



Strasbourg, 24 February 2012

CDL-REF(2012)012

Engl. only

Opinion no. 660 / 2011

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

FEDERAL LAW

ON COMBATING EXTREMIST ACTIVITY¹

OF THE RUSSIAN FEDERATION

¹ Unofficial translation provided by the Council of Europe.

Translation from Russian

**Federal Law No. 114-FZ of 25 July 2002
"On combating extremist activity"
(as amended on 27 July 2006, 10 May and 24 July 2007 and 29 April 2008)**

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

Article 1. Basic notions

For the purposes of the present Federal law the following basic notions are used:

1) extremist activity/extremism:

forcible change of the foundations of the constitutional system and violation of the integrity of the Russian Federation;

public justification of terrorism and other terrorist activity;

stirring up of social, racial, ethnic or religious discord;

propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

violation of human and civil rights and freedoms and lawful interests in connection with a person's social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

obstruction of the exercise by citizens of their electoral rights and rights to participate in a referendum or violation of voting secrecy, combined with violence or threat of the use thereof;

obstruction of the lawful activities of state authorities, local authorities, electoral commissions, public and religious associations or other organisations, combined with violence or threat of the use thereof;

committing of crimes with the motives set out in indent "f" ["e" in the original Russian] of paragraph 1 of article 63 of the Criminal Code of the Russian Federation;

propaganda and public show of nazi emblems or symbols or of emblems or symbols similar to nazi emblems or symbols to the point of confusion between the two;

public calls inciting the carrying out of the aforementioned actions or mass dissemination of knowingly extremist material, and likewise the production or storage thereof with the aim of mass dissemination;

public, knowingly false accusation of an individual holding state office of the Russian Federation or state office of a Russian Federation constituent entity of having committed actions mentioned in the present Article and that constitute offences while discharging their official duties;
organisation and preparation of the aforementioned actions and also incitement of others to commit them;

funding of the aforementioned actions or any assistance for their organisation, preparation and carrying out, including by providing training, printing and material/technical support, telephony or other types of communications links or information services;

2) **extremist organisation:** a public or religious association or other organisation in respect of which and on grounds provided for in the present Federal law, a court has made a ruling having entered into legal force that it be wound up or its activity be banned in connection with the carrying out of extremist activity;

3) **extremist materials:** documents intended for publication or information on other media calling for extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activity, including works by leaders of the National Socialist worker party of Germany, the Fascist party of Italy, publications substantiating or justifying ethnic and/or racial superiority or justifying the practice of committing war crimes or other crimes aimed at the full or partial destruction of any ethnic, social, racial, national or religious group.

Article 2. Fundamental principles of combating extremist activity

The combating of extremist activity shall be based on the following principles:

recognition of, respect for and protection of human and civil rights and freedoms and also of the lawful interests of organisations;

lawfulness;

transparency;

the priority of safeguarding the security of the Russian Federation;

the priority of measures aimed at preventing extremist activity;

cooperation of the State with public and religious associations, other organisations and citizens in combating extremist activity;

the inevitability of punishment for the carrying out of extremist activity.

Article 3. Main thrusts for combating extremist activity

The combating of extremist activity shall follow the main thrusts listed below:

taking of preventive measures aimed at preventing extremist activity, including the detection and subsequent elimination of the causes and conditions facilitating the carrying out of extremist activity;

detection, prevention and suppression of extremist activity of public and religious associations, other organisations and physical individuals.

Article 4. Entities involved in combating extremist activity

Federal state authorities, state authorities of constituent entities of the Russian Federation and local authorities shall participate in combating extremist activity within the limits of their competence.

Article 5. Preventing extremist activity

For the purpose of combating extremist activity, the federal state authorities, state authorities of constituent entities of the Russian Federation and local authorities shall, within the limits of their competence and on a priority basis, carry out preventive measures, including educational and publicity measures, aimed at preventing extremist activity.

Article 6. Issuing of an official warning of the inadmissibility of carrying out extremist activity

In the presence of sufficient and previously confirmed information on unlawful acts in preparation presenting the characteristics of extremist activity and in the absence of grounds for criminal prosecution, the Prosecutor General of the Russian Federation or their deputy or the respective prosecutor subordinate to them or their deputy shall send to the leader of the public or religious organisation or leader of another organisation and other relevant persons a written

warning of the inadmissibility of such activity, with an indication of the concrete grounds for issuing the warning.

In the event of failure to comply with the demands set out in the warning, the individual issued with that warning may be prosecuted under the established procedure.

The warning may be appealed against in court under the established procedure.

