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On Judicial Practice in Criminal Cases regarding Extremist Crimes (as amended by Plenary Rulings No. 41 of 3 November 2016, No. 32 of 20 September 2018)

The Constitution of the Russian Federation proclaims that the human being, its rights and freedoms are the supreme value, and that it is the duty of the state to recognise, respect and protect them (Article 2); it also stipulates that human and civil rights and freedoms may be restricted by federal law only to the extent proportionate to constitutionally significant aims (Article 55).

Ideological and political plurality, a multi-party system are recognised in the Russian Federation; no ideology may be established as the state or obligatory ideology. The establishment and activities of public associations, the aims or actions of which are directed at forcible alteration of the foundations of the constitutional system and violation of integrity of the Russian Federation, the undermining of security of the state, formation of armed groups, incitement of social, racial, national and religious strife, are prohibited (Article 13 of the Constitution of the Russian Federation).

In accordance with the Constitution of the Russian Federation, the state guarantees the equality of human and civil rights and freedoms regardless of sex, race, nationality, language, origin, property and employment status, place of residence, attitude to religion, beliefs, membership in public associations or of any other

circumstances; any forms of restriction of rights of citizens based on social, racial, national, linguistic or religious grounds are prohibited (Article 19).

While guaranteeing the right to freedom of thought and speech, the Constitution of the Russian Federation prohibits propaganda or campaigning that incites social, racial, national or religious hatred and strife, propaganda of social, racial, national, religious or language superiority (Article 29).

International legal standards in the sphere of human rights, while proclaiming everyone's right to freedom of expression, stipulate at the same time that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, the provision of any assistance to racist activities, including the financing thereof; any discrimination based on religion or belief must be prohibited by law (Universal Declaration of Human Rights of 10 December 1948, International Covenant on Civil and Political Rights of 16 December 1966, International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, UN General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 25 November 1981, Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950).

The Shanghai Convention on Combating Terrorism, Separatism and Extremism of 15 June 2001 stipulates that terrorism, separatism and extremism, irrespective of their motives, cannot be justified under any circumstances, and that persons guilty of such acts must be held liable in accordance with the law.

In the interests of realisation of the aforementioned constitutional prohibitions and performance of international obligations, the Criminal Code of the Russian Federation stipulates liability for extremist crimes.

For the purpose of ensuring the uniformity of judicial practice in criminal cases regarding extremist crimes, 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. When considering criminal cases regarding extremist crimes, the courts should ensure the protection of public interests (the foundations of the constitutional system, integrity and security of the Russian Federation) on the one hand and the protection of human and civil rights and freedoms guaranteed by the Constitution of the Russian Federation (freedom of conscience and religious worship, freedom of thought, speech and the mass media, right to freely seek, receive, transfer, produce and disseminate information by any lawful means, right to gather peacefully, without weapons, and to hold assemblies, rallies and demonstrations, marches and picketing) on the other hand.

It is brought to the attention of the courts that the freedom of thought and speech, as well as the right to freely seek, receive, transfer, produce and disseminate information by any lawful means, guaranteed by the Constitution of the Russian Federation and international legal acts, may be restricted only in exceptional cases explicitly stipulated in federal law, to the extent necessary in a democratic society for the protection of the foundations of the constitutional system, morality, health, rights and lawful interests of other persons, for ensuring the defence of the country and the security of the state, public order, territorial integrity (Part 3 of Article 55 of the Constitution of the Russian Federation, paragraph 3 of Article 19 of the International Covenant on Civil and Political Rights, paragraph 2 of Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms).

2. Based on provisions of Note 2 to Article 282.1 of the CrC RF [Criminal Code of the Russian Federation], extremist crimes include the crimes motivated by political, ideological, racial, national or religious hatred or strife, or motivated by hatred or strife against any particular social group, stipulated in the corresponding Articles of the Special Part of the Criminal Code of the Russian Federation (e.g. Articles [280](#), [280.1](#), [282](#), [282.1](#), [282.2](#), [282.3](#) of the CrC RF, Item “k” of Part 2 of Article 105 [Murder], Item “f” of Part 2 of Article 111 [Intentional Infliction of Grave Harm to Health], Item “b” of Part 1 of Article 213 [Hooliganism] of the CrC RF), as well as other crimes committed based on said motives, which is recognised as an aggravating circumstance in accordance with Item “f” of Part 1 of Article 63 of the CrC RF.

2.1. When considering an appeal against a decree on initiation of a criminal case regarding an extremist crime in the manner stipulated in Article 125 of the CrPC RF [Criminal Procedure Code of the Russian Federation], the court should thoroughly check not only the reason, but also the grounds for the initiation of the

case. This presupposes that materials containing sufficient data indicating the elements of the corresponding crimes should be provided to the court.

It is brought to the attention of the courts that, taking into account the contents of disposition of Article 282 of the CrC RF, such data should include not only the mere fact that an image, an audio or video file, containing the elements of incitement of strife and hatred, humiliation of dignity of a person or a group of persons based on the elements described in the Article, was posted in the Internet or in another information and telecommunication network; other data should also be included, indicating the motive of the perpetrated act and its danger to the public.

3. When conducting proceedings in criminal cases regarding extremist crimes, the courts should take into account that in accordance with Item 2 of Part 1 of Article 73 of the CrPC RF, the motives of commission of the aforementioned crimes are subject to proof.

If a crime against the life and health, motivated by political, ideological, racial, national or religious hatred or strife, or motivated by hatred or strife against any particular social group, is qualified under Item “k” of Part 2 of Article 105, or under Item “f” of Part 2 of Article 111, or under Item “f” of Part 2 of Article 112 [Intended Infliction of Moderate Harm to Health], or under Item “b” of Part 2 of Article 115 [Intended Infliction of Slight Harm to Health], or under Article 116 of the CrC RF [Battery], this precludes simultaneous qualification of the act under other items of those Articles, which refer to a different motive or aim of the crime (e.g. hooliganism).

Crimes motivated by political, ideological, racial, national or religious hatred or strife, or motivated by hatred or strife against any particular social group should be distinguished from crimes committed out of personal animosity. In order to correctly establish the motive of the crime, the court should, in particular, take into account the duration of interpersonal relations of the defendant with the victim, whether there were any conflicts not involving national, religious, ideological, political convictions, race or affiliation with a certain social group between the defendant and the victim.

4. Public incitement (Article 280 of the CrC RF) should be understood as addresses to other persons made in any form (e.g. oral, written, with the use of technical means), with the aim of motivating them to engage in extremist activities.

When establishing the aim of incitement, the court should take into account the provisions of Federal Law No. 114 of 25 July 2002 “On Countering Extremist Activities”.

The court should resolve whether incitement was of public nature by taking into account the location, means, environment and other facts of the case (addressing a group of persons in public places, at assemblies, rallies, demonstrations, distribution of flyers, placement of placards, dissemination of addresses through bulk messaging to cellular network subscribers, etc.).

The crime is regarded as accomplished from the moment of public announcement (dissemination) of at least one address, independent of whether it succeeded in motivating other citizens to engage in extremist activities.

5. It is brought to the attention of the courts that Article 280 of the CrC RF stipulates liability solely for the public incitement to extremist activities. Public dissemination of information substantiating the need to perpetrate unlawful actions against persons based on their race, nationality, religious affiliation, etc. or of information justifying such activities should be qualified under Article 282 of the CrC RF, where other elements of that crime are present.

By virtue of provisions of Part 3 of Article 17 of the CrC RF, public incitement to terrorist activities should not be qualified under Article 280 of the CrC RF, but under Part 1 or 2 of Article 205.2 of the CrC RF [Public Incitement to Terrorist Activities, Public Justification of Terrorism or Propaganda of Terrorism], depending on the facts of the case. Public incitement to actions aimed at violation of territorial integrity of the Russian Federation is subject to qualification under Part 1 or 2 of Article 280.1 of the CrC RF, depending on the facts of the case.

