



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

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## **On Certain Issues Arising during Consideration of Cases on Suspension of Activities or Liquidation of Non-Commercial Organizations, as well as regarding Prohibition of Activities of Public or Religious Associations that Are Not Legal Persons**

Due to the issues that arise in court practice during the consideration of cases regarding the suspension of activities or dissolution of a political party, its regional office or another structural division, of another public association, religious or another non-commercial organisation, as well as of cases regarding the prohibition of activities of a public association or a religious organisation that are not legal persons, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, by Articles 2 and 5 of Federal Constitutional Law of 5 February, 2014 No. 3 “On the Supreme Court of the Russian Federation”, hereby rules to provide the following explanations:

1. The right of association and the freedom of activity of public associations are guaranteed by the Constitution of the Russian Federation, universally recognized principles and norms of international law, provisions of international treaties of the Russian Federation, including the International Covenant on Civil and Political Rights of 16 December, 1966, the European Convention for Protection of Human Rights and Fundamental Freedoms of 4 November, 1950, federal laws, as well as other normative legal acts. These rights and freedoms may be limited only by federal law (Part 4 of Article 15, Part 1 of Article 30, Part 3 of Article 55 of the Constitution of the Russian Federation).

According to the provisions of the Constitution of the Russian Federation, citizens and their association are obliged to observe the Constitution of the Russian Federation and laws (Part 2 of Article 15).

Violations of the Constitution of the Russian Federation, federal constitutional laws, federal laws or other normative legal acts, including Federal Law of 25 July, 2002 No. 114 “On Countering of Extremist Activity” (hereinafter referred to as „the Law on Countering of Extremist Activity“) and Federal Law of 6 March, 2006 No. 35 “On Countering of Terrorism” (hereinafter referred to as „the Law on Countering of Terrorism“) by non-commercial organizations and other public and religious associations, including those that are not legal persons (hereinafter referred to as “citizens’ associations”) may entail measures of public law liability in the form of suspension of activities of a citizens’ association, liquidation of a citizens’ association or prohibition of activities upon the claim of a competent body or an official in administrative judicial proceedings (Part 1 of Article 1 of the Code of Administrative Judicial Procedure of the Russian Federation, hereinafter referred to as “the CAJP RF”), Article 7 and 9 of the Law on Countering of Extremist Activity, Part 2 of Article 24 of the Law on Countering of Terrorism, Item 3 of Article 61 of the Civil Code of the Russian Federation (hereinafter referred to as „the CC RF“), Article 29 of Federal Law of 19 May, 1995 No. 82 “On Public Associations” (hereinafter referred to as “the Law on Public Associations”), Article 14 of Federal Law of 26 September, 1997 No. 125 “On Freedom of Conscience and on Religious Associations” (hereinafter referred to as “the Law on Freedom of Conscience”), Article 18 of Federal Law of 12 January, 1996 No.7 “On Non-Commercial Organizations” (hereinafter referred to as “the Law on Non-Commercial Organizations”), Article 4, Item 3 of Article 41 of Federal Law of 11 July, 2001 No. 95 “On Political Parties” (hereinafter referred to as “the Law on Political Parties”).

Judicial control over the lawfulness and substantiation of realization of certain authoritative demands made by the competent bodies or officials in regard of citizens’ associations is performed during the consideration of the aforementioned categories of cases (Item 1 of Part 3 of Article 1 of the CAJP RF).

By virtue of Part 3 of Article 55 of the Constitution of the Russian Federation and Item 2 of Article 22 of the International Covenant on Civil and Political Rights, Item 2 of Article 11 of the European Convention for Protection of Human Rights and Fundamental Freedoms, when exercising judicial control, the courts should act on the assumption that any limitation of rights and freedoms of citizens and their associations must be based on federal law, pursue a socially significant purpose (protection of foundations of the constitutional system, morality, health, human and citizens’ rights and lawful interests, ensuring the defence of the country, the security of the state and of public order), be necessary in a democratic society (correspondent and sufficient, proportional to the pursued socially significant purpose).

2. Where the liquidation of an organization is carried out based on an objective impossibility to continue its activities on grounds not pertaining to violations of law and is initiated upon application of its founders, competent bodies or other persons who do not have any state or other public powers, such cases are considered in accordance with the rules of the Civil Procedure Code of the Russian Federation.

