



# **RULING OF THE PLENARY SESSION OF THE SUPREME COURT OF THE RUSSIAN FEDERATION**

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## **On Certain Issues Encountered by the Courts in Consideration of Administrative Cases and of Cases on Administrative Offences pertaining to Application of Legislation on Public Events**

In order to ensure the uniform practice of court application of legislation on public events in consideration of administrative cases and of cases on administrative offences, the Plenary Session of the Supreme Court of the Russian Federation, guided by Article 126 of the Constitution of the Russian Federation, Articles 2 and 5 of Federal Constitutional Law No. 3 of 5 February 2014 “On the Supreme Court of the Russian Federation”, hereby rules to provide the following explanations:

### ***Issues Encountered in Consideration of Administrative Cases pertaining to Application of Legislation on Public Events***

1. In accordance with Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, rallies and demonstrations, marches and picketing.

This constitutional right is protected by the state and provides the citizens with opportunities to freely express and form opinions, put forward demands on various issues of political, economical, social and cultural life of the country and on foreign policy issues, thereby influencing the activities of public authorities, in

particular through criticism of their actions and decisions, or to receive information about the activities of a deputy of a legislative (representative) public authority, of a deputy of a representative body of a municipal entity during meetings of the corresponding deputy with the voters. Herewith, this right may be limited by federal law for the purposes of protecting the foundations of the constitutional system, morality, health, rights and lawful interests of other persons, ensuring the defence of the country and the security of the state, based on the principles of legal equality and proportionality of admissible limitations of the aforementioned right (Part 3 of Article 17, Parts 1 and 2 of Article 19, Part 1 of Article 45, Part 3 of Article 55 of the Constitution of the Russian Federation).

The manner of realisation of the constitutional civil right to gather peacefully, without weapons, to hold assemblies, rallies and demonstrations, marches and picketing is stipulated in Federal Law No. 54 of 19 June 2004 “On Assemblies, Rallies, Demonstrations, Marches and Picketing” (hereinafter referred to as the Law on Public Events). In accordance with this law, the legislation of the Russian Federation on public events, being based on provisions of the Constitution of the Russian Federation, on the universal principles and norms of international law, international treaties of the Russian Federation, includes, apart from the aforementioned law, other legislative acts of the Russian Federation pertaining to ensuring the right to hold assemblies, rallies, demonstrations, marches and picketing, and where so stipulated in the Law on Public Events – also the normative legal acts of the President of the Russian Federation (Part 4 of Article 8), of the Government of the Russian Federation (Part 1 of Article 11), of public authorities of constituent entities of the Russian Federation (Part 2 of Article 7, Parts 1.1, 2.2, 3 and 3.1 of Article 8 and Part 1 of Article 11). The holding of public events for the purposes of election campaigning, campaigning on issues of a referendum is regulated, apart from the Law on Public Events, by legislation of the Russian Federation on elections and referendums (Parts 1 and 2 of Article 1).

The Law on Public Events stipulates a notification procedure for holding public events. This allows the public authorities to take reasonable and necessary measures for realisation of the constitutional civil right to hold a public event in conditions ensuring the protection of interests of state and public safety, public order, protection of health and morality of the population and protection of rights and freedoms of other persons.

In order to ensure that the right to hold a public event is realised in the aforementioned conditions, the Law on Public Events provides for procedures of mutual approval between the public events organisers and the executive bodies of constituent entities of the Russian Federation or the local self-government bodies (hereinafter – public authorities) aimed at determining the venue, time, form and other conditions for holding public events, corresponding to the lawful aim of the planned public event and safeguarding of interests of other persons, allowing to ensure public order and safety.

The decisions, actions (failure to act) of a public authority pertaining to the organisation of a public event (including a public event planned within the framework of an election campaign), as well as other decisions, actions (failure to act) of public authorities, local self-government bodies, other bodies and organisations vested with certain state or other public powers, of officials, state or municipal servants violating the civil right to hold public events or impeding the realisation of that right may be challenged in a court of general jurisdiction in accordance with Chapter 22 of the Code of Administrative Judicial Procedure of the Russian Federation (hereinafter – the CAJP RF).

2. The right to challenge a decision, action (failure to act) of a public authority pertaining to the mutual approval procedures or a refusal to approve the holding of a public event belongs to the public event organiser, to a person vested by the organiser with managerial functions regarding the organisation and holding of the public event (hereinafter referred to as a person authorised by the organiser) and also to a prosecutor (Part 1 of Article 39, Parts 1, 2 and 4 of Article 218 of the CAJP RF).

The right to challenge the actions and decisions regarding the halting, termination of a public event (in particular by filing a collective administrative claim) belongs to its organiser, a person authorised by the organiser, to a prosecutor, to participants of the aforementioned event, whose rights to hold a public event were violated (Articles 15–17, 19 of the Law on Public Events, Articles 42, 218 of the CAJP RF).

Other actions (failure to act), decisions of the authorised representative of a public authority, authorised representative of an internal affairs body, police officer, member of the military and (or) officer of the National Guard of the Russian Federation, of officers of a body of the federal security service, of a state protection body may be challenged by the public event organiser, by a person

authorised by the organiser, as well as by any participant of the public event, whose rights were violated by these actions (failure to act), decisions, in particular by filing a collective administrative claim (Articles 13–17 of the Law on Public Events, Articles 42, 218 of the CAJP RF).

3. An administrative statement of claim may be filed to the court at the location of the administrative defendant, independent of the public event venue (Part 1 of Article 22 of the CAJP RF).