6. When resolving whether mass media or information and telecommunication networks, including the Internet, were used (Part 2 of Article 280, Part 2 of Article 280.1, Article 282 of the CrC RF), the courts should take into account the provisions of the Law of the Russian Federation No. 2124-I of 27 December 1991 “On Mass Media” and of Federal Law No. 149 of 27 July 2006 “On Information, Information Technologies and Protection of Information”.

6.1. When public incitement to extremist activities is committed through bulk messaging to cellular network subscribers 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 such addresses are posted in the aforementioned public networks (e.g. on websites, forums or in blogs), when messages are sent to other persons.

6.2. Public incitement to actions aimed at violation of territorial integrity of the Russian Federation (Article 280.1 of the CrC RF) should be distinguished from instigation to crimes infringing upon the territorial integrity of the state (e.g. from instigating a certain person to armed mutiny with the aim of violating the territorial integrity of the Russian Federation). Public incitement stipulated in Article 280.1 of the CrC RF must not be aimed at inducing certain persons to commission of concrete criminal offences.

7. Actions aimed at inciting hatred or strife and, likewise, at humiliation of dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion or affiliation with any particular social group entail criminal liability under Part 1 of Article 282 of the CrC RF only if they are committed publicly or with the use of mass media or of information and telecommunication networks, including the Internet (e.g. speaking at assemblies, rallies; distribution of flyers, placards; placement of corresponding information in journals, brochures, books, on websites, forums or in blogs; bulk electronic messaging; and similar actions, in particular when it is suggested that other persons will learn the information in the future).

Statements substantiating and (or) declaring the need for genocide, mass repressions, deportations, perpetration of other illegal actions, including the use of violence, against representatives of any particular nation, race, followers of a certain religion, should in particular be understood as actions aimed at inciting hatred or strife. Criticism of political organisations, ideological and religious associations, of political, ideological or religious beliefs, national or religious customs must not by itself be regarded as action aimed at inciting hatred or strife.

When establishing whether an act perpetrated against an official (professional politician) contained actions aimed at humiliating the dignity of a person or a group of persons, the courts should take into account the provisions of Articles 3 and 4 of the Declaration on Freedom of Political Debate in the Media, adopted by the Committee of Ministers of the Council of Europe on 12 February 2004, as well as the case law of the European Court of Human Rights, in accordance with which political figures striving to appeal to the confidence of the public thereby accept to

subject themselves to public political debate and criticism through the media; public officials may be subject to criticism through the media over the way in which they carry out their functions, insofar as this is necessary for ensuring transparency and the responsible exercise of their functions. Criticism of officials (professional politicians), their actions and beliefs through the media should not by itself in all cases be regarded as an action aimed at humiliating the dignity of a person or a group of persons, since the limits of acceptable criticism are wider as regards the aforementioned persons than as regards private individuals.

The crime stipulated in Part 1 of Article 282 of the CrC RF is regarded as accomplished from the moment of perpetration of at least one action aimed at inciting hatred or strife and, likewise, at humiliating the dignity of a person or a group of persons based on their sex, race, nationality, language, origin, attitude to religion, affiliation with any particular social group.

8. The crime stipulated in Article 282 of the CrC RF is committed only with direct intent and with the aim of inciting hatred or strife and, likewise, of humiliating the dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion, affiliation with any particular social group.

If a person posts materials (e.g. video, audio, graphical or text materials), created by her-/himself or by another person, in the Internet or in another information and telecommunication network, in particular on her/his personal page or on the pages of other users, including information that has earlier been recognised as extremist material by a court, this act may only be qualified under Article 282 of the CrC RF if it is established that the person posting such materials was aware that the act was directed at violating the foundations of the constitutional system and also had the aim of inciting hatred or strife, or humiliating the dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion or affiliation with any particular social group.

When resolving whether a person directly intended and aimed to incite hatred or strife and, likewise, to humiliate human dignity when posting materials on the Internet or in another information and telecommunication network, the court should proceed from the totality of all circumstances of the act and in particular take into account the form and content of the posted information, its context, whether and how the person commented on that information or otherwise expressed her/his attitude towards it, whether the person copied or created the corresponding audio, video files, text or image her-/himself, the contents of the

whole page of that person, information about the activities of that person before and after posting the information (in particular, whether he/she acted in order to increase the number of views and the user audience), information about her/his personality (in particular, whether he/she follows a radical ideology, participates in extremist associations, has earlier been held administratively and (or) criminally liable for extremist offences and crimes), the volume of information of that kind, the frequency and duration of its posting, the intensity of updates.

The issue of whether mass distribution of extremist materials included into the published federal list of extremist materials is a crime stipulated in Article 282 of the CrC RF or an administrative offence (Article 20.29 [Production and Distribution of Extremist Materials] of the Code of the Russian Federation on Administrative Offences [hereinafter – the CAO RF]) must be resolved depending on the intent of the person distributing such materials.

Where a person distributes extremist materials included into the published federal list of extremist materials with the aim of inciting hatred or strife and, likewise, of humiliating the dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion and, likewise, affiliation with any particular social group, this act must entail criminal liability under Article 282 of the CrC RF.

If a person states opinions and conclusions using the facts of interethnic, interconfessional or other social relations in scientific or political discussions and texts, and these opinions and conclusions are not aimed at inciting hatred or strife and, likewise, at humiliating the dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion, affiliation with any particular social group, this is not a crime stipulated in Article 282 of the CrC RF.

8.1. It is brought to the attention of the courts that in the course of legal evaluation of actions aimed at inciting hatred or strife, as well as humiliating the dignity of a person or a group of persons based on the corresponding features, the courts should proceed from the nature and degree of public danger of the act and should take into account the provisions of Part 2 of Article 14 of the CrC RF, which states that an action (failure to act), although formally containing the elements of an act stipulated in criminal legislation, but not presenting public danger due to its insignificance, is not a crime.

When resolving whether an act is insignificant, i.e. not presenting public danger, the courts should in particular take into account the volume and composition of the audience that had access to the corresponding information, the number of views of the information, the influence of the posted information upon the behaviour of persons comprising that audience.

9. As opposed to violent crimes against the life and health motivated by political, ideological, racial, national or religious hatred or strife, or by hatred or strife against any particular social group, stipulated in Chapter 16 of the CrC RF (Item “k” of Part 2 of Article 105, Item “f” of Part 2 of Article 111, Item “f” of Part 2 of Article 112, Item “b” of Part 2 of Article 115, Article 116, Item “h” of Part 2 of Article 117 [Torment] of the CrC RF), where violence is used in the commission of a crime stipulated in Article 282 of the CrC RF, it is not only the expression of hatred against the concrete victim, but also has a special aim – incitement of hatred or strife in other persons (for example, this may be indicated by the use of violence against the victim(s) in public places in the presence of third persons, based on the victim’s race or nationality, accompanied by racial or nationalist slurs).

Actions aimed at inciting hatred or strife, as well as at humiliating the dignity of a person, accompanied by battery, other violent actions involving the infliction of physical pain on the victim or restricting her/his liberty (e.g. tying of hands, use of handcuffs, leaving the victim in a closed space, etc.), as well as accompanied by intended infliction of slight or medium harm to the health, are covered by Item “a” of Part 2 of Article 282 of the CrC RF.

Intended infliction of grave harm to the victim’s health in commission of a crime stipulated in Article 282 of the CrC RF should be qualified as a cumulation of crimes (under Item “a” of Part 2 of Article 282 of the CrC RF and Item “f” of Part 2 of Article 111 of the CrC RF), unless there are other qualifying elements stipulated in those Articles.

