

XXXV. RUSSIAN FEDERATION⁸⁵

1. DECREE NO. 338 OF 7 MARCH 1996 OF THE PRESIDENT OF THE RUSSIAN FEDERATION ON MEASURES TO INTENSIFY THE SUPPRESSION OF TERRORISM

For purposes of increasing the effectiveness of the activity of the federal executive authorities in the suppression of terrorism, and of mobilizing the necessary forces and resources for this purpose, and in accordance with article 80 of the Constitution of the Russian Federation, I hereby resolve:

1. That the Central State Legal Department of the President of the Russian Federation, the Ministry of Justice of the Russian Federation, the Federal Security Service of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation, with the participation of the Office of the Procurator General of the Russian Federation, shall within two months prepare and submit to the President of the Russian Federation a draft, agreed with the federal executive authorities concerned, of a federal act on the introduction of amendments and additions to the Criminal Code of the RSFSR and the Criminal Procedural Code of the RSFSR, regulating issues relating to the suppression of terrorism, for submission to the State Duma of the Federal Assembly of the Russian Federation;

2. That the Government of the Russian Federation shall:

Within one month add to the draft federal programme for intensifying the suppression of crime for 1996-1997 provisions relating to measures for intensifying the suppression of terrorism;

Determine the procedure for cooperation between the federal executive authorities and the executive authorities of component parts of the Russian Federation in the event of the threat or commission of acts of terrorism, and establish the terms for the emergency provision of communications links at reduced rates, the assignment of vehicles for the emergency carriage of persons and freight, and the transportation of the victims;

Submit a proposal for the establishment of a coordinating body to organize cooperation between the federal executive authorities in the conduct of anti-terrorist activity and in halting acts of terrorism;

Establish additional social security measures for persons assigned to perform special duties in the conduct of measures for the suppression of terrorism;

⁸⁵ Transmitted to the Secretariat by that Government on 1 May 1998, 9 July 1999 and 5 September 2000.

Organize in 1996 the conduct of comprehensive inspections of enterprises manufacturing firearms, munitions and explosives, and also of the locations where they are stored and used, including State paramilitary organizations;

Establish a procedure for the work of employees of the mass media in locations where operations to halt acts of terrorism are being conducted, based on the need to protect the lives, health and property of journalists carrying on their professional activities;

Draw up within two months a set of information and educational measures designed to ensure the suppression of terrorism and instruct the population in resisting terrorists;

Take measures to improve the system for emergency medical care of victims of terrorist acts, and to strengthen the health and epidemiological inspection system in regions where operations to halt acts of terrorism are being conducted;

Supply the Federal Security Service of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation in 1996 with modern armaments and military and special equipment for conducting anti-terrorist operations;

3. That the Federal Security Service of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation, the Federal Border Service of the Russian Federation and the State Customs Committee of the Russian Federation shall constantly conduct coordinated measures to detect and cut the channels for the financing of and delivery of arms to unlawful armed formations and other criminal groups, and also to strengthen protection of the State border of the Russian Federation;

4. That the Federal Security Service of the Russian Federation shall in the course of 1996 establish a computerized federal system for the compilation of data on terrorist acts and persons taking part in them;

5. To recommend to the Procurator-General of the Russian Federation that he should:

(a) Strengthen supervision of compliance with the legislation of the Russian Federation in the mass media coverage of events associated with terrorism;

(h) Review at the coordination meetings of heads of law enforcement agencies the issue of intensifying the suppression of terrorism;

6. That the Federal Security Service of the Russian Federation and the Ministry of Internal Affairs of the Russian Federation, with the participation of the Ministry

of Defence of the Russian Federation, shall organize in 1996 special training for the units involved in the suppression of terrorism, and retraining of experts in demining of facilities and terrain and of psychologists specializing in conducting negotiations with terrorists;

7. That the Ministry of Defence of the Russian Federation, the Ministry of Internal Affairs of the Russian Federation and the Federal Security Service of the Russian Federation shall within one month define more precisely the areas of responsibility and the procedure for cooperation for purposes of defending protected facilities and communications against acts of terrorism;

8. That the Foreign Intelligence Service of the Russian Federation shall develop and implement measures for exposing the international links of unlawful armed formations operating in the territory of the Russian Federation and eliminate the foreign channels for financing them and delivering arms for terrorists;

9. That the Ministry of Foreign Affairs of the Russian Federation shall submit, following the established procedure, proposals for the accession of the Russian Federation to international conventions in the field of suppression of terrorism to which it is not a party, and shall also hold consultations with foreign States on the drafting and conclusion of an international covenant on the suppression of terrorism;

10. To draw the attention of the heads of the mass media to the fact that in covering events related to terrorism they should be guided by the requirements of the legislation of the Russian Federation and the norms and principles of international law that preclude all forms of justification of terrorism and violence, and the dissemination of information that jeopardizes the lives of citizens, and also of military personnel and employees of law enforcement organizations taking part in the halting of terrorist acts;

11. To recommend to the executive authorities of the component parts of the Russian Federation that they implement, taking into account the political, social, economic and crime situation in the regions, additional measures aimed at countering possible acts of terrorism.

**2. RESOLUTION NO. 45 OF 16 JANUARY 1997 OF THE
GOVERNMENT OF THE RUSSIAN FEDERATION ON THE
ESTABLISHMENT OF THE INTERDEPARTMENTAL ANTI-
TERRORIST COMMISSION OF THE RUSSIAN FEDERATION**
[superceded by Resolution No. 1302 below]

In order to ensure coordination of the activity of federal executive authorities in suppressing terrorism, and to increase the effectiveness of the conduct of special operations to prevent and halt terrorist activity, the Government of the Russian Federation resolves:

1. To establish the Interdepartmental Anti-Terrorist Commission of the Russian Federation.
2. To approve the attached Statute of the Interdepartmental Anti-Terrorist Commission of the Russian Federation and its membership.
3. To recommend to the heads of the executive authorities of component parts of the Russian Federation that they establish interdepartmental anti-terrorist commissions.