For instance, a fund may be liquidated upon application of its founder due to insufficiency of property for pursuing its purposes, where it is impossible to acquire the necessary property (Item 2 of Article 18 of the Law on Non-Commercial Organizations, Articles 61 and 123.20 of the CC RF).

Unless otherwise stipulated in law, cases on liquidation of a state corporation, state company, as well as of a non-commercial organization uniting commercial organizations and (or) individual entrepreneurs, of a non-commercial organization that is self-regulatory in accordance with federal law and unites subjects of entrepreneurial activities on grounds stipulated in Article 61 of the CC RF are considered by commercial courts in accordance with the rules stipulated in the Commercial Procedure Code of the Russian Federation. Explanations provided in this Ruling shall not apply to such cases.

3. Cases initiated on the basis of administrative statements of claim and regarding the suspension of activities or liquidation of a political party, its regional office or another structural division, of a religious or another non-commercial organisation, as well as regarding the prohibition of activities of a public association or a religious organisation that are not legal persons (hereinafter referred to as “cases on suspension of activities, liquidation or prohibition of activities”) shall be considered by courts of general jurisdiction and by the Supreme Court of the Russian Federation in the manner stipulated in Chapter 27 of the Code, taking into consideration the rules of jurisdiction stipulated in Article 19, Item 5 of Article 20, Item 5 of Article 21 of the CAJP RF (Item 1 of Part 3 of Article 1, Part 2 of Article 262 of the CAJP RF).

Cases on prohibition of activities of non-governmental organizations (associations) established abroad, as well as of citizens’ associations established within the Russian Federation that are not legal persons, if such cases do not pertain to a state secret and are initiated on grounds stipulated in legislation on countering of extremist activity and terrorism, are subject to consideration by district courts (Article 19 of the CAJP RF, Part 2 and 5 of Article 14 of the Law on Public Associations).

Territorial jurisdiction over a case on prohibition of activities of a non-governmental organization (association), of a citizens’ association established within the Russian Federation that is not a legal person is determined by the place

of discovery of extremist or terrorist activity (Part 4 of Article 2, Articles 19, 20 of the CAJP RF, Article 13 of the Law on Countering of Extremist Activity).

Cases on recognition of non-commercial organizations as ones that terminated their activities in the capacity of legal persons and on expungement of records about them from the Unified State Register of Legal Persons are considered by district courts in accordance with the general rules of administrative judicial procedure (Article 19, Section III of the CAJP RF).

4. By virtue of Part 1 of Article 262 of the CAJP RF, the right of bodies and officials to file a statement of claim on suspension of activities, liquidation or prohibition of activities must be stipulated in federal law.

For instance, a claim for liquidation of an international or all-Russian public association may be filed by the Prosecutor General of the Russian Federation and the Ministry of Justice of the Russian Federation (hereinafter referred to as “the Ministry of Justice of Russia”).

An administrative statement of claim for liquidation of an interregional, regional or local public association shall be filed by the prosecutor of the constituent entity of the Russian Federation and by the territorial body of the Ministry of Justice of Russia (Article 44 of the Law on Public Associations).

5. The corresponding administrative statement of claim regarding a religious association shall be filed by the Ministry of Justice of Russia or its territorial body (hereinafter referred to as “the competent body”) or by a prosecutor.

If a religious association acts without establishing a legal person, in particular when the head of a religious group fails to submit a written notification regarding the start of activities of a religious group to the competent body authorized to adopt decisions on state registration, a prosecutor is entitled to file an administrative statement of claim on prohibition of activities of this religious association.

An administrative statement of claim regarding a religious group may be filed by the prosecutor of a district, and an administrative statement of claim regarding a religious association may be filed by the prosecutor of a constituent entity of the Russian Federation or by a higher prosecutor.

It should be taken into account that the competent body is not entitled to file an administrative claim for prohibition of activities of a religious group.

A local self-government body, specified by the charter of a municipal entity, is also authorized to apply to court with an administrative claim on liquidation or prohibition of activities of, respectively, a religious association or a religious group (Article 17.1, Part 3 of Article 34, Part 2 of Article 43, Article 44 of Federal Law

of 6 October, 2003 No.131 “On General Principles of Organization of Local Self-Government in the Russian Federation”).

