

# **RUSSIAN FEDERATION**

## **Criminal Laws Pertaining To Terrorism**

The Russian Criminal Code categorizes the following offenses as criminal: terrorism, hostage-taking, hijacking of an aircraft, sea vessel, or train, organization of an illegal armed unit, attempts on the life of a State or public figure, and attacks on person or agencies enjoying international protection.

The Code provides that serious criminal offences are pre-meditated actions for which the maximum punishment does not exceed 10 years imprisonment. Particularly serious pre-meditated actions carry a maximum punishment of ten years' imprisonment or more. The Russian Criminal Code states that the punishment for "terrorism" is imprisonment for a period of from 5 to 10 years, for a period of from 8 to 15 years in cases with aggravating circumstances and for a period of from 10 to 20 years in cases with especially aggravating circumstances.

Russian legislation establishes increased liability for recruiting and training of terrorists and the financing of terrorist activities and organizations. Pursuant to the Criminal Code of the Russian Federation, persons who recruit, train or finance terrorists may be considered accessories to a criminal offence and prosecuted. Inducing a person to commit a terrorist offence (by recruiting the person) constitutes incitement and the perpetrator is held liable under the Criminal Code. If a person has facilitated the commission of a terrorist offence by means of advice, directions, the provision of information, that person may be considered an accomplice to the offence. The liability of such a person is stipulated in the relevant article of the special section of the Criminal Code.

Notably, Penal Code Article 355 provides that the development, production, stockpiling, acquisition or sale of chemical, biological, toxin, as well as other kind of mass destruction weapon, inhibited by the international agreement, is subject to imprisonment for a period from five up to ten years.

## **Prevention of Terrorism – Security Measures**

Russian law mandates efficient coordination amongst all government agencies engaged in anti-terrorist activity. The Federal Anti-Terrorist Commission is the coordinating body which ensures cooperation among the units working to combat terrorism. Investigative jurisdiction and the procedure for coordination in the investigation of terrorist offences are governed by the Code of Criminal Procedure.

Russia has laws designed to prevent and suppress terrorism, concerning:

- Manufacturing, storing, and transporting weapons;
- Circulating offensive small weapons;
- Licensing activities relating to the storage, transport, and destruction of chemical weapons and handling of toxic chemicals
- Manufacturing, acquiring or selling chemical, biological or other weapons of mass destruction

The Russian government also regulates the international trade of weapons and explosives. This is accomplished through the following means:

- Licensing of the development and manufacture of articles for military use;
- Specification of the procedure for the import, export, sale and/or purchase of manufactured articles for military use;
- A procedure for the authorization of activity in the field of military and technical cooperation;

- Legal and organizational regulation of this activity;
- Operation of an export control system;
- Specification of the procedure for granting Russian organizations the right to engage in foreign trade activity relating to manufactured articles for military use;
- Licensing of the import and export of manufactured articles for military use;
- Not allowing any single entity to exercise a monopoly on military and technical cooperation in the Russian Federation;
- Customs regulation;
- Coordination by the State authorities of the Russian Federation of the activity of entities involved in military and technical cooperation and implementation of proper control of this activity.

### **Weapons Control**

The Federal Law No. 183 on Export Control establishes the regulatory system for export control with respect to used in creating mass destruction weapons, means of their delivery, other types of armaments and military hardware. Control functions are the responsibility of the Russian Munitions Agency (Rosboyepripany) which executes obligations that derive from international agreements with regard to biological weapons. The control functions are being carried out in close cooperation with Ministry of Health, Ministry of Agriculture, Ministry of Defence, Ministry of Economic Development and Trade, Ministry of Industry, Science and Technologies, Ministry of Foreign Affairs, RAS, RAMS and other concerned departments and organizations.

The list of items subject to control include (1) Pathogenic Organisms of Human, Animal and Plant Diseases; (2) Genetically Modified Organisms and Fragments of the Genetic Material; and (3) Equipment Which May be Used in Creating Bacteriological (Biological) and Toxin Weapons. Russian entities are required to refrain from exporting any dual-use goods and services, if they have reason to believe that the goods will be used in the production of nuclear, chemical or biological weapons or in their missile delivery systems. They are also required to report these decisions not to export to the Government Commission on Export Controls. Presidential Directive No. 298 of 1994 approves a revised control list for exports of dual-use biological agents developed in accordance with Australia Group recommendations. The expanded list contained 20 viruses, four rickettsia, 16 bacteria, 14 toxins, and two definitions of genetically altered microorganisms that are dangerous for humans and animals; 15 viruses, one bacteria, and one definition of genetically altered microorganisms that are dangerous for animals; one virus, four bacteria, eight microscopic fungi, and one definition of genetically altered microorganisms that are dangerous for plants; and ten categories of equipment.