Article 7. Serving of notice on a public or religious association or other organisation of the inadmissibility of carrying out extremist activity

In the event of the uncovering of facts pointing to the presence of characteristics of extremism within their activities, including in the activities of a single one of their regional or other structural sub-divisions, a public or religious organisation or other organisation shall be served with written notice of the inadmissibility of such activity, with an indication of the concrete grounds for serving the notice, including the violations committed. In the event of it being possible to take steps to eliminate the violations committed, the notice shall also set a time limit for eliminating those violations, of no less than two months from the date on which notice was served.

Notice shall be served on a public or religious organisation or other organisation by the Prosecutor General of the Russian Federation or the respective prosecutor subordinate to them. Notice may also be served on a public or religious organisation by the federal executive authority fulfilling the function of state registration of non-profit organisations, public associations and religious organisations (hereinafter - the federal state registration authority) or a respective territorial authority thereof.

Notice may be appealed against in court under the established procedure.

In the event of notice not being appealed against in court under the established procedure or not being declared unlawful by a court and where the respective public or religious association or other organisation or its regional or other structural sub-division fails, within the time limit set in the notice, to eliminate the violations committed constituting grounds for the serving of notice, or where, within 12 months following the date on which notice was served, new facts pointing to the presence of characteristics of extremism within its activities are uncovered, the public or religious association or other organisation concerned shall be wound up under the procedure established by the present Federal law, and the activity of the respective public or religious association that is not a legal entity shall be banned.

Article 8. Notice of the inadmissibility of disseminating extremist materials through a media outlet and the carrying out of extremist activity by it

In the event of the dissemination of extremist materials via a media outlet or the uncovering of facts pointing to the presence of characteristics of extremism within its activities, the founder and/or editorial entity (editor-in-chief) of that media outlet shall have written notice served on them of the inadmissibility of such acts or such activities, with an indication of the concrete grounds for serving the notice, including the violations committed, by the competent state authority having registered that media outlet or the federal executive authority in the sphere of press, television and radio broadcasting and mass communication or the Prosecutor General of the Russian Federation or the respective prosecutor subordinate to them. In the event of it being possible to take steps to eliminate the violations committed, the notice shall also set a time limit for eliminating those violations, of no less than ten days from the date on which notice was served.

Such notice may be appealed against in court under the established procedure.

In the event of notice not being appealed against in court under the established procedure or not declared unlawful by a court and where steps are not taken, within the time limit set, to eliminate the violations committed constituting grounds for the serving of notice, or where, within 12 months following the date on which notice was served, new facts pointing to the presence of characteristics of extremism within the activities of the media outlet are uncovered

again, the activity of the media outlet concerned shall be terminated under the procedure established by federal law.

Article 9. Liability of public or religious associations or other organisations for the carrying out of extremist activity

The creation and activity of public or religious associations or other organisations whose objectives or activities are aimed at carrying out extremist activity shall be prohibited in the Russian Federation.

In the event provided for in the fourth paragraph of Article 7 of the present Federal law or in the event of the carrying out by public or religious associations or other organisations or their regional or other structural sub-divisions of extremist activity resulting in a violation of human and civil rights and freedoms, damage to an individual, citizens' health, the environment, public order, public safety, property, the lawful economic interests of physical individuals and/or legal entities, society and the State or creating a real threat of causing such damage, the corresponding public or religious association or other organisation may be wound up and the activity of the respective public or religious association that is not a legal entity may be banned by decision of a court on the basis of an application by the Prosecutor General of the Russian Federation or the respective prosecutor subordinate to them.

On the grounds set out in the second paragraph of the present Article a public or religious association may be wound up and the activity of the respective public or religious association that is not a legal entity may be banned by decision of a court also on the basis of an application by the federal state registration authority or a respective territorial authority thereof. In the event of a court ruling on grounds provided for in the present Federal law that a public or religious association is to be wound up, its regional and other structural sub-divisions shall also be wound up.

The property of the public or religious organisation or other organisation wound up on grounds provided for in the present Federal law which remains after settlement of the demands of creditors shall be appropriated as the property of the Russian Federation. The decision on the appropriation of that property as the property of the Russian Federation shall be pronounced by the court at the same time as the decision to wind up the public or religious organisation or other organisation.

The list of public or religious associations or other organisations in respect of which a court has made a ruling having entered into force that they be wound up or their activity be banned on grounds provided for in the present Federal law shall be posted on the "Internet" worldwide computer network on the sites of federal executive authorities fulfilling the function of state registration of public and religious associations and other organisations. The aforementioned list shall also be published in official periodical publications determined by the Government of the Russian Federation.