Where the incitement of hatred or strife and, likewise, humiliation of human dignity are accompanied by murder, this should be qualified as a cumulation of crimes under Item “a” of Part 2 of Article 282 of the CrC RF and Item “k” of Part 2 of Article 105 of the CrC RF, unless there are different qualifying elements.

10. The term “persons using the powers vested in them by virtue of their office” in particular covers officials that have the features stipulated in Note 1 to Article 285

of the CrC RF [Abuse of Official Powers], state or municipal servants that are not officials, as well as other persons meeting the requirements stipulated in Note 1 to Article 201 of the CrC RF [Abuse of Powers].

The use of one's office (Item "b" of Part 2 of Article 282, Part 3 of Article 282.1, Part 3 of Article 282.2 and Part 2 of Article 282.3) is realised not only through intended use of vested powers by the abovementioned persons, but also through the exercise of influence over other persons (based on the significance and authority of occupied office) for the purpose of perpetration by them of actions aimed, in particular, at inciting hatred or strife, as well as at humiliating the dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion and, likewise, affiliation with any particular social group.

11. Where vandalism is committed, historical and cultural monuments are destroyed or damaged, bodies of the deceased and places of their burial are desecrated based on motives of political, ideological, racial, national or religious hatred or strife, or hatred or strife against any particular social group, these acts are accordingly qualified under Article 214 [Vandalism], 243 [Destruction or Damage to Cultural Heritage Objects] or 244 of the CrC RF [Desecration of Bodies of the Deceased and of Places of Their Burial]. If said acts were accompanied by actions stipulated in Article 282 of the CrC RF (e.g. if corresponding inscriptions or drawings were made on the monuments, nationalist slogans were pronounced in the presence of third persons), this is qualified as a cumulation of crimes stipulated, accordingly, in Article 214, 243 or 244 of the CrC RF and in Article 282 of the CrC RF.

12. An extremist community (Article 282.1 of the CrC RF) should be understood as a stable group of persons united in advance in order to prepare or commit one or several extremist crimes. The group is characterized by the presence of an organiser (leader) within its composition, the stability of composition, consistency of actions of its participants for the realisation of common criminal intentions. Herewith, an extremist community may consist of structural units (parts).

In order for an organised group to be recognised as an extremist community, no prior court decision is necessary, prohibiting or liquidating a public or religious association or another organisation due to engagement in extremist activities.

A structural unit (part) of an extremist community is a functionally and (or) territorially separate group, consisting of two or more persons (including the leader

of that group), engaged in criminal activities within the framework and in accordance with the aims of the extremist community. Such structural units (parts) may not only commit certain extremist crimes, but may also perform other tasks that ensure the functioning of the extremist community (e.g. provision of weapons, other items used as weapons to the community, production of flyers, literature and other extremist materials).

The association of organisers, leaders or other representatives of parts or structural units of the extremist community is created for elaboration of plans and (or) creation of conditions for commission of extremist crimes.

13. It is clarified to the courts that criminal liability stipulated in Article 282.1 of the CrC RF for creation of an extremist community, management of it (of its part or structural units comprising such a community) or participation in it is entailed where organisers, managers and participants of this community are united by the intent to prepare or commit extremist crimes, if they are aware of the common aims of functioning of that community and of their own affiliation with it.

14. Criminal liability for creation of an extremist community (Part 1 of Article 282.1 of the CrC RF) is entailed from the moment of actual formation of that community, i.e. from the moment when two or more persons unite into a stable group for the aim of preparation or commission of extremist crimes. In particular, perpetration of intentional actions directed at creation of conditions for commission of extremist crimes or indicating that the extremist community is ready to realise its criminal intent may be a sign of this aim, independent of whether the participants of such a community commit the planned extremist crime. For example, where an agreement is reached to use violence in public places against other persons because they belong (or do not belong) to a certain sex, race, nationality, language or social group, based on their origin, attitude to religion, this may indicate that the extremist community is ready to commit said crimes.

Actions that led to creation of stable ties among the organisers, managers or other representatives of parts or structural units of an extremist community for the aim of joint elaboration of plans and (or) creation of conditions for commission of extremist crimes are qualified under Part 1 of Article 282.1 of the CrC RF as creation of an association of such organisers, managers and representatives.

15. In the context of Article 282.1 of the CrC RF, the management of an extremist community, its part or structural units comprising such a community should be

understood as exercise of managerial functions in regard of the extremist community, its part or structural units, as well as in regard of its separate participants, both during the commission of concrete extremist crimes and when ensuring the activities of such an extremist community.

Such management may in particular take the form of elaboration of general plans of activities of the extremist community, preparation for commission of concrete extremist crimes, performance of other actions aimed at reaching the goals set before the extremist 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 ways to commit crimes, taking of security measures in regard of members of the extremist community).

15.1. When courts consider criminal cases on crimes stipulated in Part 1.1 of Article 282.1 or Part 1.1 of Article 282.2 of the CrC RF, the “inducement, recruitment or other enticement” of a person into the activities of an extremist community or extremist organisation should be understood, in particular, as intentional actions aimed at enticing a particular person (group of persons) into such activities, e.g. through suasion, bribery, intimidation, persuasion, plea, offers (including those performed through placement of materials on different media and dissemination via information and telecommunication networks), physical coercion or through search for persons and their enticement into the activities of the extremist community or extremist organisation.

The inducement, recruitment or other enticement of a person into the activities of an extremist community or extremist organisation should be regarded as an accomplished crime from the moment of perpetration of said actions, independent of whether the person being enticed participated in the activities of the corresponding extremist association.

16. Participation in an extremist community (Part 2 of Article 282.1 of the CrC RF) should be understood as entering the composition of such a community with the intent to participate in preparation or commission of one or several extremist crimes, participation in preparation for commission of the aforementioned extremist crimes, and (or) direct commission of such crimes, as well as performance of functional duties ensuring the activities of such a community (provision of information, keeping of records, etc.).

A crime in the form of participation of a person in an extremist community is regarded as accomplished from the moment when that person enters the composition of such a community with the intent to participate in preparation or commission of one or several extremist crimes.

17. If a participant of an extremist community commits a concrete crime, her/his actions must be qualified as cumulative crimes, stipulated in Part 2 of Article 282.1 of the CrC RF and in the corresponding part (item) of an Article of the Criminal Code of the Russian Federation, with due regard to the “organised group” qualifying element. If the elements of the committed crime do not stipulate its commission by an organised group as a qualifying element, the actions of that person are subject to qualification under Part 2 of Article 282.1 of the CrC RF and under the corresponding part (item) of an Article of the Criminal Code of the Russian Federation that has a qualifying element “by a group of persons by prior conspiracy”, or, in its absence – under the “by a group of persons” element.

If the elements of the committed crime do not stipulate its commission by an organised group, a group of persons by prior conspiracy or by a group of persons as a qualifying element, the actions of the person should be qualified under Part 2 of Article 282.1 of the CrC RF and the corresponding Article of the Criminal Code of the Russian Federation. Herewith, the commission of a concrete crime by participants of an extremist community acting as an organised group is regarded as an aggravating circumstance in accordance with Item “c” of Article 63 of the CrC RF.

18. Only persons who have reached the age of 16 may be subjects of crimes stipulated in Article 282.1 of the CrC RF. Persons of 14 to 16 years of age, who committed concrete crimes together with the members of an extremist community, are subject to criminal liability only for those crimes, liability for which is stipulated in law from the age of 14 (Article 20 of the CrC RF).