4. It is brought to the attention of the courts that administrative cases on challenge of a refusal to approve the holding of a public event, of a reasoned proposal to change the venue and (or) time of the event or of a proposal to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events (hereinafter referred to as decisions of the public authority) are considered with due regard to the features stipulated in Chapter 22 of the CAJP RF for the consideration of such cases.

The aforementioned features include:

- reduced time for applying to court with an administrative statement of claim: the statement must be filed within ten days from the day, when the public event organiser learned about the violations of its rights, freedoms and lawful interests (Part 4 of Article 219 of the CAJP RF);
- reduced time for the court to forward copies of the court decree on acceptance of the administrative statement of claim for proceedings to the persons participating in the case: the copies must be forwarded on the day of adoption of the court decree, via means that ensure the fastest delivery of such copies (Part 4 of Article 222 of the CAJP RF);
- reduced time for the consideration of an administrative case on challenge of lawfulness of decisions of public authorities: such a case is subject to consideration within the shortest possible time, allowing to adopt a decision before the day of the public event, but no later than ten days from receipt of the administrative statement of claim by the court (Part 4 of Article 226 of the CAJP RF);
- reduced time for drawing a reasoned decision on refusal to satisfy the administrative claim, if only the operative part of the court decision is announced in the court session after the trial is finished: the reasoned decision must be drawn within the shortest possible time after the end of the

- trial, on the day of adoption of the decision (Part 4 of Article 227 of the CAJP RF);
- if the case is considered on the day or before the day of the public event, after the decision is drawn, its copies are immediately handed or forwarded to the persons participating in the case, their representatives, via means that ensure the fastest delivery of such copies (Part 6 of Article 227 of the CAJP RF);
  - if decisions, actions (failure to act) of a public authority regarding the approval of the venue and time of a public event (assembly, rally, demonstration, march, picketing) or regarding a warning issued by such a body in regard of the aims and form of the public event are recognized as unlawful by a court decision, such a decision is executed immediately (Part 8 of Article 227 of the CAJP RF).

An appeal (prosecutor's appeal) against a court decision in an administrative case on challenge of a decision of a public authority, received before the day of the public event, must be immediately accepted for proceedings and considered, so that an appellate decree is issued no later than on the day preceding the day of the public event (Part 3 of Article 305 of the CAJP RF). If other appeals (prosecutor's appeals) are received after the administrative case is considered on the basis of the appeal (prosecutor's appeal), they are subject to consideration by the court of appeal in the manner of Article 312 of the CAJP RF.

5. For the purposes of Part 2 of Article 5 of the Law on Public Events, the information that the public event organiser meets the corresponding requirements (i.e. a reference note confirming that the organiser does not have an unexpunged conviction) may be submitted by the public event organiser jointly with the public event notification (Parts 1 and 2 of Article 5, Part 1 of Article 7, Part 3 of Article 12 of the Law on Public Events).

6. The terms for filing a public event notification, stipulated in Part 1 of Article 7 of the Law on Public Events and calculated in calendar days, do not include the day on which the notification is forwarded and the day of the public event.

Thus, a public event notification must be received by the public authority no earlier than on the day, after which there are 15 days left before the day of the planned public event, and no later than on the day, after which there are 10 days left before the day of the planned public event.

The terms stipulated for a notification submitted by a deputy of a legislative (representative) public authority, a deputy of a representative body of a municipal entity regarding a public event held in order to inform the voters about her/his activities during a meeting with the voters and for a notification regarding picketing by a group of persons or picketing by a single participant with the use of a prefabricated fast-assembly structure that obstructs pedestrian and transport traffic are calculated likewise.

If the last day for filing a public event notification (except for picketing by a group of persons or picketing by a single participant with the use of a prefabricated fast-assembly structure) falls on a Sunday and (or) a public holiday, the notification is submitted on the working day preceding that day, within the term stipulated in Part 1 of Article 7 of the Law on Public Events.

7. The courts should take into account that a public event notification submitted outside the term stipulated in Part 1 of Article 7 of the Law on Public Events is not subject to consideration, in which regard the public event organiser must be immediately informed (Part 5 of Article 5, Item 1 of Part 1 of Article 12 of the Law on Public Events).

If a notification is submitted earlier than stipulated in Part 1 of Article 7 of the Law on Public Events, this does not deprive the public event organiser of the right to repeatedly submit a public event notification within the stipulated term.

8. A public event notification is submitted to the public authority in the manner stipulated in the law of a constituent entity of the Russian Federation (Parts 1 and 2 of Article 7 of the Law on Public Events). If a public event (except for assemblies and picketing by a single participant without the use of a prefabricated fast-assembly structure) is held on territory (premises) that is private property or otherwise lawfully owned, in particular in a shopping centre or on a different territory (on different premises) with free public access, this does not exempt the organiser from filing a notification in this regard.

9. When considering administrative cases on challenge of decisions, actions (failure to act) of public authorities, the courts should take into account that in accordance with Part 2.1 of Article 8, Part 3 of Article 12 of the Law on Public Events the public authorities may refuse to approve a public event only if the notification about it was submitted by a person that may not be a public event organiser in accordance with the aforementioned law, or if that law or a law of the

constituent entity of the Russian Federation prohibits the holding of public events at the location indicated in the notification as the public event venue.