6. By virtue of Items 2 and 3 of Article 39, Item 4 of Article 41, Item 4 of Article 42 of the Law on Political Parties, the Ministry of Justice of Russia is entitled to file an administrative claim on suspension of activities or liquidation of a political party.

The corresponding territorial bodies of the Ministry of Justice of Russia are entitled to file administrative statements of claim on suspension of activities or liquidation of a regional office or another structural division of a political party.

In such cases, the administrative defendant is, respectively, the political party, its regional office or another structural division.

If the primary or local office of a political party is not a legal person, the corresponding regional office of a political party is considered to be the administrative defendant in the case, and the administrative claim is submitted to the supreme court of a republic, the court of a territory, region, federal city, autonomous region, autonomous circuit (Article 20 of the CAJP RF, Sub-item “d” of Item 1 of Article 26, Item 4 of Article 39 of the Law on Political Parties).

7. The Prosecutor General of the Russian Federation or a subordinated prosecutor is entitled to file an administrative statement of claim for liquidation or prohibition of activities of a citizens’ association due to engagement of this association in extremist or terrorist activity (Part 2 of Article 24 of the Law on Countering of Terrorism).

Apart from a prosecutor, the Ministry of Justice of Russia and its territorial bodies are entitled to apply to court with claims on liquidation of a public or religious association, another organization or on prohibition of activities of a public or religious association that are not legal persons on grounds stipulated in the Law on Countering of Extremist Activity (Article 9 of the Law on Countering of Extremist Activity).

8. Where so stipulated in law, other organizations vested with state or other public powers may file administrative statements of claim on liquidation of non-commercial organizations.

For instance, the Bank of Russia is entitled to file to court a claim on liquidation of a consumer cooperative (Article 6 of Federal Law of 10 July, 2002 No. 86 “On the Central Bank of the Russian Federation (Bank of Russia)”, Part 3 of Article 14 of Federal Law of 30 December, 2004 No. 215 “On Housing Accumulative Cooperatives”, Item 3 of Article 31 of Federal Law of 8 December, 1995 No. 193

“On Agricultural Cooperation”, Item 9 of Part 3 of Article 5 of Federal Law of 18 July, 2009 No. 190 “On Credit Cooperation”).

9. With due regard to the rules of jurisdiction, an administrative statement of claim on suspension of activities, liquidation or prohibition of activities of a citizens’ association may be signed by a prosecutor, an official or the head of the corresponding federal competent body or the head of its territorial body.

Taking into account that competent bodies may participate in the administrative judicial procedure through representatives, the administrative statement of claim may be signed by such a representative (Part 8 of Article 54, Article 55, Item 1 of Part 2 of Article 56, Part 4 of Article 262 of the CAJP RF).

10. It should be taken into account that the competent body is entitled to submit an administrative statement of claim on suspension of activities of a political party, its regional office or another structural division after one warning has been issued due to violation of the Constitution of the Russian Federation, of federal constitutional laws, federal laws, and if activities were carried out that were contradicting the provisions, purposes and tasks specified in the Articles of Association of the political party – after two warnings were issued, unless those warnings are appealed against in court or are recognized by the court as not based on law.

An administrative statement of claim on suspension of activities of a political party, its regional office or another structural division by the federal competent body or its regional office also may not be submitted to court before the term specified for rectification of violations of law, described in these warnings, expires (Sub-item “c” of Item 1 of Article 38, Items 1 and 3 of Article 39 of the Law on Political Parties).

If an administrative statement of claim and documents attached thereto do not contain information on issuance of warnings on rectification of violations of law, issued in regard of the political party, its regional office or another structural division, the judge shall adopt a decree to leave such an administrative statement of claim without action, based on Item 8 of Part 2 of Article 125, Part 1 of Article 130, Item 2 of Part 3 of Article 262 of the CAJP RF.

If it may be concluded from the submitted documents that the administrative statement of claim on suspension of activities or liquidation was filed during the appeal of a warning or that the term for rectification of violations of law stipulated in the warning has not expired, or the instructions contained in the judge’s decree to leave such an administrative statement of claim without action are not fulfilled, the statement of the public authority shall be returned by virtue of Item 4 of Part 1 of Article 129, Item 2 of Part 3 of Article 262 of the CAJP, since the conditions for filing an administrative claim are not met.