It is a crime to smuggle through customs biological and other kinds of mass destruction weapon, materials and equipment that can be used for their development. Violators are subject to 3 – 7 years imprisonment if by an individual; if by a group, the punishment rises to 7 –12 years imprisonment with confiscation of property. Under the Customs Code of the Russian Federation, foreign persons shall bear responsibility for violating customs rules on general grounds, as do Russian persons.

### **Financing of Terrorism and Money-Laundering**

The Russian government recently created the Committee of the Russian Federation for Financial Monitoring, empowering it to prevent the legalization of funds obtained by criminal means (money-laundering).” This committee reports directly to the Russian Ministry of Finance. An interdepartmental working group to prevent financing of terrorism has also been set up in the Ministry of Finance of the Russian Federation specifically to interact with overseas partners in

the suppression of financing of terrorism, coordinate the activities of law enforcement agencies and oversee organizations, and interact with the Federal Counter-Terrorist Commission.

Persons found guilty of engaging in money-laundering for the commission of terrorist acts bear criminal liability for the crimes committed by the terrorists, as accessories to such offenses, in the manner specified by the Criminal Code of the Russian Federation. Accomplices are tried as if responsible for the commission of specific offences. The Criminal Codes is being amended to increase the criminal liability of persons guilty of collecting funds for the commission of terrorist acts.

Assets may be frozen in the case of persons accused or suspected of committing offences. The purpose of attachment is to allow the introduction of a civil suit or forfeiture of the property. Under Russian law, a decision to freeze the accounts of persons and organizations linked to terrorist activity may be taken when criminal or civil proceedings are initiated. The legal mechanism for freezing funds provides for the possibility of attaching the accounts of both individual citizens and organizations for criminal cases being tried which involve terrorism and other related offences.

The process of forfeiture of the property of organizations connected with terrorism is more complicated. Russian law provides for the possibility of a court decision recognizing that an organization is a terrorist organization and ordering its liquidation. In this case, the organization's property is liable to be forfeited and returned to the State. Additionally, procedures are in place for attachment of juridical persons' monetary assets on account with, deposited with or in the safekeeping of credit institutions. Assets may be frozen by a court, a commercial court or a judge, or by a decision of the pre-trial investigative bodies with the approval of the public prosecutor. At this time, Russian ministries and departments are actively engaged in drafting legislation whereby organizations could be more promptly held liable for supporting terrorist activity.

Russia also has laws in place that prevent terrorists from using charitable organizations as fronts for financing activities. In accordance with these laws, government bodies check to ensure that the activities of the organizations in question correspond to the purposes for which they were established and which are enshrined in their statutes. In addition, public and charitable organizations submit yearly activity reports to the registration bodies.

### **Information Sharing – Other States**

At present, the Russian Federal Security Service has official contacts with over 80 law enforcement agencies and special services of other States. In practice, an important component of this cooperation is mutual assistance in the context of the war on international terrorism. Recently, mutual assistance involving foreign States was expanded to include cooperation in surveillance of the financial activities of terrorist units, identification of various banking structures, non-governmental organizations and the funds subsidizing them.

In order to provide early warning of terrorism, Russia has stepped up intelligence surveillance of the activities of extremist organizations in Russia and in the member countries of the Commonwealth of Independent States (CIS), in conjunction with the law enforcement agencies of those countries.

To help enhance the effectiveness of international and interdepartmental cooperation, including early warning mechanisms for the exchange of information in the war on terrorism, the Council of Heads of Customs Services of the CIS countries has, at the initiative of the Russian Federation, established a special regional liaison centre for CIS with the World Trade Organization.

As a means to improve exchanges of operational information, as envisioned by the Security Council, Russia believes it would be beneficial to create an international database of persons and structures providing financial support to terrorism and methods by which such support is

provided. Russia also believes it would be important to organize regular exchanges of information on sources and channels for the smuggling to and from countries of currency, highly dangerous nuclear materials, chemical and biological substances, weapons and drugs, as well as customs offences and other offences in off-shore zones. Cross-checking of export/import contracts and of circuits to prevent currency embezzlement and concealment of currency in foreign banks could also be an effective way of detecting and prosecuting offences. This would also be facilitated by the creation of a mechanism for the exchange of information between the customs authorities of the Russian Federation and the corresponding authorities in other countries concerning all types of banking operations for criminal cases being tried and investigations being conducted.