Therefore, if a public authority forwards a reasoned proposal to change the venue and (or) time of the public event (as well as a proposal to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events) to the public event organiser, in particular when a written reasoned warning is forwarded, stating that the organiser and participants of the public event may be held liable in the stipulated manner, if during the public event they violate the requirements of the Constitution of the Russian Federation and (or) the prohibitions stipulated in the legislation of the Russian Federation on administrative offences or in the criminal legislation of the Russian Federation (hereinafter referred to as a reasoned warning), this does not constitute a refusal to approve the public event. The above measures suggest further interaction of the public event organiser with the public authority for the purposes of determining the venue, time, form and other conditions for holding the public event (Item 2 of Part 1, Part 2 of Article 12 of the Law on Public Events).

If the public authority fails to fulfil other duties stipulated in Part 1 of Article 12 of the Law on Public Events, this also cannot be regarded as refusal of that body to approve the public event.

When considering administrative cases on challenge of decisions, actions (failure to act) pertaining to mutual approval procedures, the courts should act on the premise that the intrusion of a public authority into the right to hold peaceful public events must be based on law, be necessary and proportionate to the legitimate aim pursued by this authority.

Taking this into account, the court should in every particular situation study all the arguments provided and all the evidence presented by the public authority and should also assess whether they contain relevant and sufficient grounds for the intrusion that took place.

10. It is brought to the attention of the courts that it is inadmissible to bring the proposal to change the venue and (or) time of the public event, as well as the proposal for the public event organiser to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events to the notice of the

public event organiser after three days since receipt of the public event notification (and as regards a notification on picketing by a group of persons submitted less than five days before the event – after the end of the day on which it was received) (Item 2 of Part 1 of Article 12 of the Law on Public Events). The Law on Public Events does not stipulate the possibility to prolong this term, where one of the days within it falls on a holiday.

In this regard, the public authority should use all available means of communication and delivery allowing to bring the content of said documents to the notice of the public event organiser and to record the fact of receipt of the corresponding information by the addressee.

If within three days from the day of receipt of a public event notification (and as regards a notification on picketing by a group of persons submitted less than five days before the event – on the day of its receipt) the public authority fails to bring its reasoned proposal to change the venue and (or) time of the public event, as well as a proposal for the public event organiser to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events, to the notice of the public event organiser, the public event may be regarded as approved, in particular when the issue of a person's liability in accordance with the legislation of the Russian Federation arises, unless the public event organiser evades receipt of the corresponding proposal.

11. If the aims, form and other conditions for holding the public event indicated in the notification are inconsistent with the requirements of the Law on Public Events, the public authority is obliged to bring its proposal to remedy this inconsistency to the notice of the public event organiser within three days since the day of receipt of the notification (and as regards a notification on picketing by a group of persons submitted less than five days before the event – on the day of its receipt) (Item 2 of Part 1 of Article 12 of the Law on Public Events).

In this regard it is brought to the attention of the courts that the aim of a public event, indicated in the public event notification, must be clear, excluding its arbitrary or ambiguous interpretation, and must also reflect the planned result of holding the public event.

If the information contained in the public event notification and other data give reasons to suggest that the aims and forms of the planned public event are

inconsistent with the provisions of the Constitution of the Russian Federation and (or) violate prohibitions stipulated in the legislation of the Russian Federation on administrative offences or in the criminal legislation of the Russian Federation, the public authority is obliged to immediately forward a reasoned warning to the public event organiser within the framework of mutual approval procedures (Part 2 of Article 12 of the Law on Public Events).

Herewith, the reasoned warning is of informative and preventive nature and is subject to challenge in court simultaneously with the challenge of proposal to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the public event notification and the requirements of the Law on Public Events (Part 4 of Article 219 of the CAJP RF).

The reasoned warning and the proposal to remedy the inconsistencies between the conditions for holding the public event and the requirements of the Law on Public Events may be contained in a single document.

By virtue of Item 3 of Part 4 of Article 5 of the Law on Public Events, the public event organiser is obliged to ensure compliance with the conditions for holding the public event, indicated in the corresponding notification or amended as a result of mutual approval with the public authority. Therefore, if a public event is held in conditions not mutually approved with the public authority, in particular as regards its aims and forms, this is a violation of requirements of the Law on Public Events, which may entail liability for the organiser of such a public event in the stipulated manner.

12. The proposal of the public authority to change the venue and (or) time of beginning and end of the public event cannot be arbitrary, must state the reasons and contain concrete data indicating that it is clearly impossible to conduct this event at the declared venue and (or) at the declared time due to the need to protect public interests (Item 2 of Part 1 of Article 12 of the Law on Public Events).

Such interests may include: the preservation and (or) restoration of normal and continuous functioning of vitally important facilities of the communal, social or transport infrastructure and of communication facilities (e.g. emergency repairs of utility networks); or the need to maintain public order, ensure the safety of citizens (both of the public event participants and of persons that may be present at its venue at the designated time, in particular in view of the danger of collapse of buildings and constructions or excess of the maximum capacity of the territory

(premises) at the public event venue); or inadmissibility of obstruction of pedestrian and (or) transport traffic, of citizens' access to housing premises or to transport or social infrastructure facilities; or other similar reasons (Part 2.2 of Article 8 of the Law on Public Events).

The courts should take into account that the inconveniences caused by the public event to citizens not participating in it, as well as the assumptions of the public authority that such inconveniences may arise, cannot by themselves constitute a good reason for changing the venue and (or) time of the public event.

For example, inconveniences pertaining to the need to temporarily change traffic routes, obstacles to pedestrian traffic cannot be regarded as good reasons for a proposal to change the venue and (or) time of the public event, if the traffic conditions and the conduct of all the traffic participants will be within the limits of admissible norms and will not contribute to traffic accidents.