19. When considering cases on crimes stipulated in Article 282.2 of the CrC RF, “public or religious associations or other organisations, in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities” should include the organisations indicated in the special list created in accordance with Article 9 of Federal Law “On Countering Extremist Activities” and subject to official publication.

A person may be held criminally liable for crimes stipulated in Article 282.2 of the CrC RF, if they were committed after the official publication of information that the corresponding organisation is recognised as an extremist one, and its activities are prohibited on the territory of the Russian Federation by virtue of a court decision.

20. The organisation of activities of a public or religious association or of another organisation, in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities (Part 1 of Article 282.2 of the CrC RF), should be understood as actions of organisational nature, aimed at continuation or renewal of unlawful activities of the prohibited organisation (e.g. convocation of meetings; organisation of recruitment of new members; organisation of marches; use of bank accounts, unless this is related to the liquidation procedure).

Participation in the activities of an extremist organisation (Part 2 of Article 282.2) is understood as perpetration of intentional 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 events organised by it, etc.).

If an organiser (manager) or participant of an extremist organisation commits a concrete crime, her/his actions are subject to qualification as cumulative crimes, stipulated in Part 1 or 2 of Article 282.2 of the CrC RF and in the corresponding Article of the Criminal Code of the Russian Federation.

21. When differentiating between the crimes stipulated in Article 282.2 of the CrC RF and an administrative offense stipulated in Article 20.28 of the CAO RF [Organisation of Activities of a Public or Religious Association, in regard of Which There Is a Decision on Halt of Activities], the court should take into account that organisation of activities and participation in the activities of a public or religious association, in regard of which there is an effective court decision on halting of its activities, entail administrative liability; while perpetration of those actions, where there is an effective decision on liquidation or prohibition of activities of a public or religious association due to its engagement in extremist activities, entails criminal liability.

22. It is brought to the attention of the courts that Note 1 to Article 282.1 and Note to Article 282.2 of the CrC RF stipulate the conditions for exemption from

criminal liability, which apply to organisers and other participants of an extremist community or extremist organisation, who have committed the corresponding crime for the first time and voluntarily terminated their participation in the activities of such associations, unless their actions contain the elements of a different crime.

In the context of Note 1 to Article 282.1 and Note to Article 282.2 of the CrC RF, voluntary termination of participation in the activities of an extremist community or extremist organisation is understood as termination of criminal activities by a person, where this person is aware of the possibility to continue them. It may take the form of leaving the composition of the extremist community or extremist organisation, non-execution of orders of their managers, refusal to perform other actions supporting the existence of the community or organisation, refusal to commit crimes.

22.1. It is clarified to the courts that Article 282.3 of the CrC RF stipulates liability for actions consisting in provision or gathering of funds or rendering of financial services for the financing of organisation, preparation and commission of at least one of the extremist crimes or for ensuring the activities of an extremist community or extremist organisation.

Along with rendering of financial services, the notion of financing of extremist activities should include the provision or gathering not only of monetary funds (in cash or cashless form), but also of material funds (e.g. clothing, equipment items, communication means) with the understanding that they are intended for the financing of organisation, preparation or commission of at least one extremist crime or for the financing or other material support of a person for the purpose of commission by that person of at least one of those crimes, or for ensuring the activities of an extremist community or extremist organisation (e.g. systematic payments or a single payment into a pooled fund, procurement of real property or payment of rent for that property, provision of monetary funds for the purpose of bribing of officials).

The crime is accomplished from the moment of perpetration of any of the aforementioned actions pertaining to the financing of an extremist crime, ensuring the activities of an extremist community or extremist organisation.

22.2. Where the guilty person otherwise aids in the commission of extremist crimes, apart from financing them (aid with advice, directions, provision of

information, removing of obstacles, etc.), these actions form a cumulation of crimes stipulated in Article 282.3 and in the corresponding Article of the Special Part of the CrC RF with reference to Part 5 of [Article 33](#) of the CrC RF.

23. Where necessary, a linguistic expert examination may be appointed in order to establish the aim of the information materials. Apart from linguists, specialists working in the corresponding fields (psychologists, historians, religion scholars, anthropologists, philosophers, political scientists, etc.) may be drawn to participation in the examination. In such a situation, a complex expert examination is appointed.

When court expert examinations are appointed in cases regarding extremist crimes, it is not permitted to ask the expert legal questions pertaining to evaluation of the act, which are beyond her/his competence and within the exclusive competence of the court. In particular, an expert may not be asked whether a text contains incitement to extremist activities, whether the information materials are aimed at inciting hatred or strife.

Based on provisions of Article 198 of the CrPC RF, when considering criminal cases regarding extremist crimes, the court should ensure that the defendant is able to study the ruling appointing the court expert examination (independent of the type of examination) and the expert conclusion received as its result, or the message stating that it is impossible to provide a conclusion; that the defendant is able to recuse the expert or motion for the expert examination to be conducted in a different expert institution, to motion for a person named by the defendant to be drawn as an expert or for the expert examination to be conducted in a particular expert institution, for additional questions to the expert to be added into the court decree (ruling) appointing the expert examination.

By virtue of provisions of Part 4 of Article 271 of the CrPC RF, when considering a case regarding an extremist crime, the court may not refuse to satisfy a motion for a person appearing in the court session at the initiative of any of the parties to be questioned within the framework of the court session in the capacity of a specialist. Herewith, the court should check whether that person has special knowledge in the sphere that is the subject matter of the trial.

In accordance with Part 1 of Article 69, Item 3 of Part 2 of Article 70, Part 2 of Article 71 of the CrPC RF, the court may decide to recuse the specialist, if no documents are presented confirming that the person, for whose questioning in the

capacity of a specialist a motion was filed, has special knowledge, if such documents are found insufficient, or if it is discovered during the questioning that that person is incompetent.

When assessing an expert conclusion in a case regarding extremist crimes, the court should take into account that the conclusion does not have predetermined force, has no priority over other pieces of evidence, and, like all other evidence, is assessed based on general rules, together with the rest of the evidence. Herewith, the issue of whether certain actions constitute public incitement to engagement in extremist activities or to perpetration of actions aimed at violation of territorial integrity of the Russian Federation, as well as constitute incitement of hatred or strife and, likewise, humiliation of human dignity, lies within the competence of the court.

24. The courts should ensure that punishment is individualised for persons found guilty of extremist crimes. When appointing punishment for a person that was underage at the moment of commission of said crime, the court, in accordance with Part 1 of Article 89 of the CrC RF, should study and take into account that person's living and upbringing conditions, level of psychological development, other features of personality, as well as the influence of older persons upon the underage.

25. 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 282.1, 282.2, 282.3 of the CrC RF, the issue of confiscation of money, valuables and other property acquired as a result of commission 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 CrPC RF, the court may decide to confiscate the instruments, equipment or other means of commission of the crime belonging to the defendant.

25.1. If a judge considered a criminal case in regard of a participant of an extremist organisation, this does not preclude the same judge from considering a criminal

case in regard of other participants of the same extremist organisation, unless Articles 61 and 63 of the CrPC RF apply.

26. In accordance with Part 4 of Article 29 of the CrPC RF, it is recommended to the courts, when considering criminal cases regarding extremist crimes, to discover the circumstances that contributed to commission of said crimes and to draw the attention of the corresponding organisations and officials to those circumstances by adopting special court decrees (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 1

Translation of Articles of the Criminal Code of the Russian Federation, referred to in the text of the Ruling (as of 1 October 2020)

Article 33. Types of Accomplices of Crime

1. In addition to the perpetrator [*исполнитель*], the accomplices of a crime [*соучастники преступления*] are the organiser [*организатор*], the instigator [*подстрекатель*] and the accessory [*пособник*].
2. The perpetrator is a person that directly committed the crime or directly participated in its commission together with other persons (co-perpetrators), and also a person that committed the crime by using other persons, who are not subject to criminal liability due to age, insanity or other circumstances stipulated in this Code.
3. The organiser is a person that organised the commission of the crime or managed its commission, and also a person that created an organised group or a criminal community (criminal organisation) or managed them.
4. The instigator is a person that induced another person into committing the crime through suasion, bribery, threat or in another manner.
5. The accessory is a person that assisted in the commission of the 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 items, as well as a person that promised in advance to purchase or deal in such items.