**STATUTE OF THE INTERDEPARTMENTAL ANTI-TERRORIST
COMMISSION OF THE RUSSIAN FEDERATION APPROVED BY
RESOLUTION NO. 45 OF THE GOVERNMENT OF THE RUSSIAN
FEDERATION OF 16 JANUARY 1997**

1. The Interdepartmental Anti-Terrorist Commission of the Russian Federation (hereinafter referred to as the "Commission") shall be the coordinating body to ensure cooperation between the federal executive authorities in conducting anti-terrorist activity and halting acts of terrorism.
2. In its activity, the Commission shall be guided by the Constitution of the Russian Federation, federal legislation, the decrees and orders of the President of the Russian Federation, the resolutions and orders of the Government of the Russian Federation and the present Statute.

The Commission shall exercise its powers in cooperation with the federal executive authorities, the executive authorities of the component parts of the Russian Federation, local authorities, enterprises, institutions and organizations, and also public associations.

3. The basic functions of the Commission shall be:
 - (a) To draw up and implement measures for the detection, prevention and halting of terrorist activity;
 - (b) To submit to the Government of the Russian Federation proposals for the establishment of a system of measures to ensure security and protect the population against terrorism;
 - (c) To monitor the compliance by the federal authorities with the legislation of the Russian Federation on the suppression of terrorism;
 - (d) To coordinate the interaction between the federal executive authorities, the executive authorities of the component parts of the Russian Federation and the local authorities in implementing measures for the suppression of terrorism;

(e) To coordinate the activity of the federal executive authorities in preparing draft legislation and other normative legislative instruments on issues falling within its competence;

(f) To prepare proposals on international cooperation by the federal executive authorities in the area of anti-terrorist activity.

4. The Commission shall have the right:

(a) To take, within the limits of its competence, the requisite decisions for the organization and improvement of cooperation between the federal executive authorities in preventing and halting acts of terrorism and eliminating their consequences;

(b) To request the federal executive authorities and the executive authorities of the component parts of the Russian Federation to provide the information required for the work of the Commission;

(c) To establish working groups to resolve the basic issues relating to the competence of the Commission, and to determine the procedure or the work of these groups;

(d) To involve specialists from enterprises, institutions and organizations in the Russian Federation (with the consent of their management) in preventing and halting acts of terrorism and eliminating their consequences.

5. The Commission shall conduct its activity in accordance with a work plan adopted at a meeting of the Commission and approved by its Chairman.

Meetings of the Commission shall be conducted on the basis of a work plan, but not less than once every quarter, or when the need arises for urgent review of issues falling within its competence.

Decisions of the Commission shall be regarded as adopted if not less than two thirds of the members of the Commission present at the meeting vote in favour of them.

Materials for meetings of the Commission shall be prepared by representatives of the federal executive authorities to whose activities the items on the agenda relate. The materials shall be submitted to the Commission not less than five days before the holding of the meeting.

Records of the meetings of the Commission shall be signed by the official presiding at the meeting and shall be brought to the attention of Commission members.

6. Decisions adopted by the Commission in conformity with its competence shall be binding on all federal executive authorities, interdepartmental anti-terrorist commissions of component parts of the Russian Federation, and enterprises, institutions and organizations in the Russian Federation, regardless of their form of ownership.

7. Where necessary, representatives of the executive authorities of component parts of the Russian Federation and of local authorities, and heads of enterprises, institutions and organizations with the forces and the means to prevent, halt and eliminate the consequences of acts of terrorism, may, on the decision of the Chairman of the Commission, be invited to participate in Commission meetings.

8. Organizational and technical services for the work of the Commission shall be provided by the Federal Security Service of the Russian Federation.

The provision of information and analytical services for the work of the Commission shall be the responsibility of the Anti-terrorist Centre of the Federal Security Service of the Russian Federation.

9. For the direct management of the forces and resources assigned to the conduct of anti-terrorist operations and the elimination of the consequences of terrorist activity, the Commission shall form an operational staff from among its members. The procedure for the activity of the operational staff shall be determined by the statute on the operational staff approved by the Chairman of the Commission.

The operational staff of the Commission shall be headed by the Deputy Chairman of the Commission and head of the Anti-terrorist Centre of the Federal Security Service of the Russian Federation.

3. PENAL CODE

CHAPTER 17

CRIMES AGAINST THE FREEDOM, HONOUR AND DIGNITY OF THE INDIVIDUAL

Article 126. Kidnapping

1. Kidnapping shall be punishable by imprisonment for four to eight years.
2. The same act, committed:
 - (a) by a group of persons acting in collusion;
 - (b) more than once;
 - (c) using force that endangers life or health;

- (d) using weapons or objects used as weapons;
- (e) against a known minor;
- (f) against a woman known to the perpetrator to be pregnant;
- (g) against two or more persons;
- (h) for motives of profit;

shall be punishable by imprisonment for five to ten years.

3. The acts specified in paragraphs 1 and 2 of this article, if they were committed by an organized group or, through negligence, entailed the death of the victim, shall be punishable by imprisonment for 5 to 15 years.

Note: A person who voluntarily releases a kidnap victim shall be absolved of criminal responsibility if his acts involved no other corpus delicti.

SECTION IX

CRIMES AGAINST PUBLIC SAFETY AND PUBLIC ORDER

CHAPTER 24

CRIMES AGAINST PUBLIC SAFETY

Article 205. Terrorism

1. Terrorism, that is to say, causing an explosion or committing arson or other acts entailing the risk of loss of human life, substantial damage to property or other consequences dangerous to society, if these acts are committed for purposes of disrupting public safety, terrorizing the population or influencing the adoption of decisions by the authorities, and also threatening to commit such acts for the same purposes, shall be punishable by imprisonment for 5 to 10 years.

2. The same acts, committed:

- (a) by a group of persons acting in collusion;
- (b) more than once;
- (c) with the use of firearms;

shall be punishable by imprisonment for 8 to 15 years.

3. The acts specified in paragraphs 1 and 2 of this article, if they were committed by an organized group or entailed, through negligence, the death of a human being or other serious consequences, shall be punishable by imprisonment for 10 to 20 years.

Note: A person who participated in the preparation of an act of terrorism shall be absolved of criminal responsibility if, by providing timely warning to the authorities or by other means, he contributed to the prevention of the commission of the act of terrorism, and if the acts of this person entail no other corpus delicti.

Article 206. Taking of hostages

1. The taking or holding of a person as a hostage committed for the purpose of compelling the State, an organization or a citizen to perform some act or to refrain from performing some act as a condition for the release of the hostage, shall be punishable by imprisonment for 5 to 10 years.