Herewith, obstacles to transport or pedestrian traffic, the danger of disruption of functioning of facilities of the vital infrastructure may constitute a good reason for a proposal to change the venue and (or) time of the public event, if such a public event will violate transport and traffic safety requirements stipulated in federal laws and other normative legal acts at transport infrastructure facilities used for public transportation, will obstruct citizens' access to housing premises and infrastructure facilities, independent of whether the authorised bodies take additional measures aimed at ensuring compliance with such requirements (Part 3.1 of Article 8 of the Law on Public Events).

In view of the above, the public authority must present the court with evidence of concrete circumstances preventing the holding of the public event at the declared venue and (or) at the declared time.

Herewith, the court has no right to recognise the proposal of the public authority to change the venue and (or) time of the public event as well-substantiated with reference to other facts, not indicated in this proposal.

13. The courts should take into account that when a reasoned proposal to change the venue and (or) time of the public event is forwarded to the public event organiser, the public authority is obliged to suggest an exact venue and (or) time for the declared public event, ensuring the possibility of fulfilment of legitimate aims of this event and corresponding to its social and political meaning.

When a public authority refuses to approve the holding of a public event based on the fact that the Law on Public Events or a law of a constituent entity of the Russian Federation prohibits the holding of public events at the declared location, the public authority may suggest an alternative venue for the public event.

In accordance with Item 2 of Part 4 of Article 5 of the Law on Public Events, the public event organiser is obliged to inform the public authority in writing that it accepts (refuses to accept) the proposal of the public authority to change the venue and (or) time of the public event no later than three days before the day of the public event (except for assemblies and picketing by a single participant without the use of a prefabricated fast-assembly structure). The meaning of this norm does not prevent the public event organiser from forwarding a counter-proposal to the public authority, suggesting a different venue and (or) time for the public event, with due regard to the time necessary for approval of this counter-proposal, stipulated in Item 2 of Part 1 of Article 12 of said law.

The organiser resolves the issue of holding the event on a different date by filing a new public event notification.

In this regard, the courts should take into account that claims on challenge of proposals to change the venue of public events planned at the same location, at the same time, with a similar aim and other conditions for holding the public events, but declared for different dates, are not identical claims (Item 4 of Part 1 of Article 128, Item 2 of Part 1 of Article 194 of the CAJP RF).

14. If a public event is planned at a territory outside of the competence of the public authority authorised to approve the public event, the organiser accompanies the notification with data regarding the approval of the public event by the person that has competence over that territory. For example, based on the principle of protection of private property, the consent of the owner or other legitimate holder is required to hold a public event on private territory, including a territory (premises) with free public access. This consent is submitted to the public authority together with the public event notification (Part 1 of Article 8 of the Law on Public Events).

The public authority has no duty to approve a public event on the aforementioned territory (premises), if the organiser has not received consent to the holding of the public event on said territory (premises) from the owner or other legitimate holder.

In this regard, the public authority is obliged to bring its proposal to change the territory (premises) of the public event to the notice of the public event organiser.

15. It is brought to the attention of the courts that in accordance with Part 1.1 of Article 8 of the Law on Public Events when a public event is held at a location determined by the executive body of a constituent entity of the Russian Federation, specially designated or equipped for discussion of socially significant issues and expression of public sentiments, as well as for mass attendance of citizens for public expression of the public opinion regarding the current problems, primarily those of socially-political nature (hereinafter referred to as a specially designated location), a public event notification is not required, if the expected number of participants does not exceed the limit on the number of persons participating in public events not requiring notification, stipulated in the law of the constituent entity of the Russian Federation; herewith, this limit may not be less than 100 persons (hereinafter referred to as a public event not requiring notification).

If the expected number of participants of an assembly, rally or other public event planned at the specially designated location exceeds the limit stipulated in the law of the constituent entity of the Russian Federation, the public event organiser is obliged to submit a public event notification (Part 1.1 of Article 8 of the Law on Public Events).

The holding of a public event not requiring notification does not exempt its organiser from the duty to ensure the safety of the public event participants during the event. It presumes that the organiser needs to inquire whether any other public events are planned at the specially designated location at the selected time in order to avoid exceeding the maximum capacity of that location during joint holding of the events (Item 5 of Part 4 of Article 5 of the Law on Public Events). If the court resolves the issue of liability of the public event organiser in accordance with the legislation of the Russian Federation, then, when assessing whether the organiser fulfilled the duty to ensure public order and the safety of citizens during the public event, it should take into account whether the organiser informed the public authority about the intention to hold the public event at the specially designated location within the time stipulated in the corresponding law of the constituent entity of the Russian Federation. Herewith, if that time is not stipulated in the law of the constituent entity of the Russian Federation, the organiser may inform the public authority within the time indicated in Part 1 of Article 7 of the Law on Public Events.

If the information provided by the public event organiser within the framework of informing about the intention to hold a public event at a specially designated location and other data give reasons to suggest that the aims and forms of the planned public event are inconsistent with the provisions of the Constitution of the Russian Federation and (or) violate prohibitions stipulated in the legislation of the Russian Federation on administrative offences or in the criminal legislation of the Russian Federation, the public authority is obliged to immediately bring a reasoned warning to the notice of the public event organiser (Part 2 of Article 12 of the Law on Public Events).

The public authority has no right to propose it to the organiser of a public event not requiring notification to change its venue and (or) time, unless another public event has earlier been planned at that location, and the simultaneous holding of these public events will result in excess of the maximum capacity of the venue.

It may also be proposed to the organiser of that public event to change the venue and (or) time of the event, if during the simultaneous holding of the event together with the other public event, the notification (information) about which has been forwarded to the public authorities at an earlier time, it will be impossible to ensure the peaceful nature of these events (independent of the number of persons jointly attending their venue) using the law enforcement resources normally engaged for holding public events attended by a similar number of persons or additionally engaged for these purposes and will require the law enforcement bodies to take emergency measures.