Article 35. Commission of a Crime by a Group of Persons, Group of Persons by Prior Conspiracy, Organised Group or a Criminal Community (Criminal Organisation)

1. A crime is regarded as committed by a group of persons, if two or more perpetrators participated in its commission without prior conspiracy.
2. A crime is regarded as committed by a group of persons by prior conspiracy, if persons that agreed in advance about the joint commission of a crime participated in it.
3. A crime is regarded as committed by an organised group, if it was committed by a stable group of persons, who united in advance in order to commit one or several crimes.

4. A crime is regarded as committed by a criminal community (criminal organisation), if it is committed by a structured organised group or an association of organised groups acting under a single leadership, the members of which are united for the purpose of jointly committing one or several grave or particularly grave crimes in order to directly or indirectly obtain financial or other material gains.

5. A person that created an organised group or a criminal community (criminal organisation) or headed them is subject to criminal liability for organising and leading them, where Articles 205.4, 208, 209, 210 and 282.1 of this Code apply, as well as for all the crimes committed by the organised group or criminal community (criminal organisation), if those crimes were within the scope of her/his intent. Other participants of the organised group or criminal community (criminal organisation) are criminally liable for participation therein, where Articles 205.4, 208, 209, 210 and 282.1 of this Code apply, as well as for the crimes in preparation or commission of which they participated.

6. The creation of an organised group in the instances not stipulated in Articles of the Special Part of this Code entails criminal liability for preparation to the crimes for commission of which it was created.

7. The commission of a crime by a group of persons, group of persons by prior conspiracy, organised group or criminal community (criminal organisation) entails a stricter punishment on the grounds and within the limits stipulated in this Code.

Article 280. Public Incitement to Extremist Activities

1. Public incitement to extremist activities -

is punished by a fine in the amount of 100 000 to 300 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 2 years, or by compulsory labour for a term up to 3 years, or by arrest for a term of 4 to 6 months, or by deprivation of liberty for a term up to 4 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for the same term.

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

are punished by compulsory labour for a term up to 5 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term up to 5 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years.

Article 280.1. Public Incitement to Actions Aimed at Violation of Territorial Integrity of the Russian Federation

1. Public incitement to actions aimed at violation of territorial integrity of the Russian Federation -

is punished by a fine in the amount of 100 000 to 300 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 2 years, or by compulsory labour for a term up to 3 years, or by arrest for a term of 4 to 6 months, or by deprivation of liberty for a term up to 4 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for the same term.

2. The same acts, where perpetrated with the use of mass media or of information and telecommunication networks, including the Internet, -
are punished by obligatory works for a term up to 480 hours, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term up to 5 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years.

Article 282. Incitement of Hatred or Strife and, likewise, Humiliation of Human Dignity

1. Actions aimed at incitement of hatred or strife, as well as at humiliation of dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion and, likewise, based on affiliation with any particular social group, publicly performed (in particular with the use of mass media or information and telecommunication networks, including the Internet) by a person within one year after he/she has been held administratively liable for a similar offence, -

are punished 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, or by compulsory labour for a term of 1 to 4 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term of 2 to 5 years.

2. Actions aimed at incitement of hatred or strife, as well as at humiliation of dignity of a person or a group of persons based on sex, race, nationality, language, origin, attitude to religion and, likewise, affiliation with any particular social group, publicly performed (in particular with the use of mass media or information and telecommunication networks, including the Internet):

- a) with the use of violence or threat of its use;
- b) with the use of powers vested in a person by virtue of her/his office;
- c) by an organised group, -

are punished by a fine in the amount of 300 000 to 600 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 3 years, or by compulsory labour for a term of 2 to 5 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term of 3 to 6 years.

Article 282.1. Organisation of an Extremist Community

1. Creation of an extremist community, i.e. of an organised group of persons for preparation or commission of extremist crimes and, likewise, management of such an extremist community, its part or structural units comprising such a community, as well as creation of an association of

organisers, managers or other representatives of parts or structural units of such a community for the purposes of elaboration of plans and (or) conditions for commission of extremist crimes - is punished by a fine in the amount of 400 000 to 800 000 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 a term of 6 to 10 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 10 years and restriction of liberty for a term of 1 to 2 years.

1.1. Inducement [склонение], recruitment [вербовка] or other enticement [вовлечение] of a person into the activities of an extremist community -

are punished by 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 compulsory labour for a term of 2 to 5 years, accompanied by restriction of liberty for a term of 1 to 2 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years, or by deprivation of liberty for a term of 4 to 8 years, accompanied by restriction of liberty for a term of 1 to 2 years.

2. Participation in an extremist community -

is punished by a fine in the amount of 300 000 to 600 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 3 years, or by compulsory labour for a term of 1 to 4 years, accompanied by restriction of liberty for a term up to 1 year, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term of 2 to 6 years, accompanied by restriction of liberty for a term up to 1 year, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years.

3. Acts stipulated in Parts 1, 1.1 or 2 of this Article, where perpetrated with the use of powers vested in a person by virtue of her/his office, -

are punished by deprivation of liberty for a term of 7 to 12 years, accompanied by restriction of liberty for a term of 1 to 2 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 3 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 10 years.

Notes:

1. A person, who has committed the crime stipulated in this Article for the first time and voluntarily terminated her/his participation in the activities of an extremist community, is exempt from criminal liability, unless her/his actions contain the elements of a different crime.

2. In this Code, extremist crimes are understood as crimes motivated by political, ideological, racial, national or religious hatred or strife, or motivated by hatred or strife against any particular social group, stipulated in the corresponding Articles of the Special Part of this Code and Item “f” of Part 1 of Article 63 of this Code.

Article 282.2. Organisation of Activities of an Extremist Organisation

1. Organisation of activities of a public or religious association or of another organisation, in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities, except for organisations that are recognised as terrorist ones in accordance with the legislation of the Russian Federation, -

is punished by a fine in the amount of 400 000 to 800 000 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 a term of 6 to 10 years, accompanied by deprivation of right to hold a certain office or engage in certain activities for a term up to 10 years and restriction of liberty for a term of 1 to 2 years.

1.1. Inducement, recruitment or other enticement of a person into the activities of an extremist organisation -

are punished by 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 compulsory labour for a term of 2 to 5 years, accompanied by restriction of liberty for a term of 1 to 2 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years, or by deprivation of liberty for a term of 4 to 8 years, accompanied by restriction of liberty for a term of 1 to 2 years.

2. Participation in the activities of a public or religious association or of another organisation, in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities, except for organisations that are recognised as terrorist ones in accordance with the legislation of the Russian Federation, -

is punished by a fine in the amount of 300 000 to 600 000 rubles or in the amount of salary or other income of the convicted person for a period of 2 to 3 years, or by compulsory labour for a term of 1 to 4 years, accompanied by restriction of liberty for a term up to 1 year, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term of 2 to 6 years, accompanied by restriction of liberty for a term up to 1 year, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years.

3. Acts stipulated in Parts 1, 1.1 or 2 of this Article, where perpetrated with the use of powers vested in a person by virtue of her/his office, -

are punished by deprivation of liberty for a term of 7 to 12 years, accompanied by restriction of liberty for a term of 1 to 2 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 3 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 10 years.