## **BIBLIOGRAPHY OF RUSSIAN LAWS**

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1. Federal Act No. 114 of 19 July 1998
2. Criminal Code of the Russian Federation, Articles 33, 205, 206, 211, 208, 277, 360
3. Federal Act on Measures to Combat Terrorism
4. Federal Act on the Introduction of Amendments and Additions to the Criminal Code of the Russian Federation

### ***Weapons Control***

1. The Customs Code of the Russian Federation No. 5221-1 of June 18, 1993 (with the Additions and Amendments of June 19, December 27, 1995, July 21, November 16, 1997, February 10, 1999, July 6, December 30, 2001, June 30, May 29, January 10, 2002) (*GARANT 10000146*).
2. Decree of the President of the Russian Federation No. 1004 of August 8. (*GARANT 12023882*).
3. Decision of the Government of the Russian Federation No. 634 of August 29, 2001 on the Endorsement of the Regulations on the Control over Foreign Trade Activities Pertaining to Infecting Agents (Pathogens) of Human Being, Animals and Plants, Genetically Modified Microorganisms, Toxins, Equipment and Technologies (*GARANT 12024113*).
4. Order of the Ministry of Economic Development and Trade of the Russian Federation No. 17 of August 11, 2000 on the Procedure for Formalizing the Export and Import Permitting Documents (with the Amendments and Addenda of September 28, October 11, December 28, 2000) (*GARANT 675559*).
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6. Federal Law of the Russian Federation No. 114-FZ on Military and Technological Cooperation of the Russian Federation with Foreign States, 19 July 1998
7. Federal Law No. 50 on Amendments to Articles 188 and 189 of the Russian Federation Criminal Code, 7 May 2002
8. Customs Code of the Russian Federation, introduced by Resolution of the Supreme Soviet of the Russian Federation No. 5223-1, 18 July 1993 as amended 10 January 2002
9. Article 219 Addresses smuggling and includes biological and chemical weapons, as well as materials and equipment that may be used deliberately in their development.
10. Penal Code of the Russian Federation, Article 355, and 356
11. Government Decree No. 632 on Approval and Submission for Consideration by the President of the Russia Federation of a Proposal for Revising and Enlarging the List of Disease Agents, Their Genetically Altered Forms and Fragments of Genetic Material Which Can Be Used to Develop Bacteriological (Biological) and Toxin Weapons, 5 June 1994
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13. Resolution of the Government of the Russian Federation No. 906 on Issues of Russian Munitions Agency, 6 August 1992
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15. Order of the President of the Russian Federation No 284-rp on The Basic Provisions of Conception of Foreign Policy of the Russian Federation 23 April 1993
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17. Resolution of the Government of the Russian Federation of August 6, 1999, No 906

18. Decree of the President of the Russian Federation No. 1004 on approval of the List of Pathogens of Human Being, Animals and Plants, Genetically Changed Microorganisms, Toxins, Equipment and Technologies, Liable to Export Control, 8 August 2001
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20. Decree No. 1098 on Approval of the Statute Regulating the Control of Exports from the Russian Federation of Stimulants of Diseases (Pathogens) of Man, Animals, and Plants, and Their Genetically Altered Forms, Fragments of Genetic Material, and Equipment Which Can Be Used to Develop Bacteriological (Biological) and Toxins Weapons, 26 September 1994 Approves revised export and licensing procedures for dual-use biological agents and related equipment.
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29. Resolution of the Government of the Russian Federation No 869 on State Registration of Potentially Hazardous Chemical and Biological Substances, 12 November 1992
30. Resolution of the Government of the Russian Federation on Approval of the Statute of the International Centre of Gene Engineering and Biotechnology, 7 October 1992

### ***Financing of Terrorism and Money-Laundering***

1. Federal Act No. 115 of 7 August 2001
2. Decree No. 1263
3. Federal Act No. 95528-3
4. Federal Act No. 3 of 25 July 1998
5. Code of Criminal Procedure of the Russian Soviet Federated Socialist Republic, Article 175 (in force)
6. Federal Act on Measures to Combat Terrorism, Article 25
7. Federal Act on Banks and Banking Activity, Article 27
8. Federal Act No. 125 of 26 September 2000
9. Federal Act on Charitable Activities and Charitable Organizations
10. Federal Act on Public Associations