16. The courts should take into account that specially designated locations for public events are determined by executive bodies of the constituent entity of the Russian Federation in order to create additional conditions for unobstructed realisation of the right to the freedom of peaceful assembly by citizens and their associations (Part 1.1 of Article 8 of the Law on Public Events).

In this regard, the holding of a mass cultural event, of a fair or another event not pertaining to public events within the context of the Law on Public Events cannot by itself constitute lawful grounds for proposing to change the venue and (or) time of the public event declared to be held at a specially designated location.

Herewith, the holding of a mass event (a fair, a mass cultural event, etc.) not pertaining to public events within the context of the Law on Public Events may be regarded as lawful ground for proposing to change the venue and (or) time of the

public event, only if information about such a mass event was published in accordance with the requirements of the legislation of the Russian Federation at an earlier time, and if in case of simultaneous holding of these events their safety cannot be ensured.

17. The fact that executive bodies of a constituent entity of the Russian Federation have determined specially designated locations does not preclude the public event organiser from choosing a different venue for the event by forwarding the corresponding notification or from holding an assembly, single-person picketing without the use of a prefabricated fast-assembly structure without notification (Part 1 of Article 7, Part 2.1 of Article 8 of the Law on Public Events).

18. By implication of Article 12 of the Law on Public Events, it is not allowed for the public authority to change the earlier approved venue, time and conditions for holding a public event.

If the organiser changes the venue, time, aims, forms and other conditions for holding the public event, jointly determined with the public authority within the framework of mutual approval procedures, the organiser is required to submit a new public event notification.

19. If the proposal to change the venue and (or) time of the public event, as well as the proposal for the public event organiser to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events is challenged, the parties may mutually approve the parameters in dispute and other conditions before the day of the public event by concluding a conciliation agreement (Article 137 of the CAJP RF).

It is not allowed to conclude a conciliation agreement in administrative cases on challenge of a public authority's refusal to approve the holding of a public event (Part 1 of Article 137 of the CAJP RF).

20. When satisfying an administrative statement of claim on challenge of a public authority's decision before the date of a public event, the court may oblige the public authority not to impede the holding of the public event on the declared date and time. If in a court session the administrative defendant presents evidence that other circumstances arose after the challenged decision of the public authority was issued, objectively preventing the holding of the public event at the declared venue

and (or) at the declared time, the court may oblige the administrative defendant to repeatedly consider the issue of the venue, time and conditions for holding the public event within the term stipulated by the court.

The court may also deem it necessary that the court decision in the administrative case on challenge of the public authority's decision is published (Part 13 of Article 226 of the CAJP RF).

***Issues Encountered in Consideration of Cases on Administrative Offences  
pertaining to Application of Legislation on Public Events***

21. Violations of legislation of the Russian Federation on public events entail liability stipulated in law, in particular administrative liability imposed in accordance with the norms of the Code of the Russian Federation on Administrative Offences (hereinafter – the CAO RF).

Persons infringing the rights of citizens or the public order and safety during organisation and (or) holding of public events are subject to administrative liability by virtue of Articles 5.38 and 20.2 of the CAO RF within one year from the day of the administrative offence.

For purposes stipulated in the aforementioned Articles of the CAO RF, the organisation of a public event should be understood as performance of one of the actions stipulated in the Law on Public Events or of their aggregate: informing the potential participants of the public event and submitting a public event notification to the corresponding public authority, preliminary campaigning, production and distribution of visual campaign materials, as well as other actions that do not contradict the legislation of the Russian Federation, performed for the purposes of preparing and holding the public event (Article 4 of the Law on Public Events).

The holding of a public event is its direct realisation in one of the forms stipulated in the Law on Public Events (assembly, rally, demonstration, march or picketing) or in combination, aimed at the free expression and forming of opinions, putting forward of demands on various issues of political, economical, social and cultural life of the country and on foreign policy issues, or at informing the voters about one's activities during a meeting of a deputy of a legislative (representative) public authority, of a deputy of a representative body of a municipal entity with the voters.

22. The actions (failure to act) in the form of impediment to organisation, holding, participation in a public event, as well as in the form of coercion to participation in a public event, form the objective element (*actus reus*) of the administrative offence stipulated in Article 5.38 of the CAO RF.

The impediment to organisation or holding of a public event is the unlawful denial of access or creation of obstacles to the realisation of rights of the organiser and participants of a public event, stipulated in the legislation of the Russian Federation on public events.

When resolving whether the actions (failure to act) of an official of a public authority may be qualified as the objective element of an administrative offence stipulated in Article 5.38 of the CAO RF, it should be taken into account that impeding the organisation or holding of a public event may in particular take place in case of evasion of receipt of a public event notification; knowingly unlawful refusal to approve a public event; failure to bring information about the stipulated maximum capacity of the territory (premises) at the public event venue to the notice of the public event organiser; failure to appoint an authorised representative of the public authority for the purpose of assisting the public event organiser in holding the public event in compliance with the requirements of the Law on Public Events; failure to ensure public order and the safety of citizens during the public event within the framework of one's competence, jointly with the public event organiser and the authorised representative of the internal affairs body.