2. The same act, committed:

- (a) by a group of persons acting in collusion;
- (b) more than once;
- (c) using force that endangers life or health;
- (d) using weapons or objects used as weapons;
- (e) against a known minor;
- (f) against a woman known to the perpetrator to be pregnant;
- (g) against two or more persons;
- (h) for motives of profit or for hire;

shall be punishable by imprisonment for 6 to 15 years.

3. The acts specified in paragraphs 1 and 2 of this article, if they were committed by an organized group or, through negligence, entailed the death of the victim, shall be punishable by imprisonment for 8 to 20 years.

Note: A person who voluntarily or at the request of the authorities releases a hostage shall be absolved of criminal responsibility if his acts entail no other corpus delicti.

Article 207. Deliberately false reporting of an act of terrorism

The deliberately false reporting of an imminent explosion, act of arson or other act entailing the risk of loss of human life, substantial damage to property or other consequences dangerous to society shall be punishable by a fine of between 200 and 500 times the minimum wage or in the amount of the salary or other income of the person convicted for a period of two to five months, or correctional labour for one to two years, or detention for three to six months, or imprisonment for a period of up to three years.

Article 208. Organization of or participation in an illegal armed formation

1. The establishment of an armed formation (association, detachment, militia or other group) not provided for by federal law, and also leadership of such a formation, shall be punishable by imprisonment for two to seven years.
2. Membership in an armed formation not provided for by federal law shall be punishable by restriction of freedom for up to three years, or by detention in custody for up to six months, or by imprisonment for up to five years.

Note: A person who voluntarily ceases to be a member of an illegal armed formation and hands over his weapon shall be absolved of criminal responsibility if his acts entail no other corpus delicti.

Article 209. Gangsterism

1. The establishment of a permanent armed group (gang) for purposes of attacking citizens or organizations, and also leadership of such a group (gang), shall be punishable by imprisonment for 10 to 15 years, with or without confiscation of property.
2. Membership in a permanent armed group (gang) or participation in attacks carried out by it shall be punishable by imprisonment for 8 to 15 years, with or without confiscation of property.
3. The acts specified in paragraphs 1 and 2 of this article committed by a person using his official position shall be punishable by imprisonment for 12 to 20 years, with or without confiscation of property.

Article 210. Organizing a criminal society (criminal organization)

1. The establishment of a criminal society (criminal organization) in order to commit grave or particularly grave offences, leadership of such a society (organization) or of its structural subdivisions, and also the establishment of an association of organizers, leaders or other representatives of organized groups for the purpose of drawing up plans or creating conditions for committing grave or particularly grave offences shall be punishable by imprisonment for 7 to 15 years, with or without confiscation of property.

2. Membership in a criminal society (criminal organization) or in an association of organizers, leaders or other representatives of organized groups shall be punishable by imprisonment for 3 to 10 years, with or without confiscation of property.

3. The acts specified in paragraphs 1 and 2 of this article committed by a person using his official position shall be punishable by imprisonment for 10 to 20 years, with or without confiscation of property.

Article 211. Hijacking of an aircraft, ship or railway rolling stock

1. Hijacking of an aircraft, ship or railway rolling stock, and also the seizure thereof for purposes of hijacking, shall be punishable by imprisonment for four to eight years.

2. The same acts, committed:

(a) by a group of persons acting in collusion;

(b) more than once;

(c) with the use of violence that endangers life or health, or threat of the use of such violence;

(d) using weapons or objects used as weapons;

shall be punishable by imprisonment for 7 to 12 years.

3. The acts provided for in paragraphs 1 and 2 of this article, if they were committed by an organized group or lead, through negligence, to the death of a human being or to other serious consequences, shall be punishable by imprisonment for 8 to 15 years.

Article 212. Mass riots

1. The organization of mass riots accompanied by violence, organized massacres, acts of arson, the destruction of property, the use of firearms, explosives or explosive devices, and also the offering of armed resistance to representatives of the authorities shall be punishable by imprisonment for 4 to 10 years.

2. Participation in the mass riots specified in paragraph 1 of this article shall be punishable by imprisonment for three to eight years.

3. Calling for active non-compliance with the legitimate demands of representatives of the authorities and for mass rioting, and also calling for the committing of violent acts against citizens shall be punishable by restriction of

freedom for a period of up to two years, or detention for two to four months, or imprisonment for a period of up to three years.

Article 267. Putting means of transport or railways out of commission

1. Destroying, damaging, or otherwise putting out of commission means of transport, transportation networks, signalling or communications devices or other transport-related equipment, and also blocking transport-related communications, if these acts result, through negligence, in serious or moderate harm being inflicted to human health or in major damage, shall be punishable by a fine of between 400 and 700 times the minimum wage or in the amount of the salary or other income of the culprit for a period of from four to seven months, or by imprisonment for up to four years.

2. The same acts, if they result, through negligence, in the death of a human being, shall be punishable by imprisonment for three to eight years.

3. The acts specified in Part I of this article which result, through negligence, in the death of two or more persons, shall be punishable by imprisonment for 6 to 10 years.

Article 277. Attempts on the life of a statesman or public figure

An attempt on the life of a statesman or public figure committed for purposes of ending his State or other political activity or in revenge for such activity (a terrorist act) shall be punished by imprisonment for 12 to 20 years, or by the death penalty or life imprisonment.

CHAPTER 32

CRIMES AGAINST THE REGIME OF GOVERNMENT

Article 317. Attempt on the life of a law enforcement agent

An attempt on the life of a law enforcement agent or a member of the armed forces, or on their relatives, for purposes of preventing the lawful activity of these persons for the maintenance of public order and public safety, or in revenge for such activity, shall be punishable by imprisonment for 12 to 20 years, or by the death penalty or life imprisonment.

Article 318. Use of violence against a representative of authority

1. The use of violence not endangering life or health, or threat of the use of violence, against a representative of authority or his relatives in connection with their performance of their official duties shall be punishable by a fine of between 200 and 500 times the minimum wage or in the amount of the wage or other

income of the culprit for a period of from two to five months, by detention in custody for three to six months or by imprisonment for up to five years.

2. The use of violence that endangers life or health against the persons specified in paragraph 1 of this article shall be punishable by imprisonment for 5 to 10 years.