11. If there is an effective decision of the Supreme Court of the Russian Federation in a case regarding the suspension of activities of a political party, its regional offices or other structural divisions, this constitutes grounds for refusal to accept an administrative claim of the competent body for the suspension of activities of a regional office or another structural division of the same political party (Item 4 of Part 1 of Article 128 of the CAJP RF).

12. It should be taken into account that a warning (address) of the competent body regarding the rectification of violations of law, as well as its decision on suspension of activities of a citizens' association, may be appealed against in court.

Therefore, if there is information that an administrative statement of claim on challenge of the aforementioned warning (address) is pending before this or another court, the court shall return the administrative statement of claim on suspension of activities or liquidation by virtue of Item 4 of Part 1 of Article 129 of the CAJP RF.

13. If the founder of an organization applies to the body authorized to make decisions on state registration with an application for liquidation of the organization, this does not preclude the court from accepting an administrative statement of claim for liquidation, submitted by the competent body or a prosecutor (Article 127 of the CAJP RF).

In this case, the court must verify in administrative judicial proceedings whether there are grounds for liquidation of the organization, referred to by the competent body or the prosecutor.

14. When preparing the case for the court session, the court, upon the motion of the administrative plaintiff, shall resolve the issue of taking provisional measures regarding the administrative claim on suspension, liquidation or prohibition of activities (Item 8 of Part 3 of Article 135 of the Code).

Herewith it should be taken into account that an exhaustive list of provisional measures regarding administrative claims is stipulated in law (Part 2 of Article 263 of the CAJP RF).

The attention of the courts is pointed to the fact that the application of provisional measures should be proportionate to the claims stated in the administrative statement of claim; the consequences of their application should also be taken into consideration.

In particular, the suspension of activities of a citizens' association results in prohibition of organization and conduction of meetings, rallies, demonstrations, marches, picketing and other mass actions or public events, participation in elections, use of bank deposits (Article 43 of the Law on Public Associations,

Article 40 of the Law on Political Parties, Article 10 of the Law on Countering of Extremist Activity).

However, such a provisional measure may not be applied if the body files a claim on suspension of activities; otherwise this would constitute the actual satisfaction of the administrative claim prior to the adoption of a court decision.

The court may prohibit the citizens' association to perform one or some of the abovementioned actions (Item 4 of Part 2 of Article 263 of the CAJP RF).

If the court adopts a provisional measure in the form of suspension of activities of the corresponding citizens' association or prohibits it to perform specific actions, the court is not entitled to apply these measures to the settlement of accounts of the citizens' association in regard of its business activity and labor contracts, compensation of damages caused by its actions, payment of taxes, duties and fines (Article 43 of the Law on Public Associations).

Arrest of property may be imposed by the court in order to secure an administrative claim on liquidation, in particular in order to ensure the preservation of property subject to appropriation by the Russian Federation in cases regarding the acknowledgment of a citizens' association as an extremist one.

The provisional measures decree is executed in accordance with the rules stipulated in Chapter 7 of the CAJP RF.

15. The administrative plaintiff and the governing body, head or representative of the administrative defendant are notified of the time and place of consideration of the administrative case on suspension of activities, liquidation or prohibition of activities.

If the location of the abovementioned governing body, head or representative is unknown, the notification regarding the time and place of consideration of the case shall be published on the official website of the Ministry of Justice of Russia, of its territorial body no later than 10 days before the date of the court session, by virtue of a court decree.

If the corresponding official periodic publication is determined by the Government of the Russian Federation, the notification shall also be published in this printed publication (Part 1 of Article 133, Part 3 of Article 263 of the CAJP RF).

The location of the abovementioned persons is regarded as unknown, in particular if the governing body, head or representative are absent at the address specified in the Unified State Register of Legal Persons, or if there is no information in the notice on start of activities of a religious group, or such a notice was not submitted, as well as if a copy of the administrative statement of claim, sent by the



administrative plaintiff to the citizens' association, is returned upon expiry of the storage period or due to permanent departure of the addressee.