If an official unlawfully impedes the holding of a public event through the use of powers vested in her/him by virtue of her/his office (e.g. uses the material and technical means owned by public authorities, state and municipal enterprises for activities impeding the public event; draws persons that are subordinate or otherwise dependant within the framework of the office to denying access to the venue of a public event organised and held in accordance with the law; mobilizes law enforcement personnel for unlawfully halting or terminating the public event), these actions do not entail administrative liability under Article 5.38 of the CAO RF. If there are corresponding grounds, such actions may be qualified as a crime (Article 149 of the Criminal Code of the Russian Federation, hereinafter – the CrC RF).

23. It is brought to the attention of the courts that the holding of an official of a public authority administratively liable under Article 5.38 of the CAO RF for

impeding the organisation or holding of a public event is not related to the existence or absence of a court decision recognising as unlawful a decision, action (failure to act) of a public authority in realisation of its powers stipulated in the legislation of the Russian Federation on public events. The lawfulness of such a decision or action (failure to act) of a public authority must be assessed within the framework of proceedings in a case on an administrative offence (Article 24.1 of the CAO RF).

24. Impediment to holding of a public event should also include deliberate actions performed by citizens, who are not the public event participants, disturbing the normal course of the public event and making it difficult or impossible for the event to fulfil its aims. In particular, such actions may take the form of loud shouts and noises aimed at making it impossible to bring the opinions and demands of the public event participants to the notice of a certain person, organisation, public authority, to which they are addressed (herewith, such actions may not include the statement of opinions by the public event participants on the discussed issues); destruction (damaging) of placards, banners and other visual campaign materials, prefabricated fast-assembly structures.

25. For the purposes of Article 5.38 of the CAO RF, the impediment to participation in a public event is the creation of obstacles for realisation of the constitutional right to hold public events, contrary to the requirements of the law. For example, it may take the form of prohibiting a citizen from reaching the public event venue by unlawful creation of barriers, fences or denying a public event participant the possibility to express her/his opinion in a way that does not violate public order and the rules of procedure of the public event.

26. When resolving the issue of administrative liability under Article 5.38 of the CAO RF due to coercion to participation in a public event, the courts should take into account that such coercion should not be qualified as an administrative offence, if it was performed by an official using the powers vested in her/him by virtue of her/his office, e.g. if the official threatened a person with firing, transfer to a position with lower salary, deprivation of a bonus or wage premium, use of disciplinary measures, etc., or used or threatened to use violence. Such actions contain the elements of a criminal offence stipulated in Article 149 of the CrC RF.

27. It is brought to the attention of the courts that impediment to organisation or holding of a public event or coercion to participation in a public event entails administrative liability under Article 5.38 of the CAO RF, if such an event is

organised and (or) held in accordance with the requirements of the legislation of the Russian Federation on public events.

If a public authority forwards to the public event organiser a reasoned proposal to change the venue and (or) time of the public event or a proposal for the public event organiser to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of the Law on Public Events, as well as a reasoned warning, this does not constitute impediment to organisation or holding of a public event, since such actions of the public authority are performed within the framework of its powers stipulated in law (Item 2 of Part 1, Part 2 of Article 12 of the Law on Public Events).

28. The objective element of the administrative offence stipulated in Part 1 of Article 20.2 of the CAO RF is completed by non-performance or improper performance by the public event organiser of the duties stipulated in Part 4 of Article 5 of the Law on Public Events, except where Parts 2–4, 7, 8 of Article 20.2 of the CAO RF apply. Non-performance or improper performance of these duties may in particular take the form of failure to ensure compliance with the conditions for holding the public event, indicated in the public event notification or amended as a result of mutual approval with the public authority; failure to inform the public event participants that they are requested not to violate the public order and rules of procedure of the public event, to cease the violations of law; failure to take measures to halt the public event or terminate it, where the participants of such an event perpetrate unlawful actions; absence of a distinguishing mark of a public event organiser (deputy's badge), except in the case of picketing by a single participant.

Herewith, for the purposes of Article 20.2 of the CAO RF the notion “public event organiser” should be understood as a natural or legal person undertaking the obligation to organise and (or) hold the public event, as well as a person authorised by the organiser (Part 1, Item 3 of Part 3 of Article 5 of the Law on Public Events).

29. A public event organiser may also be held liable under Part 1 of Article 20.2 of the CAO RF in case of organisation or holding of a public event, if the public authority refused to approve the holding of the event on grounds stipulated in the law (Part 5 of Article 5, Part 3 of Article 12 of the Law on Public Events).

By virtue of Part 3 of Article 12 of the Law on Public Events, a public authority in particular refuses to approve the holding of a public event, if the public event notification indicates a location at which it is prohibited to hold public events in accordance with the aforementioned law or a law of the constituent entity of the Russian Federation as the event venue.

For example, such locations include territories directly adjacent to buildings occupied by courts, territories and buildings of institutions administering punishment in the form of deprivation of liberty (Part 2 of Article 8 of the Law on Public Events). When considering cases on administrative offences stipulated in Part 1 of Article 20.2 of the CAO RF, the courts should take into account that the borders of such territories should be determined in the stipulated manner (Item 9 of Article 2 of the Law on Public Events). In the absence of borders determined in the stipulated manner, the public event organiser cannot be held administratively liable for organising and (or) holding a public event on such territories.

30. The objective element of the administrative offence stipulated in Part 2 of Article 20.2 of the CAO RF is completed by organising or holding a public event without submitting a notification about the event in the stipulated manner (except where a public event not requiring notification is held). Herewith, proceeding from Item 3 of Part 4 and Part 5 of Article 5 of the Law on Public Events, where the venue, time, other conditions for holding the public event are determined as a result of mutual approval procedures, this in particular should be understood as submission of a notification in the stipulated manner.