Note: "Representative of authority" in this article and other articles of this Code means an official of a law enforcement agency or administrative body, and also any other official assigned authority in accordance with the law over persons not directly subordinate to him.

Article 360. Attacks on internationally protected persons or institutions

An attack on an internationally protected representative of a foreign State or staff member of an international organization, and also on the business or residential premises or vehicles of internationally protected persons, if the act is committed for purposes of provoking war or complicating international relations, shall be punishable by imprisonment for three to eight years.

4. FEDERAL ACT ON THE SUPPRESSION OF TERRORISM OF 25 JULY 1998

The present Federal Act defines the legal and organizational basis for combating terrorism in the Russian Federation; the manner in which the federal executive bodies, the executive bodies of the constituent parts of the Russian Federation, public associations and organizations irrespective of form of ownership, public servants and individual citizens shall coordinate their activities; and citizens' rights, duties and safeguards in connection with measures to combat terrorism.

SECTION I GENERAL PROVISIONS

Article 1. Legal basis for combating terrorism

The Constitution of the Russian Federation, the Criminal Code of the Russian Federation, the present Federal Act, other Federal legislation, the universally accepted principles and norms of international law, international agreements to which the Russian Federation is a party, decrees and orders of the President of the Russian Federation, enactments and instructions of the Government of the Russian Federation, and also other normative legal instruments of the federal governmental bodies adopted pursuant to those texts shall constitute the legal basis for combating terrorism.

Article 2. Fundamental principles of combating terrorism

Combating terrorism in the Russian Federation shall be based on the following principles:

- (1) Legality;
- (2) Priority to measures to prevent terrorism;
- (3) Inevitability of punishment for engagement in terrorist activity;
- (4) Combination of overt and covert methods of combating terrorism;
- (5) Use of the full range of preventive legal, political, socio-economic and public information measures;
- (6) Priority to safeguarding the rights of persons endangered by acts of terrorism;
- (7) Minimum concessions to terrorists;
- (8) A single chain of command for controlling the forces and facilities used for counter-terrorism operations; and
- (9) Minimum publicity for the technology and tactics of counter-terrorism operations and for the personnel participating in such operations.

Article 3. Definition of terms

For the purposes of the present Federal Act, the basic terms set out below shall have the following meanings:

“Terrorism” means the threat or use of force against natural persons or against organizations, or destruction of (damage to) or threat of destruction of (damage to) property or other physical objects which would create a danger of loss of life or occasion significant material damage or other public danger committed for the purpose of undermining public safety, instilling fear or influencing the authorities to take decisions of benefit to terrorists or satisfying their unlawful material and/or other interests; an attempt on the life of a statesperson or public figure committed for the purpose of ending that person's state or other political activities or in revenge for such activities; attacking a representative of a foreign State or a staff member of an international organization who enjoys international protection, whether at that person's place of work or against the conveyance of the person enjoying international protection, if the act is committed for the purpose of provoking war or complicating international relations;

“Terrorist activity” includes:

- (1) The organization, planning, preparation or commission of acts of terrorism;
- (2) Incitement to acts of terrorism, violence against natural persons or against organizations, or destruction of physical objects for purposes of terrorism;
- (3) Organization of an illegal armed formation, a criminal association (criminal organization) or an organized group to commit acts of terrorism, or participation in such acts;
- (4) Recruitment, arming, training or making use of terrorists;
- (5) Knowingly financing a terrorist organization or terrorist group or providing it with other assistance;

“International terrorist activity” means terrorist activity carried out:

- (1) By a terrorist or terrorist organization in the territory of more than one State or harming the interests of more than one State;
- (2) By citizens of one State against citizens of another State or in the territory of another State;
- (3) Where both the terrorist and the victim of terrorism are citizens of the same State or of different States but the offence is not committed within the territorial limits of those States;

“Act of terrorism” means the direct commission of an offence of a terrorist nature, in the form of an explosion; arson; the use or threat of use of a nuclear explosive device or of radioactive, chemical, biological, explosive, toxic, poisonous, virulent or noxious substances; destruction of, damage to or seizure of a conveyance or other object; an attempt on the life of a statesperson, public figure or representative of a national, ethnic, religious or other group within the population; hostage-taking and kidnapping; occasioning a danger of harm to the lives, health or property of persons unknown by creating conditions for accidents and disasters resulting from technological failures, or the real threat of such a danger; dissemination of threats in any form and by any means; other actions occasioning a danger of loss of life, significant material damage or other consequences constituting a public danger;

“Offences of a terrorist nature” means those offences provided for under articles 205 to 208, 277 and 360 of the Criminal Code of the Russian Federation. Other offences under the Criminal Code of the Russian Federation may be

regarded as offences of a terrorist nature if they are committed for purposes of terrorism. Criminal liability for committing such offences shall be established pursuant to the Criminal Code of the Russian Federation;

“Terrorist” means a person who participates in terrorist activity in any form;

“Terrorist group” means a group of persons who have joined together for the purpose of engaging in terrorist activity;

“Terrorist organization” means an organization established for the purpose of engaging in terrorist activity or admitting the possibility of the use of terrorism in its activities. An organization shall be deemed a terrorist organization if even one of its structural subdivisions engages in terrorist activity with the knowledge of even one of that organization’s governing bodies;

“Combating terrorism” means activities to prevent, detect and suppress terrorist activity and minimize its consequences;

“Counter-terrorism operation” means special measures intended to suppress acts of terrorism, ensure the security of individuals, neutralize terrorists and minimize the consequences of a terrorist act;

“Counter-terrorism operational area” means the individual parts of a locality, water area, means of transport, building, structure, installation, premises and any land or water area adjacent thereto within which a counter-terrorism operation is conducted;

“Hostage” means an individual seized and/or held captive for the purpose of compelling a State, organization or individual persons to perform an action of any kind, or refrain from performing an action of any kind as a condition for releasing the person held captive.

Article 4. International cooperation by the Russian Federation in the field of combating terrorism

1. The Russian Federation, pursuant to its international agreements, shall cooperate in the field of combating terrorism with foreign States, their law-enforcement bodies and special services, and also with international organizations engaged in combating terrorism.