The publication of notice regarding the time and place of consideration of the case using the aforementioned means does not relieve the court from the duty to send a court notification and copies of the administrative statement of claim and of documents attached thereto to the last known location of the citizens' association; such documents are regarded as received by the administrative defendant by implication of Article 165.1 of the CC RF (Part 4 of Article 2, Article 102, Part 3 of Article 135 of the CAJP RF).

It should be taken into account that the competent body, obliged by the court decree to publish the notification on its official website, must present evidence that the decree was executed (for instance, a printout of the web page) (Article 16 of the CAJP RF).

16. If during the consideration of an administrative case on liquidation or prohibition of activities of a citizens' association it is established that a warning (address) on rectification of violations of law was appealed against by the citizens' association, and no decision on this issue has been adopted yet, the court leaves the administrative statement of claim without consideration by virtue of Item 3 of Part 1 of Article 196 of the CAJP RF, as the administrative plaintiff failed to meet the requirements for submission of the administrative claim.

17. If there are grounds stipulated in Part 7 of Article 150, Article 291 of the CAJP RF, the administrative case on suspension of activities, liquidation or prohibition of activities of the citizens' association may be considered in simplified (written) proceedings. Herewith, the decision adopted in such a case must meet the requirements of Article 264 of the Code.

18. It should be taken into account that the decision on suspension of activities of a political party, its regional office or another structural division may be taken only by the court on the grounds stipulated in Article 39 of the Law on Political Parties.

The decision on suspension of activities of other citizens' associations may also be taken by the corresponding competent body or a prosecutor.

19. From the day of official publication of the decision to appoint (conduct) elections and to the day of official publication of results of those elections, it is only possible to liquidate a political party participating in the election campaign, its regional office or another structural division, if they are engaged in extremist activities.

If it is established that the court decision may affect the course of the election campaign, the court draws the corresponding election commission to participation

in the case as an interested person (Article 47 of the CAJP RF, Item 1 of Article 9, Item 6 of Article 41, Item 5 of Article 42 of the Law on Political Parties).

20. During the consideration of the case on liquidation or prohibition of activities of the citizens' association, the court shall assess the substantiation of the warning (address) on rectification of violations of law, as well as of the decision on suspension of activities taken by the competent body, unless they were appealed against in court by the administrative defendant.

The effective court decision on suspension of activities of a political party, its regional office or another structural division, as well as the court decision recognizing the warning (address) on rectification of violations of law or the decision on suspension of activities taken by the competent body as well-substantiated have a binding effect for the court considering the administrative case on liquidation or prohibition of activities of the citizens' association.

The facts established by these court decisions need no further proof (Part 2 of Article 64 of the CAJP RF).

21. The warning (address) on rectification of violations of law issued by the competent body or a prosecutor shall be sent to the administrative defendant to the address indicated in the Unified State Register of Legal Persons, including to the e-mail address.

The warning (address) on violations of law issued by the prosecutor shall be sent to the public or religious associations that are not legal persons, to the addresses indicated in the notification on the start of activities of such an association or, if there was no obligation to notify about the start of activities or if such an obligation was not fulfilled – to the location (place of stay) of the association's head.

The abovementioned warnings (addresses) are regarded as received by the citizens' association, if the warning (address) was not handed to the association or the association did not inspect the warning (address) for reasons within its control (Item 1 of Article 165.1 of the CC RF, Sub-items "c", "c.1" of Item 1 of Article 5, Sub-item "i" of Item 7 of Article 71 of the Federal Law of 8 August, 2001 No. 129 "On State Registration of Legal Persons and Individual Entrepreneurs", Item 2 of Article 7 of the Law on Freedom of Conscience).

22. When verifying the substantiation of the warning (address) on rectification of violations of law and (or) of decision on suspension of activities issued by the competent body or the prosecutor to the citizens' association, which were not appealed against in court, it is necessary to take into consideration not only the grounds for their issuance, but the terms for rectification of such violations, stipulated by the competent body or the prosecutor.

These terms should reasonably allow the administrative defendant to meet the requirements specified in the warning (address) and cannot be shorter than the terms stipulated in law.