31. By virtue of Part 1.1 of Article 7 of the Law on Public Events, a notification regarding picketing by a single participant is not required, unless this participant plans to use a prefabricated fast-assembly structure. Herewith, the minimum admissible distance between persons engaged in such picketing is determined by the law of a constituent entity of the Russian Federation, but cannot exceed 50 metres. A court considering a concrete civil, administrative or criminal case may in its decision recognise the aggregate of acts of single-participant picketing, united by a single concept and joint organisation, as a single public event, in regard of which the aforementioned law stipulates the duty to submit a notification to the public authority.

If several pickets, each of which can be formally regarded as single-person picketing, are united by a unity of aims and joint organisation to a reasonably evident degree, are held simultaneously and gravitate towards the same territory,

while their participants use identical or associated visual campaign materials, put forward common demands and calls, this may constitute organisation or holding of a public event without submission of a public event notification in the stipulated manner, which entails administrative liability under Part 2 of Article 20.2 of the CAO RF. The facts that the public events have a single organiser, that their potential participants are informed and preliminary campaigning is conducted on a single basis, that visual campaign materials are produced and distributed in regard of several pickets may serve as evidence of the above.

When assessing the aggregate of such pickets as a single public event, the court should exclude the possibility of random coincidence of actions of single-person picketing participants and should not qualify picketing by a single participant as a public event, in regard of which the Law on Public Events stipulates a duty to submit a notification to the public authority, if normal interest is shown on the part of persons attracted by the picket.

Herewith, based on the presumption of innocence of the person in whose regard the proceedings in the case are conducted, stipulated in Article 1.5 of the CAO RF, the burden to prove that the holding of single-person pickets by several persons was initially planned and united by a single concept and joint organisation and therefore is a concealed form of a public event requiring a notification to be submitted to the public authority, must lie on the officials authorised to draw up a protocol about an administrative offence stipulated in Part 2 of Article 20.2 of the CAO RF or on the prosecutor, if he/she initiates a case on such an offence.

32. When considering cases on administrative offences stipulated in Part 3 of Article 20.2 of the CAO RF, the courts should take into account that it is only possible to hold the public event organiser administratively liable under that norm for exceeding the maximum capacity of the territory (premises) on which the public event is held, if such excess created a danger for the public safety and law and order, and was caused by the actions (failure to act) of the organiser. For example, a public event organiser allowed the excess of the number of its participants to happen and failed to take the measures aimed at limiting the access of citizens to participation in the public event that it could take and was obliged to take in accordance with the Law on Public Events, which resulted in dangers of violation of the public order and safety, violation of safety of the public event participants and of persons not participating in the event, as well as of damage to the property of natural and legal persons.

33. For the purposes of Article 20.2 of the CAO RF, a public event participant is a citizen, in particular a member of a political party, a member or participant of another public association, religious association, voluntarily participating in such an event and realising her/his rights stipulated in Part 2 of Article 6 of the Law on Public Events, e.g. participating in the discussion and adoption of decisions, using different symbols and other means of public expression of collective or individual opinion.

The courts should take into account that only the failure to perform duties (violation of prohibitions) stipulated in Parts 3 and 4 of Article 6 of the Law on Public Events by a public event participant may constitute violation of the stipulated manner of holding a public event that entails administrative liability under Part 5 of Article 20.2 of the CAO RF.

In particular, such duties include the need to fulfil all the lawful requests of officers of internal affairs bodies, of members of the military and officers of the National Guard of the Russian Federation. Failure to fulfil the lawful requests or instructions of the aforementioned representatives of the authorities, as well as obstruction of performance of their official duties pertaining to ensuring the public order, safety of citizens and observation of legality during a public event is subject to qualification under Part 5 of Article 20.2 of the CAO RF, which in this case is a specialized norm with regard to Part 1 of Article 19.3 of the CAO RF.

If a public event participant conceals her/his face (its part), in particular by using a mask, means of disguise, other items, such actions may form the objective element of an administrative offence, liability for which is stipulated in Part 5 of Article 20.2 of the CAO RF, if those items are used explicitly with the aim of making her/him more difficult to identify.

In order to establish whether this was the aim of such actions, the judges should take into account the ways and means of disguise used, the reaction of the public event participants to remarks of the authorised persons and the ensuing consequences, in particular as regards the safety and public order. Herewith, the facts, based on which the judge concluded that the public event participant had the aforementioned aim, must be described in the decree of the corresponding body in regard of the case on the administrative offence.

34. It is brought to the attention of the courts that if a public event participant violated the manner of holding an approved public event, where this violation

involved the blocking of transport communications, such actions should be qualified both under Part 5 of Article 20.2 of the CAO RF and under Article 20.18 of the CAO RF, with a single administrative punishment appointed under the rules of Part 2 of Article 4.4 of the CAO RF.

35. For the purposes of Parts 6.1, 7 of Article 20.2 of the CAO RF, an unauthorised public event should be understood as a public event, the holding of which a public authority refused to approve (where Part 3 of Article 12 of the Law on Public Events applies), or in regard of which a notification was not submitted in accordance with Article 7 of the Law on Public Events, or in regard of which the changing of venue and (or) time was not approved in the manner stipulated in the aforementioned law, or in regard of which a public authority issued a proposal to remedy the inconsistency between the event's aims, form and other conditions for holding the public event and the requirements of the Law on Public Events, but the inconsistency was not remedied.

For actions (failure to act) of a participant of an unauthorised public event to be qualified under Part 6.1 of Article 20.2 of the CAO RF, such actions must necessarily entail consequences in the form of creation of obstacles to the functioning of facilities of the vital infrastructure, transport or social infrastructure, communication facilities, obstacles to pedestrian and (or) transport traffic, or to citizens' access to housing premises or to transport or social infrastructure facilities; there must also be a causation link between the perpetrated actions (failure to act) and the ensuing consequences.