Note:

A person, who has committed the crime stipulated in this Article for the first time and voluntarily terminated her/his participation in the activities of a public or religious association or of another organisation, in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities, is exempt from criminal liability, unless her/his actions contain the elements of a different crime.

Article 282.3. Financing of Extremist Activities

1. Provision or gathering of funds or rendering of financial services, knowingly intended for the financing of organisation, preparation and commission of at least one of the extremist crimes or for ensuring the activities of an extremist community or extremist organisation, - is punished by 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 compulsory labour for a term of 1 to 4 years, accompanied by restriction of liberty for a term up to 1 year, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years, or by deprivation of liberty for a term of 3 to 8 years.

2. The same acts, where perpetrated with the use of powers vested in a person by virtue of her/his office, - are punished by 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 compulsory labour for a term of 2 to 5 years, accompanied by restriction of liberty for a term of 1 to 2 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years, or by deprivation of liberty for a term of 5 to 10 years.

Note:

A person, who has committed the crime stipulated in this Article for the first time, is exempt from criminal liability if he/she, by timely warning the authorities or in any other manner, contributed to prevention or suppression the crime that he/she financed and, likewise, contributed to suppression of activities of the extremist community or extremist organisation, for ensuring the activities of which he/she provided or gathered funds or rendered financial services, unless her/his actions contain the elements of a different crime.

ANNEX 2
Translation of Federal Law “On Extremist Activities”
(as of 1 October 2020)

RUSSIAN FEDERATION
FEDERAL LAW
On Countering Extremist Activities

25 July 2002

No. 114

Adopted by the State Duma on 27 June 2002
Approved by the Federation Council on 10 July 2002

For the purposes of protecting human and civil rights and freedoms, the foundations of the constitutional system, ensuring the integrity and security of the Russian Federation, this Federal Law determines the legal and organisational basics of countering extremist activities, stipulates liability for engagement therein.

Article 1. Basic Notions

For the purposes of this Federal Law, the following basic notions are used:

1) extremist activities (extremism):

- forcible alteration of the foundations of the constitutional system and (or) violation of territorial integrity of the Russian Federation (in particular, alienation of a part of the territory of the Russian Federation), except for delimitation, demarcation, redemarcation of the State Border of the Russian Federation with neighbouring states;
- public justification of terrorism and other terrorist activities;
- incitement of social, racial, national or religious strife;
- propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, national, religious or linguistic affiliation, or attitude to religion;
- violation of human and civil rights and freedoms, of lawful interests of persons based on their social, racial, national, religious or linguistic affiliation, or attitude to religion;
- obstruction of the exercise by citizens of their electoral rights and of the right to participate in a referendum, or violation of voting secrecy, accompanied by violence or the threat to use violence;
- obstruction of lawful activities of state bodies, local self-government bodies, election commissions, public and religious associations or other organisations, accompanied by violence or the threat to use violence;

- commission of crimes for motives indicated in Item “f” of Part 1 of Article 63 of the Criminal Code of the Russian Federation¹;
- use of Nazi attributes or symbols, or of attributes or symbols confusingly similar to Nazi attributes or symbols, or of attributes or symbols of extremist organisations, except where Nazi attributes or symbols, or attributes or symbols confusingly similar to Nazi attributes or symbols, or attributes or symbols of extremist organisations are used in forming a negative attitude to the ideology of Nazism and extremism, and where there are no elements of propaganda or justification of Nazi or extremist ideology;
- public calls to perpetration of the aforementioned acts or mass distribution of knowingly extremist materials and, likewise, their production or storage for the purposes of mass distribution;
- making of a public, knowingly false accusation of perpetration of acts, indicated in this Article and constituting a crime, while in office, against a person occupying the office of a public official of the Russian Federation² or the office of a public official of a constituent entity of the Russian Federation³;
- organisation and preparation of the aforementioned acts, as well as instigation to perpetration thereof;
- funding of the aforementioned acts or other assistance in organisation, preparation and perpetration thereof, in particular through provision of a training, printing, material and technical basis, telephone and other communications, or provision of information services;

2) extremist organisation – a public or religious association or another organisation in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities, adopted on the grounds stipulated in this Federal Law;

3) extremist materials – documents intended for publication or information on other media, calling to engagement in extremist activities, or substantiating or justifying the need to engage in such activities, including the works of leaders of the National Socialist German Workers’ Party, the Fascist Party of Italy, publications substantiating or justifying national and (or) racial superiority or justifying the practice of committing war crimes or other crimes aimed at full or partial elimination of any particular ethnic, social, racial, national or religious group;

4) symbols of an extremist organisation – symbols described in the constituent documents of an organisation in regard of which there is an effective court decision on liquidation or prohibition of activities due to engagement in extremist activities, adopted on the grounds stipulated in this Federal Law.

¹ *Translator’s note:* The motives listed in said Item are political, ideological, racial, national or religious hatred or strife, or hatred or strife against any particular social group.

² *Translator’s note:* A person occupying the office of a public official of the Russian Federation [лицо, занимающее государственную должность Российской Федерации] is a person occupying a position established by the Constitution of the Russian Federation, federal constitutional laws and federal laws for the direct exercise of powers of a state body.

³ *Translator’s note:* A person occupying the office of a public official of a constituent entity of the Russian Federation is a person occupying a position established by a constitution or charter of a constituent entity of the Russian Federation for the direct exercise of powers of a state body.

Article 2. Basic Principles of Countering Extremist Activities

The countering of extremist activities is based on the following principles:

- recognition of, respect for and protection of human and civil rights and freedoms and, likewise, of lawful interests of organisations;
- legality;
- publicity;
- the primacy of ensuring the security of the Russian Federation;
- the primacy of measures aimed at preventing extremist activities;
- cooperation of the state with public and religious associations, other organisations, citizens in countering extremist activities;
- inevitability of punishment for engagement in extremist activities.

Article 3. Main Lines of Countering Extremist Activities

Extremist activities are countered along the following main lines:

- taking of prophylactic measures aimed at preventing extremist activities, in particular at detection and subsequent elimination of the causes and conditions contributing to engagement in extremist activities;
- detection, prevention and suppression of extremist activities of public and religious associations, other organisations, natural persons.

Article 3.1. Features of Application of Legislation of the Russian Federation on Countering Extremist Activities in Regard of Religious Texts

The Bible, the Quran, the Tanakh and the Kangyur, their contents and quotations from them may not be recognised as extremist materials.

Article 4. Organisational Basics of Countering Extremist Activities

The President of the Russian Federation:

- determines the main lines of state policy in the sphere of countering extremist activities;
- establishes the competence of federal executive bodies, managed by her/him, as regards countering extremist activities.

The Government of the Russian Federation:

- determines the competence of federal executive bodies, managed by it, in the sphere of countering extremist activities;
- organizes the elaboration and implementation of measures aimed at preventing extremist activities, minimizing and (or) liquidating their consequences;

- organizes the provision of necessary forces, funds and resources for the activities of federal executive bodies as regards countering extremist activities.

Federal executive bodies, executive bodies of constituent entities of the Russian Federation and local self-government bodies participate in countering extremist activities within their competence.

In order to ensure coordination of activities of federal executive bodies, executive bodies of constituent entities of the Russian Federation and local self-government bodies in countering extremist activities, bodies may be formed by virtue of a decision of the President of the Russian Federation, composed of representatives of federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies and other persons⁴. Acts (joint acts) of the aforementioned bodies, representatives of which compose the corresponding body, may be adopted for implementation of decisions of these bodies.

Article 5. Prophylactic of Extremist Activities

For the purposes of countering extremist activities, federal public authorities, public authorities of constituent entities of the Russian Federation, local self-government bodies implement, on a priority basis and within their competence, prophylactic measures (including educational, propagandistic ones) aimed at preventing extremist activities.