Article 10. Suspension of the activity of a public or religious association

In the event of a public or religious association carrying out extremist activity, resulting in a violation of human and civil rights and freedoms, damage to an individual, citizens' health, the environment, public order, public safety, property, the lawful economic interests of physical individuals and/or legal entities, society and the State or creating a real threat of causing such damage, the corresponding official or authority shall be entitled, from the moment of their application to a court on grounds provided for in Article 9 of the present Federal law to have the public or religious association wound up or its activity banned, to suspend, by their own decision, the activity of the public or religious association prior to the court's examination of that application.

The decision to suspend the activity of a public or religious association prior to the court's examination of the application to have it wound up or its activity banned may be appealed against in court under the established procedure.

In the event of the suspension of the activity of a public or religious association, the rights of the public or religious association and its regional and other structural sub-divisions as founders of media shall be suspended, and they shall be prohibited from using state and municipal media, organising and holding assemblies, rallies, demonstrations, marches, pickets and other mass actions or public events, participating in elections and referendums or using bank deposits except to settle payments relating to their economic activity, compensation for loss and damage caused by their actions, payment of taxes, levies or fines and payments under labour contracts. If the court does not grant the application to have the public or religious association wound up or its activity banned, that association shall resume its activity following the entry into legal force of the court decision.

Suspension of the activity of political parties shall be carried out under the procedure provided for in the Federal Law "On political parties".

The list of public or religious associations whose activity has been suspended in connection with extremist activity carried out by them shall be posted on the "Internet" worldwide computer network on the site of federal executive authority fulfilling the function of state registration of public and religious associations. The aforementioned list shall also be published in official periodical publications determined by the Government of the Russian Federation.

Article 11. Liability of the media for disseminating extremist materials and carrying out extremist activity

The dissemination of extremist materials via the media and the carrying out by them of extremist activity shall be prohibited in the Russian Federation.

In the event provided for in the third paragraph of Article 8 of the present Federal law or in the event of the carrying out by a media outlet of extremist activity, resulting in a violation of human and civil rights and freedoms, damage to an individual, citizens' health, the environment, public order, public safety, property, the lawful economic interests of physical individuals and/or legal entities, society and the State or creating a real threat of causing such damage, the activity of the corresponding media outlet may be terminated by decision of a court on the basis of an application by the competent state authority having carried out the registration of the media outlet concerned or the federal executive authority in the sphere of press, television and radio broadcasting and mass communication or the Prosecutor General of the Russian Federation or the respective prosecutor subordinate to them.

In order not to allow further dissemination of extremist materials, the court may suspend the sale of the corresponding issue of a periodical publication or copies of an audio or video recording of a programme or the release of the corresponding television, radio or video programme, under the procedure to be used for the taking of measures to secure a claim. The court's decision shall be a ground for the seizure of the unsold part of copies of the production of the media outlet containing extremist material from places of storage, wholesale and retail trade.

Article 12. Inadmissibility of using public communication networks to carry out extremist activity

The use of public communication networks to carry out extremist activity shall be prohibited. In the event of a public communication network being used to carry out extremist activity, measures provided for in the present Federal law shall be taken with due regard for the specific characteristics of relations governed by Russian Federation legislation in the sphere of communications.

Article 13. Liability for the dissemination of extremist materials

The dissemination of extremist materials and also the production or storage of such materials with the aim of dissemination shall be prohibited on the territory of the Russian Federation. In the cases provided for in Russian Federation legislation, the production, storage or dissemination of extremist materials is an infringement of the law incurring liability.

Information materials shall be declared as extremist by the federal court with jurisdiction over the location where they are discovered or disseminated or the location of the organisation having produced such materials, on the basis of a submission by the prosecutor or in proceedings in a corresponding administrative infringement, civil or criminal case.

A decision concerning confiscation shall be taken at the same time as the decision of the court declaring information material as extremist.

A copy of the court decision declaring information materials extremist which has entered into legal force shall be sent to the federal state registration authority.

A federal list of extremist materials shall be posted on the "Internet" worldwide computer network on the site of the federal state registration authority. That list shall also be published in the media.

A decision to include information materials in the federal list of extremist materials may be appealed against in court under the procedure established by Russian Federation legislation.

Article 14. Liability of officials and state and municipal civil servants for extremist activity carried out by them

Statements by an official and also any other person employed in government or municipal service on the necessity, admissibility, possibility or desirability of extremist activity, made publicly or while discharging their official duties, or with an indication of the post they hold, and likewise the failure of an official to take measures within the sphere of their competence to suppress extremist activity shall incur the liability established by Russian Federation legislation. The corresponding state authorities and higher-ranking officials shall immediately take the necessary steps to prosecute those having committed the actions listed in the first paragraph of the present Article.