In particular, the term stipulated in the warning (address) issued to a religious association, a regional office or another structural division of a political party, another public association or non-commercial organization cannot be less than one month, and if the warning (address) concerns a political party – less than two months. If a warning on rectification of violations of legislation on countering of extremist activity is issued, the term shall not be less than two months from the date of issuance of the warning (Sub-item 5 of Item 5 of Article 32 of the Law on Non-Commercial Organizations, Item 5 of Part 2 of Article 38, Article 42 of the Law on Public Associations, Item 4 of Article 25 of the Law on Freedom of Conscience, Items 1 and 2 of Article 39 of the Law on Political Parties, Article 7 of the Law on Countering of Extremist Activity).

23. The court verifies whether the grounds for suspension of activities, specified in the decision of the competent body, and the circumstances specified in the warning (address) on rectification of violations of law are identical. A citizens' association cannot be liquidated due to failure to rectify the violations of law within the period specified in the decision of the competent body, if the grounds for suspension of activities are such violations which were not referred to in the warning of the competent body or which appeared after the issuance of the warning (address).

It should be taken into account that when exercising control over the realization of authoritative demands, the court cannot change the legal grounds of the administrative statement of claim on its own, for instance to determine the violations as gross and (or) repeated, if the competent body did not regard them as such (Part 1 of Article 46 of the CAJP RF).

The violations of law which were not specified in the warning (address), but are indicated in the decision on suspension, cannot be qualified by the court as repeated and (or) gross, if they were not referred to by the competent body as to independent grounds for liquidation.

If the competent body indicates several grounds for liquidation or prohibition of activities of the citizens' association in the administrative statement of claim, the court must verify the substantiation of each of those grounds.

24. Article 61 of the CC RF stipulates the general grounds for liquidation of legal persons, in particular of non-commercial organizations, including:

- recognition of registration of a legal person as invalid due to gross violations of law committed during its establishment, if these violations cannot be rectified;

- engagement of a legal person in activities prohibited by law or in violation of the Constitution of the Russian Federation, or with other repeated or gross violations of law or of other legal acts;
- engagement of a public or religious organization in activities that contradict its charter purposes, as well as other grounds, stipulated in federal laws.

In particular, these grounds are listed in Article 18 of the Law on Non-Commercial Organizations, Article 44 of the Law on Public Associations, Articles 7 and 9 of the Law on Countering of Extremist Activity, Article 24 of the Law on Countering of Terrorism.

General grounds for liquidation are subject to application with due regard to the features of the legal status of non-commercial organizations, stipulated in special laws (for instance, Item 9 of Article 8, Item 2 of Article 14 of the Law on Freedom of Conscience, Item 3 of Article 41, Item 3 of Article 42 of the Law on Political Parties).

The activities of public and religious associations that are not legal persons may be prohibited on grounds stipulated by law for the liquidation of legal persons, with due regard to the provisions of the federal law regulating the features of creation, legal status and activity of the aforementioned associations.

Proceedings from the features of creation and legal status of a religious group, stipulated in the Law on Freedom of Conscience, failure to notify on formation about the start of its activities cannot in itself be considered as constituting grounds for prohibition of its activities.

25. Grounds for liquidation or prohibition of activities of a citizens' association are constituted by its violation of human and citizen's rights and freedoms, guaranteed by the universally recognized principles and norm of international law in accordance with the Constitution of the Russian Federation (for instance, inducement to suicide, trespass to the person) (Article 44 of the Law on Public Associations, Article 14 of the Law on Freedom of Conscience).

26. Since the law does not stipulate a list of gross violations, it is left for the discretion of the court to assess whether the violation of law committed by the citizens' association is gross and entailing liquidation or prohibition of activities of the citizens' association.

Actions directed at the denial of fundamental democratic principles, rights or freedoms recognized by the Constitution of the Russian Federation, universally recognized principles and norms of international law, international treaties of the Russian Federation, federal laws and other normative legal acts, directed at warmongering, instigation of national, racial or religious hatred, calls for discrimination, hostilities or violence may be regarded as gross violations of the

Constitution of the Russian Federation, federal constitutional laws, federal laws or other normative legal acts by a citizens' association.

A gross violation shall also mean a violation which creates a real threat and causes injury to the life and health of citizens, to the environment, public order and safety, property, lawful economic interests of natural and (or) legal persons, of the society and the state.

Gross violations should include such violations which cannot be rectified in a legal manner. For instance, if it becomes impossible to make a decision in the manner stipulated in constituent documents.