Article 6. Issuing a Caution on Inadmissibility of Engagement in Extremist Activities

Where sufficient and previously confirmed information is available that unlawful actions are being prepared, which contain the elements of extremist activities, and where there are no grounds for holding a person criminally liable, the Prosecutor General of the Russian Federation or her/his deputy, or the corresponding prosecutor subordinate to her/him, or her/his deputy forwards a written caution on inadmissibility of such activities to the head of the public or religious association or the head of another organisation, as well as to other corresponding persons, indicating the concrete grounds on which the caution is issued.

In the event of failure to fulfil the demands stated in the caution, the person to whom that caution was issued may be held liable in the stipulated manner.

The caution may be appealed against in court in the stipulated manner.

⁴ *Translator's note:* Such a body was formed in 2011 under the name of Interagency Commission for Countering of Extremist Activities in the Russian Federation [*Межведомственная комиссия по противодействию экстремизму*].

Article 7. Issuing a Warning on Inadmissibility of Engagement in Extremist Activities to a Public or Religious Association or Another Organisation

If facts are discovered, indicating that elements of extremism are present in the activities of a public or religious association or another organisation, in particular in the activities of at least one of its regional or other structural units, a written warning on inadmissibility of such activities is issued to it, indicating the concrete grounds on which it is issued, including the committed violations. If it is possible to take measures to remedy the committed violations, the warning also stipulates the time for such remedy, no less than two months from the day on which the warning is issued.

A warning to a public or religious association or another organisation is issued by the Prosecutor General of the Russian Federation or the corresponding prosecutor subordinate to her/him. A warning to a public or religious association may also be issued by the federal executive body performing functions in the sphere of state registration of non-commercial organisations, public associations and religious organisations⁵ (hereinafter referred to as the federal body for state registration) or by its corresponding territorial body.

The warning may be appealed against in court in the stipulated manner.

If the warning is not appealed against in court in the stipulated manner or found illegal by the court, as well as if the corresponding public or religious association or another organisation, or their regional or other structural unit fails to remedy the committed violations that served as grounds for issuing the warning within the time stipulated in the warning, or if new facts are discovered within 12 months from the day on which the warning was issued, indicating that elements of extremism are present in their activities, the corresponding public or religious association or another organisation is subject to liquidation in the manner stipulated in this Federal Law, and the activities of a public or religious association that is not a legal person are subject to prohibition.

Article 8. Warning on Inadmissibility of Dissemination of Extremist Materials through a Mass Medium and of Its Engagement in Extremist Activities

If extremist materials are disseminated through a mass medium, or if facts are discovered, indicating that elements of extremism are present in its activities, the authorised state body that performed registration of this mass medium, or the federal executive body in the sphere of print, TV- and radio broadcasting and mass communications, or the Prosecutor General of the Russian Federation or the corresponding prosecutor subordinate to her/him issues a written warning regarding the inadmissibility of such actions or such activities to the founder and (or) the editorial board (chief editor) of this mass medium, indicating the concrete grounds on which it is issued, including the committed violations. If it is possible to take measures to remedy the committed violations, the warning also stipulates the time for such remedy, no less than 10 days from the day on which the warning is issued.

⁵ *Translator's note:* As of the time of translation, these functions are performed by the Ministry of Justice of the Russian Federation.

The warning may be appealed against in court in the stipulated manner.

If the warning is not appealed against in court in the stipulated manner or found illegal by the court, as well as if measures are not taken to remedy the committed violations that served as grounds for issuing the warning within the time stipulated in the warning, or if new facts are discovered within 12 months from the day on which the warning was issued, indicating that elements of extremism are present in the activities of the mass medium, the activities of the corresponding mass medium are subject to termination in the manner stipulated in this Federal Law.

Article 9. Liability of Public and Religious Associations, Other Organisations for Engagement in Extremist Activities

The establishment and activities of public and religious associations, other organisations the aims or actions of which are directed at engagement in extremist activities are prohibited in the Russian Federation.

Where the fourth part of Article 7 of this Federal Law applies, or where a public or religious association, or another organisation, or their regional or other structural unit engages in extremist activities resulting in violation of human and civil rights and freedoms, damage to one's personality, to citizens' health, to the environment, public order, public safety, property, lawful economic interests of natural and (or) legal persons, to the society and the state or creating a real danger of such damage, the corresponding public or religious association or another organisation may be liquidated, and the activities of the corresponding public or religious association that is not a legal person may be prohibited by virtue of a court decision based on an application of the Prosecutor General of the Russian Federation or of the corresponding prosecutor subordinate to her/him.

On the grounds stipulated in the second part of this Article, a public or religious association may be liquidated, and the activities of the corresponding public or religious association that is not a legal person may be prohibited also by virtue of a court decision based on an application of the federal body for state registration or of its corresponding territorial body.

If a court adopts a decision to liquidate a public or religious association on the grounds stipulated in this Federal Law, their regional and other structural units are also subject to liquidation.

The property of the public or religious association or of another organisation liquidated on the grounds stipulated in this Federal Law, remaining after the settlement of claims of its creditors, is subject to appropriation by the Russian Federation. A decision to appropriate said property for the benefit of the Russian Federation is issued by the court simultaneously with the decision on liquidation of a public or religious association or of another organisation.

The list of public and religious associations, other organisations in respect of which there are effective court decisions on liquidation or prohibition of activities based on grounds stipulated in this Federal Law, as well as the description of their symbols, are subject to publication in the

Internet, on the websites of federal executive bodies performing functions in the sphere of registration of public and religious associations, other organisations. That list is also subject to publication in official periodic publications determined by the Government of the Russian Federation.

Article 10. Suspension of Activities of a Public or Religious Association

If a public or religious association engages in extremist activities resulting in violation of human and civil rights and freedoms, damage to one's personality, to citizens' health, to the environment, public order, public safety, property, lawful economic interests of natural and (or) legal persons, to the society and the state or creating a real danger of such damage, the corresponding official or body may suspend the activities of such a public or religious association by virtue of their decision, from the moment they apply to court on the grounds stipulated in Article 9 of this Federal Law with an application for liquidation of a public or religious association or prohibition of its activities and until the court considers the aforementioned application.

A decision to suspend the activities of a public or religious association until the court consideration of an application for its liquidation or prohibition of its activities may be appealed against in court in the stipulated manner.

If the activities of a public or religious association are suspended, the rights of the public or religious association, of its regional and other structural units as of founders of mass media are suspended, they are prohibited to use state and municipal mass media, organise and hold assemblies, rallies, demonstrations, marches, picketing and other mass actions or public events, to participate in elections and referendums, to use bank deposits (except in order to perform settlements pertaining to their business activities, restitution of losses (damages) caused by their actions, payment of taxes, levies or fines, and payments under labour contracts).

If the court does not satisfy the application for liquidation of a public or religious association or the prohibition of its activities, this association renews its activities after the court decision becomes effective.

The activities of political parties are suspended in the manner stipulated in Federal Law "On Political Parties".

The list of public and religious associations the activities of which are suspended due to their engagement in extremist activities is subject to publication in the Internet, on the website of federal executive body performing functions in the sphere of registration of public and religious associations. That list is also subject to publication in official periodic publications determined by the Government of the Russian Federation.

Article 11. Liability of Mass Media for Dissemination of Extremist Materials and Engagement in Extremist Activities

The dissemination⁶ of extremist materials via mass media and their engagement in extremist activities are prohibited in the Russian Federation.