Article 15. Liability of citizens of the Russian Federation, foreign citizens and stateless persons for extremist activity carried out by them

Citizens of the Russian Federation, foreign citizens and stateless persons shall bear criminal, administrative and civil liability for the carrying out of extremist activity under the procedure established in Russian Federation legislation.

For the purpose of safeguarding state and public security on the grounds and under the procedure provided for in federal law, a person having participated in extremist activity may have their access restricted by a court decision to employment in state and municipal service, military service under contract and service in law enforcement agencies and also to work in educational establishments and employment in private detective and security work.

In the event of the leader or a member of the leadership body of a public or religious association or other organisation making a public statement calling for the carrying out of extremist activity, without indicating that this is their personal opinion, and likewise in the event of a court conviction for a crime with extremist tendencies entering into legal force in respect of such an individual, the corresponding public or religious association or other organisation shall publicly state, within five days following the date of the aforementioned statement, that it disagrees with the statements and actions of that individual. If the corresponding public or religious association or other organisation fails to issue such a public statement, this may be considered as a fact pointing to the presence of activity presenting characteristics of extremism within it.

The author of printed, audio, audiovisual or other materials/productions intended for public use and containing a single one of the characteristics provided for in Article 1 of the present Federal law shall be deemed to be an individual having carried out extremist activity and bear liability under the procedure established by Russian Federation legislation.

Article 16. Inadmissibility of carrying out extremist activity during the holding of mass actions

Carrying out extremist activity during the holding of assemblies, rallies, demonstrations, processions and pickets shall be prohibited. The organisers of mass actions shall bear liability for compliance with the requirements established by Russian Federation legislation concerning the procedure for holding mass actions, the inadmissibility of carrying out extremist activity and also its timely suppression. Notice of the aforementioned liability shall be given in writing by the internal affairs authorities of the Russian Federation to organisers of mass events prior to the holding of those events.

Participants in mass actions shall be prohibited from having in their possession arms (except in localities where the bearing of cold arms forms part of an ethnic custom) or items specially manufactured or adapted to cause harm to the health of people or material damage to physical individuals and legal entities.

During the holding of mass actions the involvement in such actions of extremist organisations, the use of their symbols or emblems and also the dissemination of extremist materials shall not be permitted.

In the event of the circumstances provided for in the third paragraph of the present Article being discovered, the organisers of the mass action or other individuals responsible for holding it shall immediately take steps to eliminate the violations in question. Failure to fulfil this obligation shall result in the halting of the mass action at the demand of representatives of the internal affairs authorities of the Russian Federation and incur liability for its organisers on the grounds and under the procedure provided for in Russian Federation legislation.

Article 17. International cooperation in the sphere of combating extremism

The activity of public and religious associations and other non-profit organisations of foreign States and their structural sub-divisions whose activities have been declared extremist in accordance with international law instruments and federal legislation shall be banned on the territory of the Russian Federation.

The banning of the activity of a foreign non-profit non-governmental organisation shall entail:

- a) cancellation of state accreditation and registration under the procedure provided for in Russian Federation legislation;
- b) [б) in the original Russian] banning from residence on the territory of the Russian Federation of foreign citizens and stateless persons in the capacity of representatives of the organisation in question;
- c) [в) in the original Russian] banning of the conducting of any economic or other activity on the territory of the Russian Federation;
- d) [г) in the original Russian] banning of the publication in the media of any materials on behalf of the banned organisation;
- e) [д) in the original Russian] banning of the dissemination on the territory of the Russian Federation of materials of the banned organisation and likewise other information products containing materials of that organisation;
- f) [е) in the original Russian] banning of the conducting of any mass actions and public events and likewise participation in mass actions and public events in the capacity of representatives of the banned organisation (or its official representatives);
- g) [ж) in the original Russian] banning of the creation of a successor organisation to it in any organisational-legal form.

Within ten days following the entry into force of a court decision banning the activity of a foreign non-profit non-governmental organisation, the competent state authority of the Russian Federation shall notify the diplomatic representation or consular establishment of the respective foreign State in the Russian Federation of the ban on the activity of that organisation on the territory of the Russian Federation and also of the consequences related to the ban.

The Russian Federation shall cooperate, in accordance with the international treaties of the Russian Federation, in the sphere of combating extremism with foreign States, their law enforcement agencies and special services and also with international organisations engaged in combating extremism.

President of the Russian Federation
Vladimir Putin

Moscow, Kremlin
25 July 2002
No. 114-FZ