2. The Russian Federation, guided by the interests of ensuring the safety and security of the individual, society and the State, shall prosecute persons within its territory who are involved in terrorism, including in circumstances where the acts of terrorism were planned or committed outside the Russian Federation but caused harm to the Russian Federation, and in other circumstances provided for by the Russian Federation’s international agreements.

SECTION II

ORGANIZATIONAL BASIS FOR COMBATING TERRORISM

Article 5. The purposes of combating terrorism

Combating terrorism in the Russian Federation shall be carried out for the purposes of:

- (1) Protecting the individual, society and the State from terrorism;
- (2) Preventing, detecting and suppressing terrorist activity and minimizing its consequences; and
- (3) Detecting and eliminating the causes and conditions that are conducive to terrorist activity.

Article 6. Parties engaged in combating terrorism

1. The principal party controlling activities to combat terrorism and provide them with the necessary forces, facilities and resources shall be the Government of the Russian Federation.

2. The federal executive bodies shall participate in combating terrorism within their jurisdictions as established by federal legislation and other normative legal instruments of the Russian Federation.

3. The parties directly engaged in combating terrorism within the limits of their jurisdictions shall be:

The Federal Security Service of the Russian Federation;

The Ministry of Internal Affairs of the Russian Federation;

The Foreign Intelligence Service of the Russian Federation;

The Federal Protection Service of the Russian Federation;

The Ministry of Defence of the Russian Federation; and

The Federal Frontier Service of the Russian Federation.

4. Other federal executive bodies, as listed by the Government of the Russian Federation, shall also participate in preventing, detecting and suppressing terrorist activity.

5. In the event of the abolition, reorganization or renaming of the federal executive bodies listed in the present article, their functions in the area of combating terrorism shall be transferred to their successors.

6. To coordinate the activities of the parties engaged in combating terrorism, and pursuant to decisions by the President of the Russian Federation or by the Government of the Russian Federation, anti-terrorism commissions may be established at the federal and regional levels.

The Federal Anti-Terrorism Commission shall perform the following basic tasks: it shall develop the basis for the State's anti-terrorism policy in the Russian Federation and shall also develop recommendations to enhance the effectiveness of work to detect and eliminate the causes and conditions that promote the occurrence of terrorism and engagement in terrorist activity; it shall gather and analyze information on the status of and trends in terrorism within the Russian Federation; it shall coordinate the activities of the federal executive bodies engaged in combating terrorism for the purpose of achieving coordination of their actions to prevent, detect and suppress acts of terrorism, and also to detect and eliminate the causes and conditions that are conducive to the preparation for and the commission of acts of terrorism; it shall take part in preparing international agreements in the Russian Federation in the area of combating terrorism; and it shall develop proposals for improving the legislation of the Russian Federation in the area of combating terrorism.

Article 7. Jurisdictions of the parties engaged in combating terrorism

1. The parties engaged in combating terrorism shall be guided in their activities by the present Federal Act, other federal legislation, the universally accepted principles and norms of international law, the international agreements to which the Russian Federation is a party and by the normative legal instruments (including inter-departmental agreements) based on the above which regulate these activities.

2. The Federal Security Service of the Russian Federation and its territorial bodies in the constituent parts of the Russian Federation shall combat terrorism by preventing, detecting and suppressing offences of a terrorist nature, including offences in pursuit of political goals, and by preventing, detecting and suppressing international terrorist activity pursuant to the criminal and procedural legislation shall conduct the preliminary investigation for criminal proceedings in respect of such offences.

3. The Ministry of Internal Affairs of the Russian Federation shall combat terrorism by preventing, detecting and suppressing offences of a terrorist nature committed for purposes of pecuniary gain.

4. The Foreign Intelligence Service of the Russian Federation and the other foreign intelligence agencies of the Russian Federation shall combat terrorism by ensuring the safety and security of the institutions of the Russian Federation outside the Russian Federation and of their personnel and family members of their

personnel, and shall also gather information on the activities of foreign and international terrorist organizations.

5. The Federal Protection Service of the Russian Federation shall combat terrorism by ensuring the safety and security of persons and facilities under the protection of the State and shall protect those facilities and persons.

6. The Ministry of Defence of the Russian Federation shall ensure the protection of operational weapons with massive strike capability, rockets and small arms, ammunition and explosives, and military facilities, shall likewise take part in ensuring the safety and security of the national merchant marine and of the airspace of the Russian Federation, and shall take part also in the conduct of counter-terrorism operations.

7. The Federal Frontier Service of the Russian Federation shall combat terrorism by preventing, detecting and suppressing attempts by terrorists to cross the State frontiers of the Russian Federation and by preventing, detecting and suppressing the movement of weapons, explosive, toxic or radioactive substances and other items which may be used in the commission of an offence of a terrorist nature; it shall likewise participate in ensuring the safety and security of the national merchant marine within the territorial waters and the exclusive economic zone of the Russian Federation; and it shall participate also in the conduct of counter-terrorism operations.

Article 8. Basic functions of the parties involved in combating terrorism

The federal executive bodies enumerated in article 6 of the present Federal Act, and their territorial bodies in the constituent parts of the Russian Federation, shall participate in combating terrorism within the limits of their jurisdictions by developing and implementing preventive, covert, organizational, educational and other measures to prevent, detect and suppress terrorist activity; by establishing and maintaining in a state of readiness their departmental systems to counter the commission of offences of a terrorist nature; and by providing matériel and technical and financial facilities, information, transportation and communications, medical equipment and medicines and by making such other provision as needed in the area of combating terrorism. Procedures for providing matériel and technical and financial resources, information, transportation and communications, medical equipment and medicines shall be determined by the Government of the Russian Federation.

Article 9. Assistance to the organs combating terrorism

1. The executive bodies of the constituent parts of the Russian Federation, local self-government bodies, public associations and organizations irrespective of form of ownership and public servants must assist the organs combating terrorism.

2. It shall be the civic duty of every citizen to provide the law-enforcement agencies with any information to which they may have become party concerning

terrorist activity or any other circumstances which, if known, could help prevent, detect and suppress terrorist activity or minimize its consequences.

SECTION III

CONDUCT OF COUNTER-TERRORISM OPERATIONS

Article 10. Control over counter-terrorism operations

1. For direct control over counter-terrorism operations, pursuant to a decision of the Government of the Russian Federation a task force shall be established, headed by a representative of the Federal Security Service of the Russian Federation or of the Ministry of Internal Affairs of the Russian Federation depending on which federal executive body has primary jurisdiction for the conduct of a specific counter-terrorism operation.