Where the third part of Article 8 of this Federal Law applies, or where a mass medium engages in extremist activities resulting in violation of human and civil rights and freedoms, damage to one's personality, to citizens' health, to the environment, public order, public safety, property, lawful economic interests of natural and (or) legal persons, to the society and the state or creating a real danger of such damage, the activities of the corresponding mass medium may be terminated by virtue of a court decision based on an application of the authorised state body that registered said mass medium, or of the federal executive body in the sphere of print, TV- and radio broadcasting and mass communications, or of the Prosecutor General of the Russian Federation or the corresponding prosecutor subordinate to her/him.

In order to prevent further dissemination of extremist materials, the court may suspend the supply of the corresponding issue of a periodical publication or of copies of an audio or video recording of a programme, or the release of the corresponding TV, radio or video programme in the manner stipulated for the taking of provisional measures under an administrative claim.

The court decision serves as grounds for the seizure of the non-marketed part of copies of the mass medium's product containing an extremist material from places of storage, wholesale and retail trade.

Article 12. Inadmissibility of Use of Public Communication Networks for Engagement in Extremist Activities

The use of public communication networks for engagement in extremist activities is prohibited.

If a public communication network is used for engagement in extremist activities, measures stipulated in this Federal Law are taken, with due regard to the features of relationships regulated by the legislation of the Russian Federation in the sphere of communications.

Article 13. Liability for Distribution of Extremist Materials

The distribution of extremist materials, as well as their production or storage for the purposes of distribution, are prohibited on the territory of the Russian Federation. Where so stipulated in the legislation of the Russian Federation, the production, storage or distribution of extremist materials is an offence that entails liability.

⁶ *Translator's note:* In the original Russian text, the same word, *распространение*, is used to denote both the dissemination of extremist materials by mass media and the distribution of hard copies of such materials.

Information materials are recognised as extremist by a federal court at the location of their discovery or distribution or at the location of the organisation that produced such materials, based on a prosecutor's application or in the course of proceedings in the corresponding case on an administrative offence, civil, administrative or criminal case.

A decision on confiscation is adopted by the court simultaneously with the decision to recognise information materials as extremist ones.

Within three days after a decision to recognise information materials as extremist ones becomes effective, its copy is forwarded by the court to the federal body for state registration.

Based on the court decision to recognise information materials as extremist ones, the federal body for state registration enters them into the federal list of extremist materials within 30 days.

The manner of maintaining the federal list of extremist materials is established by the federal body for state registration.

The federal list of extremist materials is subject to publication in the Internet, on the official website of the federal body for state registration⁷. The list is also subject to publication in mass media in the stipulated manner.

Article 14. Liability of Officials, State and Municipal Servants for Engagement in Extremist Activities

Statements regarding the necessity, admissibility, possibility or desirability of engagement in extremist activities, made by an official, as well as by another person employed in state or municipal service, publicly or in the performance of official duties, or with indication of office occupied by her/him and, likewise, failure of an official to take measures aimed at suppressing extremist activities in accordance with her/his competence entail liability stipulated in the legislation of the Russian Federation.

The corresponding state bodies and higher-ranking officials are obliged to immediately take the necessary measures to hold the persons perpetrating the actions indicated in the first part of this Article liable.

Article 15. Liability of Citizens of the Russian Federation, Foreign Citizens and Stateless Persons for Engagement in Extremist Activities

Citizens of the Russian Federation, foreign citizens and stateless persons bear criminal, administrative and civil liability for engagement in extremist activities in the manner stipulated in the legislation of the Russian Federation.

⁷ *Translator's note:* As of the time of translation, the list is available (in Russian) at: <https://minjust.gov.ru/ru/extremist-materials/?page=1>

For the purposes of ensuring state and public security, on the grounds and in the manner stipulated in federal law, access may be limited to state and municipal service, military service by contract and service in law enforcement bodies, as well as to employment in educational organisations and engagement in private investigation and security business, for a person who participated in extremist activities.

If the head or a member of the managing body of a public or religious association or of another organisation makes a public statement calling for engagement in extremist activities without indicating that this is her/his personal opinion and, likewise, if a court sentence for an extremist crime becomes effective in regard of such a person, the corresponding public or religious association or another organisation is obliged to publicly announce that it does not agree with the statements or actions of such a person within five days from the day on which said statement was made. If the corresponding public or religious association or another organisation fails to make such a public statement, this may be regarded as a fact indicating that elements of extremism are present in their activities.

The author of printed, audio, audiovisual and other materials (works) intended for public use and containing at least one of the elements stipulated in Article 1 of this Federal Law is regarded as a person engaging in extremist activities and bears liability in the manner stipulated in the legislation of the Russian Federation.

Article 16. Inadmissibility of Engagement in Extremist Activities during Mass Actions

Engagement in extremist activities during the holding of assemblies, rallies, demonstrations, marches and picketing is inadmissible. Organisers of mass actions are liable for compliance with the requirements pertaining to the manner of holding of mass actions, inadmissibility of engagement in extremist activities, as well as to their timely suppression, stipulated in the legislation of the Russian Federation. Internal affairs bodies of the Russian Federation warn the organisers of a mass action about the aforementioned liability in writing, prior to the holding of the mass action.

Mass action participants are prohibited from having weapons on their persons (except in areas where the bearing of cold arms forms part of national clothing), as well as items specially manufactured or fitted to cause harm to the health of citizens or material damage to natural and legal persons.

During the holding of mass actions, it is inadmissible to draw extremist organisations to participation therein, to use their symbols or attributes, as well as to distribute extremist materials.

If circumstances stipulated in the third part of this Article are discovered, the mass action organisers or other persons responsible for holding it are obliged to immediately take measures to remedy the committed violations. Failure to fulfil this duty entails termination of the mass action upon the request of representatives of internal affairs bodies of the Russian Federation and liability of its organisers on the grounds and in the manner stipulated in the legislation of the Russian Federation.

Article 17. International Cooperation in the Sphere of Combating Extremism

The activities of public and religious associations, other non-commercial organisations of foreign states and of their structural units, whose activities have been recognised as extremist in accordance with international law instruments and federal legislation, are prohibited on the territory of the Russian Federation.

The prohibition of activities of a foreign non-commercial non-governmental organisation entails:

- a) annulment of state accreditation and registration in the manner stipulated in the legislation of the Russian Federation;
- b) prohibition for foreign citizens and stateless persons to stay on the territory of the Russian Federation in the capacity of representatives of this organisation;
- c) prohibition to conduct any business and other activities on the territory of the Russian Federation;
- d) prohibition to publish any materials on behalf of the prohibited organisation in the mass media;
- e) prohibition to distribute the materials of the prohibited organisation and, likewise, other information products containing the materials of that organisation on the territory of the Russian Federation;
- f) prohibition to hold any mass actions and public events and, likewise, to participate in mass actions and public events in the capacity of a representative of the prohibited organisation (or its official representatives);
- g) prohibition to create its successor organisations in any organisational-legal form.

Within ten days after a court decision prohibiting the activities of a foreign non-commercial non-governmental organisation becomes effective, the authorised state body of the Russian Federation is obliged to notify the diplomatic mission or consular post of the corresponding foreign state in the Russian Federation about the prohibition of activities of that organisation on the territory of the Russian Federation, the reasons for the prohibition, as well as about the consequences related to the prohibition.

In accordance with the international treaties of the Russian Federation, the Russian Federation cooperates in the sphere of combating extremism with foreign states, their law enforcement bodies and special services, as well as with international organisations engaged in combating extremism.

President of the Russian Federation
V. Putin

Moscow, the Kremlin

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Federal Law No. 114

DISCLAIMER

This publication is made for information purposes only. It does not constitute the official texts of the Ruling, the Code and the Law. In order to consult the authoritative versions, please turn to the original texts of the documents in the Russian language.

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