

Article 13(1) provides as follows:

“Fund-raising by a juridical person for the purpose of financing terrorist acts, or provision of funds with a view to the commission of such acts, shall constitute a violation punishable by a fine of 500,000,000 to 1,000,000,000 lei.”

Article 13 (3) stipulates that the funds described in Article 13(1) shall be seized.

XCVIII. RUSSIAN FEDERATION⁷³

SUMMARY OF LEGISLATION OF THE RUSSIAN FEDERATION RELATED TO TERRORISM

(a) The Penal Code

The Penal Code establishes the following offences as offences of a terrorist nature: terrorism (article 205), hostage-taking (article 206), hijacking of an aircraft, sea vessel or railway train (article 211), organization of an illegal armed unit or participation in such a unit (article 208), attempts on the life of a State or public figure (article 277) and attacks on persons or agencies enjoying international protection (article 360).⁷⁴

Persons guilty of providing or collecting funds for the commission of terrorist acts bear criminal liability for the crimes committed by the terrorists, as accessories to such offences, in the manner specified in articles 32 to 34 of the Penal Code. In accordance with section 5 of article 33 of the Penal Code, they are

⁷³ Transmitted to the Secretariat by that Government on 27 December 2001 (S/2001/1284, enclosure), 15 January 2002 (S/2001/1284/Add.1, enclosure), 23 July 2002 (S/2002/887, enclosure), and 11 August 2003 (S/2003/839, enclosure). Information was also provided on the Federal Act of 25 July 1998 “On Measures to Combat Terrorism”, Federal Act of 28 July 1996 “On refugees”, Federal Act No. 150 of 13 October 1996 “On weapons”, Federal Act No. 128 of 8 August 2001 “On the licensing of individual types of activity”, Decision No. 814 of the Government of the Russian Federation of 21 July 1998 “On measures to regulate the circulation of civilian and service weapons and ammunition therefore in the territory of the Russian Federation”, Decision No. 1314 of the Government of the Russian Federation of 15 October 1997 “On confirmation of the rules governing the circulation of offensive small arms and other weapons, ammunition and cartridges therefore, and steel weapons in State paramilitary organizations”, the Instruction “On the licensing of activities relating to the storage, transport and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons” (confirmed by Decision No. 199 of the Government of the Russian Federation of 19 March 2001) and Order No. 288 of the Ministry of Internal Affairs of the Russian Federation of 12 April 1999 “On measures to implement the Decision of the Government of the Russian Federation”.

⁷⁴ For the texts of these and other pertinent articles of the Penal Code, see: United Nations Legislative Series, National Laws and Regulations on the Prevention and Suppression of International Terrorism, Part I (ST/LEG/SER.B/22), pp. 331-347.

considered as accomplices and are responsible for the commission of specific offences under the same article in the special section of the Penal Code as the perpetrator of the terrorist act. The extent of their liability is determined by the nature and extent of the actual participation by each person in the commission of the offence (section 1 of article 34 of the Penal Code).

Persons who supply weapons to terrorists are liable under article 222 of the Penal Code on “Illegal acquisition, transfer, sale, storage, transport or carrying of weapons, basic parts thereof, ammunition, explosives and explosive devices”. Organizations engaged in similar activities are liable to liquidation, in accordance with article 25 of the Federal Act “On measures to combat terrorism”.

Article 255 of the Penal Code establishes liability for the manufacture, acquisition or sale of chemical, biological or other types of weapons of mass destruction prohibited by the international agreements of the Russian Federation.

Article 12, section 1, of the Penal Code establishes that citizens of the Russian Federation and stateless persons who habitually reside in the Russian Federation who have committed offences outside the Russian Federation are liable to prosecution under the Penal Code if the acts committed by them are offences in the State in whose territory they were committed and if the persons have not been convicted in the foreign State.

Foreign nationals and stateless persons not habitually residing in the Russian Federation who have committed an offence outside the Russian Federation are liable to prosecution under the Penal Code of the Russian Federation if the offence is directed against the interests of the Russian Federation or if the case is covered by an international agreement of the Russian Federation, if the persons have not been convicted in the foreign State and are prosecuted in the Russian Federation (article 12, section 3, of the Penal Code).

Pursuant to subparagraph 1 (a) of its resolution, the State Duma of the Russian Federation (Parliament) on 28 June 2002 adopted Federal Act No. 97528-3 “On the introduction of amendments and additions to the Penal Code of the Russian Federation”. This Act establishes increased liability for the recruitment and training of terrorists and the financing of terrorist activities and organizations.

(b) Decree No. 393 of The President of The Russian Federation of 17 April 2002 “On Measures To Implement United Nations Security Council Resolutions 1388 (2002) of 15 January 2002 and 1390 (2002) of 16 January 2002”

Decree No. 393 prohibits the supply, sale and transfer from the territory of the Russian Federation, or by its nationals outside its territory, to members of the al-Qa`idah organization and the Taliban movement and other persons, groups, companies and organizations connected with them, of manufactured articles for military use, dual-use goods and technology, spare parts, assembled units and auxiliary equipment for such articles and goods, and prohibits the provision of technical advice and assistance related to military activities in this field.