In particular, non-compliance with the declared territorial domain of activity of a citizens' association, use of names of public authorities or of local self-government bodies in the name of a citizens' association, rendering of services without obtaining a corresponding license are considered to be gross violations (Article 14 of the Law on Public Associations, Part 1 of Article 12 of the Federal Law of 4 May, 2011 No. 99 "On Licensing of Certain Types of Activity", Articles 9 and 19 of the Law on Freedom of Conscience).

27. A repeated violation shall mean the commission of a similar or a different violation of effective legislation by the citizens' association after a warning (address) on rectification of violations of law was issued in its regard.

Failure to rectify a previously discovered violation does not constitute repeated violation, regardless of how long the violation remains unrectified.

Information regarding the facts, based on which the court establishes the issue of repeated nature of violations, may be contained in a ruling in an administrative offence case, in a court sentence or court decision adopted against the persons engaged in the activities of this citizens' association, as well as in the acts of other bodies.

28. The systematic engagement in activities contradicting the charter purposes of the citizens' association shall mean an action repeated more than twice, which contradicts purposes specified in the charter of the association and is discovered in the exercise of powers of control and supervision.

These violations may be taken into account by the court if they were committed within three years prior to the filing of the administrative statement of claim by the competent body (Part 2 of Article 9 of the Federal Law of 26 December, 2008 No. 294 "On Protection of Rights of Legal Persons and Individual Entrepreneurs in the Course of State Control (Supervision) and Municipal Control", Articles 196 and 200 of the CC RF).

29. It should be taken into account that failure to timely rectify violations which resulted in suspension of activities of the citizens' association does by itself constitute grounds for its liquidation or prohibition of activities.

Such violations cannot be regarded by the court as repeated or gross or as systematic engagement in activities contradicting the charter purposes (Article 44 of the Law on Public Associations).

30. Proceeding from the legal grounds for liquidation or prohibition of activities of the citizens' association, the courts should verify the reasons, for which the association failed to rectify the violations of law.

In particular, if the citizens' association took all possible actions to rectify the specified violations, but there were objective circumstances preventing rectification, and the discovered violations are rectified before the court decision is adopted, the court, taking these facts into account, may decide to refuse to satisfy the administrative claim.

31. It should be taken into account that public justification of terrorism and other terrorist activities are types of extremist activities (Article 1 of the Law on Countering Extremist Activity).

However, when resolving the issue of liquidation or prohibition of activities of a citizens' association due to engagement in terrorist activity, the provisions of the Law on Countering of Terrorism should be applied (Article 24 of the Law on Countering of Terrorism).

32. Proceeding from the universal legal principles of legal liability (in particular on the presence of fault) and on the basis of the binding grounds for limitation of rights and freedoms stipulated in Part 3 of Article 55 of the Constitution of the Russian Federation, repeated violations of law, even if they were proven, do not by themselves constitute absolute grounds for liquidation or prohibition of activities of a citizens' association. Such a response measure must be proportionate to the violations committed and the consequences caused by them.

In view of the foregoing, in each individual case the court shall assess the significance of violations committed by the citizens' association and of their consequences, as well as the possibility of their rectification without liquidation or prohibition of activities of the association.

This approach is subject to application during court consideration of an administrative claim for liquidation or prohibition of activities of a citizens' association also on other grounds.

33. By virtue of Part 3 of Article 64 of the CAJP RF, an effective ruling adopted in a case regarding an administrative offence is binding for the court considering an administrative case on administrative legal consequences of actions of the person in whose regard the ruling was adopted, only as to whether certain actions took place and whether they were committed by that person. Herewith, it should be taken into account that the court's conclusions contained in the ruling in the administrative offence case in regard of those issues do not by themselves pre-establish the existence or absence of grounds for prohibition of activities or liquidation of the citizens' association. The aforementioned grounds are established by the court after examination and assessment of all the evidence that has significance for the case, in accordance with the rules stipulated in the CAJP RF.

34. If the provisions of law are violated by a member (participant) of a citizens' association, the court should ascertain whether this person was acting on behalf of the citizens' association and (or) in its interests or in his own name (Article 6 of the Law on Public Associations, Articles 7 and 8 of the Law on Countering of Extremist Activity, Part 2 of Article 24 of the Law on Countering of Terrorism).

