 100 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months.

2. The same acts, perpetrated by a group of persons by prior conspiracy, -  
are punished by deprivation of liberty for a term of 3 to 8 years, accompanied by a fine in the amount of 100 000 to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 year to 18 months.

3. Acts stipulated in Parts 1 or 2 of this Article, perpetrated by an organised group, -

are punished by deprivation of liberty for a term of 5 to 12 years, accompanied by a fine in the amount of 200 000 to 500 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 3 years.

Note:

A person that voluntarily gives up the items referred to in this Article is exempt from criminal liability under this Article.

#### Article 223. Illegal Manufacture of Weapons

1. The illegal manufacture, modification or repair of firearms, their main components (except for limited lethality firearms), as well as illegal manufacture of ammunition, -

are punished by deprivation of liberty for a term of 3 to 5 years, accompanied by a fine in the amount of 100 000 to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 6 months to 1 year.

2. The same acts, perpetrated by a group of persons by prior conspiracy, -

are punished by deprivation of liberty for a term of 3 to 7 years, accompanied by a fine in the amount of 200 000 to 300 000 rubles or in the amount of salary of the convicted person for a period of 1 to 2 years.

3. Acts stipulated in Parts 1 or 2 of this Article, perpetrated by an organised group, -

are punished by deprivation of liberty for a term of 5 to 8 years, accompanied by a fine in the amount of 300 000 to 400 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 3 years.

4. Illegal manufacture, modification or repair of limited lethality firearms or illegal manufacture of gas-propelled weapons, cold arms, missile weapons, as well as illegal manufacture, modification or loading of cartridges for limited lethality firearms or gas-propelled weapons, -

are punished by compulsory labour for a term up to 480 hours, or by corrective labour for a term of 1 to 2 years, or by restriction of liberty for a term up to 2 years, or by deprivation of liberty for a term up to 2 years with or without a fine in the amount of 50 000 to 80 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months.

Note:

A person that voluntarily gives up the items referred to in this Article is exempt from criminal liability under this Article.

#### Article 223.1. Illegal Manufacture of Explosives; Illegal Manufacture, Modification or Repair of Explosive Devices

1. The illegal manufacture of explosives, as well as illegal manufacture, modification or repair of explosive devices, -  
are punished by deprivation of liberty for a term of 3 to 6 years, accompanied by a fine in the amount of 100 000 to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 2 years.

2. The same acts, perpetrated by a group of persons by prior conspiracy, -  
are punished by deprivation of liberty for a term of 5 to 8 years, accompanied by a fine in the amount of 200 000 to 300 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 3 years.

3. Acts stipulated in Parts 1 or 2 of this Article, perpetrated by an organised group, -  
are punished by deprivation of liberty for a term of 8 to 12 years, accompanied by a fine in the amount of 300 000 to 500 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 3 years.

Note:

A person that voluntarily gives up the items referred to in this Article is exempt from criminal liability under this Article.

#### Article 226. Theft or Extortion of Weapons, Ammunition, Explosives and Explosive Devices

1. Theft or extortion of firearms, their ancillary components, of ammunition, explosives or explosive devices -  
are punished by deprivation of liberty for a term of 3 to 7 years.

2. Theft or extortion of nuclear, chemical or other weapons of mass destruction, and likewise of materials or equipment that can be used in creation of weapons of mass destruction, -  
are punished by deprivation of liberty for a term of 5 to 10 years with or without restriction of liberty for a term up to 1 year.

3. Acts stipulated in Parts 1 or 2 of this Article, where perpetrated:

a) by a group of persons by prior conspiracy;

b) *abrogated*;

c) in the exercise of powers vested in a person by virtue of her/his office;

d) with the use of violence, not dangerous to life or health, or with the threat of such violence, -

are punished by deprivation of liberty for a term of 5 to 12 years with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years, with or without restriction of liberty for a term up to 2 years.

4. Acts stipulated in Parts 1, 2 or 3 of this Article, where perpetrated:

a) by an organised group;

b) with the use of violence that is dangerous to life and health, or with the threat of such violence, -

c) *abrogated*

are punished by deprivation of liberty for a term of 8 to 15 years with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years, with or without restriction of liberty for a term up to 2 years.

#### Article 277. Attempt on the Life of a State or Public Actor

Attempt on the life of a state or public actor, committed for the purpose of terminating her/his state or other political activities or in revenge for such activities, -

is punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term up to 2 years; or by deprivation of liberty for life; or by capital punishment.

## Article 278. Forcible Seizure of Power or Forcible Retention of Power

Actions aimed at forcible seizure of power or forcible retention of power in violation of the Constitution of the Russian Federation, and likewise aimed at forcible alteration of the foundations of the constitutional system of the Russian Federation -

are punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term up to 2 years.

## Article 279. Armed Rebellion

Organisation of an armed rebellion or active participation therein for the purpose of overthrowing the constitutional system of the Russian Federation or forcibly altering its foundations, or of violating the territorial integrity of the Russian Federation,

are punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term up to 2 years.

## Article 295. Attempt on the Life of a Person Engaged in the Administration of Justice or in a Preliminary Investigation

Attempt on the life of a judge, juror or of another person participating in the administration of justice, of a prosecutor, investigator, a person performing an inquiry, a defence lawyer, expert, specialist, court bailiff, bailiff, as well as on the lives of their close ones, due to consideration of cases or materials in court, engagement in a preliminary investigation or execution of a court sentence, decision or another judicial act, committed for the purpose of obstructing the lawful activities of those persons or in revenge for such activities, -

are punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term up to 2 years; or by deprivation of liberty for life; or by capital punishment.

## Article 317. Attempt on the Life of a Law Enforcement Officer

Attempt on the life of a law enforcement officer, a member of the military service, as well as on the lives of their close ones, for the purpose of obstructing her/his



lawful activities of protecting the public order and ensuring the public safety, or in revenge for such activities -  
are punished by deprivation of liberty for a term of 12 to 20 years, accompanied by restriction of liberty for a term up to 2 years; or by deprivation of liberty for life; or by capital punishment.

#### Article 360. Assaults on Persons or Institutions under International Protection

1. Assault on a representative of a foreign state or a staff member of an international organisation, who enjoys international protection, as well as on the official or residential premises, transport vehicles of persons enjoying international protection -

are punished by deprivation of liberty for a term of 2 to 6 years.

2. The same act, perpetrated for the purpose of provoking war or complicating international relations, -

is punished by deprivation of liberty for a term of 5 to 10 years.

#### Article 361. Act of International Terrorism

1. Perpetration of an explosion, arson or other actions endangering the life, health, freedom or inviolability of citizens of the Russian Federation for the purposes of disturbing the peaceful coexistence of states and peoples or directed against the interests of the Russian Federation, as well as a threat to perform the aforementioned actions, -

are punished by deprivation of liberty for a term of 10 to 20 years or by deprivation of liberty for life.

2. The financing of acts stipulated in Part 1 of this Article, the inducement, recruitment or other enticement of a person into commission thereof, or arming or training of a person for the purpose of commission of the aforementioned acts, -

are punished by deprivation of liberty for a term of 8 to 20 years with or without a fine in the amount of 300 000 to 700 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 4 years, or by deprivation of liberty for life.

3. Acts stipulated in Part 1 of this Article, resulting in causing of death to a person, -  
are punished by deprivation of liberty for a term of 15 to 20 years, accompanied by restriction of liberty for a term of 1 to 2 years; or by deprivation of liberty for life.

## **DISCLAIMER**

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