2. In the constituent parts of the Russian Federation and in the regions of the Russian Federation, task forces may be established whose size and composition shall depend on the particular local conditions and on the nature of the possible acts of terrorism in those constituent parts (regions) of the Russian Federation.

3. Task forces directing counter-terrorism operations in the constituent parts (regions) of the Russian Federation shall be headed by the head of the territorial body (subdivision) of the department with primary jurisdiction for the conduct of a specific counter-terrorism operation. In the event of a change in the nature of the terrorist act, the head of the counter-terrorism operation may be replaced by decision of the chairman of the corresponding inter-departmental anti-terrorism commission.

4. The operating procedures for a task force directing a counter-terrorism operation shall be determined by regulations ratified by the chairman of the corresponding inter-departmental anti-terrorism commission. The regulations for a task force directing an anti-terrorism operation shall be developed on the basis of model regulations ratified by the Federal Anti-Terrorism Commission.

Article 11. Forces and facilities for counter-terrorism operations

In order to conduct a counter-terrorism operation, a task force directing a counter-terrorism operation shall have the right to enlist the necessary forces and facilities from the federal executive bodies which are taking part in combating terrorism pursuant to article 6 of the present Federal Act. The federal executive bodies and the executive bodies of the constituent parts of the Russian Federation shall share the weapons and special facilities, transportation and communications and other matériel and technical facilities needed to conduct a counter-terrorism operation.

Article 12. Command of counter-terrorism operations

1. All military service personnel, other staff and specialists enlisted to conduct a counter-terrorism operation shall from the moment the operation begins be under the command of the head of the task force directing the counter-terrorism operation.
2. Depending on the scale and degree of danger to the public, on the expected adverse consequences of a terrorist act, a representative of the Federal Anti-Terrorism Commission may be appointed to command the counter-terrorism operation. By decision of the President of the Russian Federation, the head of a federal executive body may be appointed to command the task force directing a counter-terrorism operation.
3. The head of a task force directing a counter-terrorist operation shall determine the limits of the counter-terrorism operational area and decide how to use the forces and facilities enlisted to conduct the operation.

Interference by any other person, irrespective of his or her position, in the task force for a counter-terrorism operation shall not be permitted.

Article 13. The legal regime in a counter-terrorism operational area

1. In a counter-terrorism operational area, the persons carrying out the operation shall have the right:
 - (1) To take measures, as needed, to impose temporary restrictions or prohibitions on the movement of conveyances and pedestrians on streets and roads, to prevent the admission of conveyances, including conveyances of diplomatic representatives and consular offices, and of citizens to parts of a locality or facility, or to evacuate citizens from individual parts of localities or facilities, and also to remove conveyances;
 - (2) To check the identification papers of citizens and officials and, in the absence of such documents, to detain such persons for identification;
 - (3) To detain and hand over to the internal affairs bodies of the Russian Federation persons who have committed or are engaged in committing offences or other actions intended to impede the fulfillment of the lawful requirements of persons conducting a counter-terrorism operation, and likewise actions associated with unauthorized penetration of or attempt to penetrate a counter-terrorism operational area;
 - (4) To enter (penetrate) without let or hindrance the dwellings and other premises belonging to citizens and land appertaining to them; the lands and premises of organizations irrespective of the form of ownership; and to conveyances, during the curtailment of acts of

terrorism or in hot pursuit of persons suspected of committing acts of terrorism, if delay may create a real threat to human life or health;

(5) To conduct personal searches of citizens, items in their possession, their conveyances and items conveyed therein as they enter or leave the area. Such searches may include the use of technological systems;

(6) To use for official purposes communications facilities, including special communications facilities, belonging to citizens and organizations irrespective of the form of ownership;

(7) To use for official purposes conveyances belonging to organizations irrespective of the form of ownership, with the exception of conveyances of diplomatic, consular or other representatives of foreign governments and international organizations, and to use in urgent cases conveyances belonging to citizens, in order to prevent acts of terrorism, to pursue and apprehend persons who have committed an act of terrorism, or to convey persons requiring urgent medical assistance to a treatment facility, and to travel to the scene of the incident.

2. Within a counter-terrorism operational area, the activities of media personnel shall be regulated by the head of the task force directing the counter-terrorism operation unless otherwise provided for by federal law.

Article 14. Conduct of talks with terrorists

1. Talks may be held with terrorists in the conduct of a counter-terrorism operation for the purposes of preserving human life and health and material assets and also to study the possibility of ending the act of terrorism without the use of force.

Only persons specially authorized by the head of the task force directing the counter-terrorism operation may be permitted to hold talks with terrorists.

2. In conducting talks with terrorists, no consideration may be given to the question of surrendering any person or persons to terrorists, giving terrorists weapons or other facilities or items whose use could create a threat to human life or health, or to meeting terrorists' political demands as conditions for terrorists' desisting from their act of terrorism.

3. The fact of conducting talks with terrorists may not serve as a basis or condition for holding such terrorists harmless for acts which they have committed.

Article 15. Informing the public about acts of terrorism

1. In the conduct of a counter-terrorism operation, the public shall be informed of the terrorist act in the form and to the extent determined by the head of the task force directing the counter-terrorism operation or a representative of the task force

responsible for maintaining communication with the public.

2. It shall not be permitted to disseminate information which:

- (1) Reveals the special technical methods and tactics for conducting the counter-terrorism operation;
- (2) May impede the conduct of the counter-terrorism operation or create a threat to the lives or health of persons situated in the counter-terrorism operational area or outside that area;
- (3) Serves to propagandize or justify terrorism and extremism;
- (4) Concerns the personnel of special subdivisions, members of the task force directing the counter-terrorism operation during the conduct of the operation or persons that provide assistance in the conduct of that operation.

Article 16. Completion of a counter-terrorism operation

1. A counter-terrorism operation shall be considered complete when the act of terrorism has been ended and the threat to human life and health in the counter-terrorism operational area has been eliminated.
2. The decision on whether to announce completion of a counter-terrorism operation shall be taken by the head of the task force directing the counter-terrorism operation.