If there is information that the member (participant) of the citizens' association was acting upon his own initiative, and the citizens' association publicly announced its disagreement with the statements and actions of this person before the competent body or a prosecutor applied to court with an administrative claim, the association cannot be held liable for the aforementioned actions.

Herewith, public announcement means that the information was provided to the general public. The announcement cannot be considered public, if it was addressed exclusively to the members, participants or founders of this citizens' association.

35. Provisions of Chapter 27 of the CAJP RF do not deprive the court of the right to accept the renunciation of the administrative claim, the acknowledgement of the administrative claim and do not preclude the conclusion of a conciliation agreement.

When resolving whether it is possible to accept the renunciation of the administrative claim or its acknowledgment, the court should ascertain the reasons for which the administrative plaintiff is renouncing its claims, and the administrative defendant acknowledges the administrative claim, whether this renunciation or acknowledgment is the free expression of will of the party, whether this contradicts the law or violates the rights and freedoms of the administrative plaintiff and the administrative defendant, as well as of other persons, whether the party understands the consequences of acceptance of renunciation or acknowledgment of the claim by the court (Articles 46 and 157 of the CAJP RF).

If the violations of law are not regarded as gross, are not connected with engagement in terrorist or extremist activity and may be rectified in the manner stipulated in law, the court is entitled to approve the conciliation agreement.

By implication of Part 9 of Article 137 of the CAJP RF, this agreement must specify the manner and period of rectification of violations of law by the administrative defendant, which constituted grounds for filing a claim on liquidation by the competent body; the agreement should stipulate the obligation of the citizens' association to undergo liquidation in case of non-fulfillment of the aforementioned provisions (Article 353 of the CAJP RF).

A conciliation agreement not stipulating the obligatory liquidation of the citizens' association in case of non-rectification of specified violations is not subject to approval by the court.

36. In the operative part of a decision on suspension of activities of a political party, its regional office or another structural division, the court, apart from stipulating the term for which the activities of said organizations are suspended, stipulates a term during which the administrative defendant must rectify the discovered violations. If necessary, the court shall indicate particular actions that need to be performed in order to rectify the violations which constituted grounds for suspension of activities (Item 2 of Part 6 of Article 180 of the CAJP RF, Sub-item "b" of Item 3 of Article 41, Sub-item "b" of Item 3 of Article 42 of the Law on Political Parties).

Herewith, the period of suspension begins to run from the date on which the court decision comes into force.

37. In order to ensure the execution of decision on liquidation, the court, in the operative part of the decision, may oblige the founder (participants) of the citizens' association or the body competent to perform liquidation in accordance with the constituent document, to perform the liquidation of the association, stipulating the period for performance and finalisation of liquidation procedures (Item 5 of Article 61, Item 2 of Article 62 of the CC RF, Item 2 of Part 6 of Article 180 of the CAJP RF).

38. In the decision to satisfy the claims for liquidation of a public association, a religious association or another non-commercial organization on grounds stipulated in the federal law regulating relations in the sphere of countering of extremist activity and terrorism, the court simultaneously provides for the appropriation of property of the organization subject to liquidation, remaining after the creditors' claims are satisfied, by the Russian Federation (Part 2 of Article 264 of the CAJP RF, Part 3 of Article 24 of the Law on Countering of Terrorism, Article 9 of the Law on Countering of Extremist Activity).



In the operative part of the decision, the court shall also provide for the liquidation of the citizens' association or prohibition of its activities within the territory of the Russian Federation.

Furthermore, copies of judicial acts specified in Part 5 of Article 24 of the Law on Countering of Terrorism shall be sent by the court of the first instance to the federal executive body in the sphere of safety within five days from their entry into force or from return of the case from the court of appeal.

39. The court decision to satisfy an administrative claim for liquidation or prohibition of activities of a citizens' association on the grounds stipulated in legislation regarding counteraction of extremist activity and terrorism are subject to immediate execution in the part pertaining to the termination of activities of the public association, religious association or another organization.

As regards the satisfaction of other claims, in particular of the claim for appropriation of the organization's property by the Russian Federation, this decision shall be executed from the date of its entry into force (Part 3 of Article 264, Part 2 of Article 353 of the CAJP RF).

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. Momotov