SECTION IV

COMPENSATION FOR DAMAGE OR INJURY OCCASIONED BY ACTS OF TERRORISM AND SOCIAL REHABILITATION OF VICTIMS OF ACTS OF TERRORISM

Article 17. Compensation for damage or injury occasioned by an act of terrorism

1. Compensation for damage or injury occasioned by an act of terrorism shall be paid out of the budget of the constituent part of the Russian Federation in whose territory the act of terrorism was committed, with subsequent recovery of the amount of such compensation from the person or persons responsible for causing the damage or injury as established under civil and procedural law.
2. Compensation for damage or injury occasioned as a result of an act of terrorism committed in the territories of more than one constituent part of the Russian Federation, and likewise compensation for harm occasioned to a constituent part of the Russian Federation, and exceeding the capacity for compensation from the budget of that constituent part of the Russian Federation,

shall be paid from the federal budget with subsequent recovery of the amount of such compensation from the person or persons responsible for causing the damage or injury as established under civil and procedural law.

3. Compensation for damage or injury occasioned to foreign citizens as a result of an act of terrorism committed in the territory of the Russian Federation shall be paid from the federal budget with subsequent recovery of the amount of such compensation from the person or persons responsible for causing the damage or injury.

4. Compensation for harm occasioned to an organization as a result of an act of terrorism shall be paid as established under the Civil Code of the Russian Federation.

Article 18. Social rehabilitation of victims of acts of terrorism

1. Social rehabilitation of victims of an act of terrorism shall be conducted for the purpose of returning them to normal life and shall include legal assistance to such persons, psychological, medical and professional rehabilitation, job placement and also reinstatement in work and provision of housing.

2. Social rehabilitation of victims of an act of terrorism and also the persons listed in article 19 of the present Federal Act shall be funded from the federal budget and from the budget of the constituent part of the Russian Federation in whose territory the act of terrorism was committed.

3. The system for social rehabilitation of victims of acts of terrorism shall be determined by the Government of the Russian Federation.

SECTION V

THE LEGAL AND SOCIAL PROTECTION OF PERSONS ENGAGED IN COMBATING TERRORISM

Article 19. Eligibility of persons engaged in combating terrorism for legal and social protection

1. Persons engaged in combating terrorism are under State protection. The following are eligible for legal and social protection:

- (1) Military service personnel, other staff and specialists from the Federal executive bodies and the executive bodies of the constituent parts of the Russian Federation participating (or having participated) directly in combating terrorism;

(2) Persons assisting, on a permanent or temporary basis, the State organs combating terrorism, in preventing, detecting and curtailing terrorist activity and minimizing its consequences;

(3) Family members of persons listed in subparagraphs (1) and (2) of paragraph 1 of the present article in the event that they require protection as a result of a listed person's participation in combating terrorism.

2. Social protection of persons enlisted to combat terrorism shall be effected taking into account the legal status of such persons as established by federal legislation and other normative legal instruments and in accordance with the procedure established by the Government of the Russian Federation.

Article 20. Compensation for damages or injury to persons participating in combating terrorism

1. Compensation shall be paid as established under the legislation of the Russian Federation for injury to the health or damage to the property of persons listed in article 19 of the present Federal Act resulting from their participation in combating terrorism.

2. In the event of the death of a person engaged in combating terrorism in the course of a counter-terrorism operation, the family members of the deceased and his dependants shall be paid an extraordinary grant of 1,000 times the minimum wage rate, a pension shall be awarded in the event of the loss of a bread winner, and accommodation privileges and payment of residential public utility services shall be preserved where the deceased possessed such privileges.

3. In the event that a person engaged in combating terrorism suffers injury in the course of a counter-terrorism operation entailing subsequent disability, he shall be paid, from the federal budget, an extraordinary grant of 500 times the minimum wage rate and a pension shall be awarded pursuant to the legislation of the Russian Federation.

4. In the event that a person engaged in combating terrorism suffers injury in the course of a counter-terrorism operation not entailing subsequent disability, he shall be paid an extraordinary grant of 100 times the minimum wage rate.

Article 21. Discharge from legal responsibility for occasioning harm

In the conduct of a counter-terrorism operation on the basis of and within the limits established by law, necessary occasioning of injury to the lives, health and property of terrorists or to other interests protected by law shall be permitted. This being the case, military service personnel, specialists and other persons participating in combating terrorism shall be held harmless in respect of damage or injury occasioned in the conduct of a counter-terrorism operation pursuant to the legislation of the Russian Federation.

Article 22. Length-of-service privileges

In calculations of length of service for pension purposes, military service personnel and officials of the federal executive bodies serving (having served) in divisions engaged (having engaged) directly in combating terrorism shall accumulate time served at the rate of one and a half days per day of actual service and at the rate of three days per day of service while participating in counter-terrorism operations (unless the legislation of the Russian Federation makes provision for a more advantageous reckoning of length of service).

SECTION VI

LIABILITY FOR PARTICIPATION IN TERRORIST ACTIVITY

Article 23. Liability for participation in terrorist activity

Persons guilty of terrorist activity shall bear the liability provided for by the legislation of the Russian Federation.

Article 24. Special features of criminal and civil legal proceedings in matters of terrorist activity

Proceedings relating to offences of a terrorist nature and cases on compensation for damage or injury resulting from an act of terrorism may, by decision of the court, be heard in closed sessions in which all the rules of legal procedure shall be observed.

Article 25. Liability of organizations for engagement in terrorist activity

1. An organization shall be deemed to be a terrorist organization and shall be dissolved on the basis of a judgement by a court.

In dissolving an organization deemed to be a terrorist organization, the assets belonging to it shall be confiscated and shall devolve upon the State.

2. In the event that a court of the Russian Federation deems an international organization (its sections, branches and representation) registered outside the Russian Federation to be a terrorist organization, the terrorist activity of that organization shall be prohibited in the territory of the Russian Federation, its Russian section (branch, representation) shall be dissolved, and assets belonging to that section and the assets of that international organization which are located within the territory of the Russian Federation shall be confiscated and shall devolve upon the State.

3. A bill of indictment against an organization for terrorist activity shall be lodged with the court by the Procurator General of the Russian Federation or by his deputies.

SECTION VII

CONTROL AND MONITORING OF THE LEGALITY OF ANTI-TERRORISM ACTIVITIES

Article 26. Control over anti-terrorism activities

Control over the manner in which terrorism is combated in the Russian Federation shall be exercised by the President of the Russian Federation and by the Government of the Russian Federation.

Article 27. Monitoring of legality in combating terrorism

1. Monitoring of compliance with the law in combating terrorism shall be ensured by the Procurator General of the Russian Federation and by his deputies.
2. The Office of the Procurator-General of the Russian Federation shall likewise take steps, within the limits of its jurisdiction, to prevent terrorist activity; pursuant to the criminal and procedural legislation of the Russian Federation it shall conduct the preliminary investigations, monitor investigations in criminal proceedings associated with terrorist activity, support the State prosecution in the courts in such proceedings and shall take other steps pursuant to the legislation of the Russian Federation.

SECTION VIII

FINAL PROVISIONS

Article 28. Conformation of legal instrument to the present Federal Act

Federal Acts and other normative legal instruments shall be brought into conformity with the present Federal Act within three months of its entry into force.

Article 29. Entry into force of the present Federal Act

The present Federal Act shall enter into force on the date of its official publication.

5. RESOLUTION NO. 1302 OF 6 NOVEMBER 1998 OF THE GOVERNMENT OF THE RUSSIAN FEDERATION ON THE FEDERAL ANTI-TERRORIST COMMISSION

In accordance with the Federal Act on the Suppression of Terrorism, the Government of the Russian Federation decides:

1. To establish a Federal Anti-Terrorist Commission.
2. To approve the appended Statute of the Federal Anti-Terrorist Commission and its composition.
3. That the Federal Anti-Terrorist Commission shall, within six months, submit to the Government of the Russian Federation, in accordance with established procedure, proposals on:
 - (a) A list of the federal executive authorities participating, within their competence, in the prevention, detection and suppression of terrorist activity;
 - (b) The procedure for the provision by the federal executive authorities enumerated in article 6 of the Federal Act on the suppression of terrorism, of logistical and financial support, information, means of transport and communication, medical equipment and medicine, as the need arises, for efforts to combat terrorism;
 - (c) The procedure for the social protection of persons involved in combating terrorism;
 - (d) The procedure for the social rehabilitation of persons affected by terrorist acts.
4. To recommend that the heads of the executive authorities of the constituent parts of the Russian Federation establish, before 1 September 1999, regional anti-terrorist commissions.
5. To declare null and void resolution No. 45 of the Government of the Russian Federation of 16 January 1997 on the establishment of the Interdepartmental Anti-Terrorist Commission of the Russian Federation (Compendium of Legislation of the Russian Federation, 1997, No. 4, art. 547; No. 6, art. 759; No. 17, art. 2043; No. 23, art. 2702; No. 33, art. 3901; No. 46, art. 5322; 1998, No. 9, art. 1127).

STATUTE OF THE FEDERAL ANTI-TERRORIST COMMISSION
APPROVED BY RESOLUTION NO. 1302 OF THE GOVERNMENT
OF THE RUSSIAN FEDERATION OF 6 NOVEMBER 1998

1. The Federal Anti-Terrorist Commission (hereinafter referred to as "the Commission") shall be the coordinating body to ensure cooperation between the authorities engaged in the suppression of terrorism.

2. In its activity, the Commission shall be guided by the Constitution of the Russian Federation, federal legislation, the decrees and orders of the President of the Russian Federation, the resolutions and orders of the Government of the Russian Federation and this Statute.

The Commission shall exercise its powers in cooperation with the federal executive authorities, the executive authorities of the constituent parts of the Russian Federation, local authorities and interested organizations.

3. The basic functions of the Commission shall be:

- To draw up the principles of State policy in the field of the suppression of terrorism in the Russian Federation, and recommendations on improving the effectiveness of efforts to identify and eliminate the causes and conditions conducive to terrorism and terrorist activities;
- To collect and analyse information on terrorism and terrorist trends in the territory of the Russian Federation;
- To coordinate the activities of the federal executive authorities engaged in the suppression of terrorism with a view to coordinating their efforts to prevent, detect and suppress terrorist acts and to identify and eliminate the causes and conditions conducive to the preparation and perpetration of terrorist activities;
- To take part in the preparation of international treaties in the Russian Federation in the field of the suppression of terrorism;
- To prepare proposals on improving the Russian Federation's legislation in the field of the suppression of terrorism.

4. The Commission shall have the right:

- To take, within its competence, decisions required for the organization, coordination and improvement of cooperation of the authorities engaged in the suppression of terrorism, in the prevention, detection and suppression of terrorist acts and the elimination of their consequences;
- To request State, public and other organizations and officials to provide the documents, materials and information required for the work of the Commission;
- To establish working groups to resolve the basic issues relating to the competence of the Commission, and to determine the procedure for the work of these groups;

- To invite officials and specialists from government bodies of the Russian Federation, local government bodies and organizations (with the consent of their managers) to participate in the work of the Commission;
- To introduce, in accordance with established procedure, proposals on matters relating to the competence of the Commission and requiring a decision by the President of the Russian Federation or the Government of the Russian Federation.

5. The Commission shall conduct its activity in accordance with a work plan adopted at a meeting of the Commission and approved by its Chairman.

Meetings of the Commission shall be held on the basis of the work plan or when the need arises for the urgent review of matters falling within its competence.

Materials for meetings of the Commission shall be prepared by representatives of the federal executive authorities to whose jurisdiction the items on the agenda relate. The materials shall be submitted to the Commission not less than five days before the holding of the meeting.

Decisions of the Commission shall be adopted by a simple majority of the members of the Commission present at the meeting, through open voting.

6. Decisions adopted by the Commission in conformity with its competence shall be binding on all federal executive authorities, the executive authorities of the constituent parts of the Russian Federation, regional anti-terrorist commissions and organizations of the Russian Federation.

7. The Chairman of the Commission:

- guides the work of the Commission;
- approves decisions adopted by the Commission and ensures their implementation;
- takes the decision to hold meetings of the Commission when the need arises for the urgent review of matters falling within its competence;
- allocates responsibilities among the members of the Commission;
- approves the composition of working groups;
- represents the Commission in matters falling within its competence.

Organizational and technical services and data analysis for the work of the Commission shall be provided by the Federal Security Service of the Russian Federation.