36. It is brought to the attention of the courts that based on the interrelated provisions of Item 2 of Part 1 of Article 4.3 and Part 8 of Article 20.2 of the CAO RF, "repeated perpetration" means perpetration of any of the administrative offences stipulated in Parts 1–6.1 of Article 20.2 of the CAO RF during the period within which a person is regarded as subjected to administrative punishment in accordance with Article 4.6 of said Code.

An administrative offence, liability for which is stipulated in Part 8 of Article 20.2 of the CAO RF, should be differed from the crime stipulated in Article 212.1 of the CrC RF, committed by repeated violation of the stipulated manner of organising or holding an assembly, rally, demonstration, march or picketing.

When resolving whether the stipulated manner of organising or holding a public event was violated repeatedly, the court should be guided by the Note to Article 212.1 of the CrC RF.

37. It is brought to the attention of the courts that if a public authority (its official), authorised representatives of a public authority or of an internal affairs body fail to fulfil their duties stipulated, accordingly, in Parts 1 and 3 of Article 12, Articles 13, 14 of the Law on Public Events, this may serve as evidence that there were no elements of the administrative offence stipulated in Article 20.2 of the CAO RF in the actions (failure to act) of the public event organiser or of its participants.

38. When appointing an administrative punishment of a concrete type and amount for the person guilty of violating the legislation of the Russian Federation on public events, the court should take into account that such a punishment must meet the requirements of proportionality, fairness and adequacy, individualisation of administrative liability and must also meet the aims of deterring the offender and other persons from perpetrating new offences.

Due to the fact that the sanctions of Article 5.38 and of all parts of Article 20.2 of the CAO RF meet the criteria of Parts 2.2 and 3.2 of Article 4.1 of the CAO RF as regards citizens, and only the sanctions of Parts 3, 4, 6.1–8 of Article 20.2 of the CAO RF meet those criteria as regards officials and legal persons, it is possible to appoint an administrative fine in regard of a citizen in the amount below the one stipulated in the applicable norm, if he/she is found guilty of any of the administrative offences stipulated in Articles 5.38, 20.2 of the CAO RF, but it is only possible to do so for officials and legal persons, if they commit administrative offences, liability for which is stipulated in Parts 3, 4, 6.1–8 of Article 20.2 of the CAO RF.

The court appoints administrative arrest as punishment for administrative offences pertaining to organisation and holding of public events or participation therein with due regard to the requirements of Article 3.9 of the CAO RF and to the nature of the perpetrated administrative offence, the personality of the person in whose regard the proceedings in the case on the administrative offence are conducted, and to other facts of the case, where the imposition of a different, milder administrative punishment from those listed in the sanction of the applicable Article (its Part) will not meet the tasks of legislation on administrative offences and the aims of administrative punishment.

When obligatory works are appointed for administrative offences stipulated in Article 20.2 of the CAO RF, the ruling regarding the appointment of the administrative punishment must cite the reasons for such a decision.

Herewith it should be noted that the legislation prohibits the appointment of administrative punishment in the form of administrative arrest and obligatory works for certain categories of persons (Part 2 of Article 3.9 and Part 3 of Article 3.13 of the CAO RF).

39. By virtue of express statement in the law, cases on administrative offences stipulated in Articles 5.38 and 20.2 of the CAO RF are subject to consideration only by judges of district courts (Part 1 and third paragraph of Part 3 of Article 23.1 of the CAO RF).

Cases on administrative offences stipulated in Article 5.38 of the CAO RF are considered at the place of their perpetration. By motion of the person in whose regard the proceedings in the case are conducted, the case on such an offence may be transferred to her/his place of residence (Part 1 of Article 29.5 of the CAO RF).

Herewith, the place of perpetration of the administrative offence stipulated in Article 5.38 of the CAO RF is the place where the unlawful action was perpetrated, independent of where its consequences ensued. If the offence is of continuous nature, the place where the unlawful activities stopped or were terminated is regarded as the place where the offence was perpetrated.

If the aforementioned administrative offence was perpetrated in the form of failure to act, the offence should be regarded as perpetrated at the place, where an action must have been performed or a duty imposed upon a person by a legal act must have been fulfilled, in particular the place of work of an official.

Herewith, exclusive territorial jurisdiction is established for administrative offences stipulated in Article 20.2 of the CAO RF, Part 1.2 of Article 29.5 of the CAO RF, which cannot be changed by filing the corresponding motion. Cases on such administrative offences, in particular committed with the use of information and telecommunication networks, including the Internet, are considered at the place of discovery of the administrative offence. This should be understood as the place where an official authorised to draw up a report about an administrative offence or the prosecutor discovered data indicating the fact of the administrative offence, as well as other circumstances of the offence, and where the

administrative offence report was drawn up, a decree on initiation of the case was issued.

40. On the stage of preparation of cases on administrative offences, the courts should check compliance with the manner of drawing up of the administrative offence report and of reports regarding the use of provisional measures in the case, as stipulated in the CAO RF (Chapter 27 of the CAO RF, Articles 28.2, 28.3 of the CAO RF).

A person may be subjected to provisional measures in a case on an administrative offence in the form of escorting for the purpose of drawing up a report about an administrative offence stipulated in Articles 5.38 and 20.2 of the CAO RF and (or), in exceptional circumstances, to administrative detention, where without the aforementioned measures it is impossible to discover the perpetrated administrative offence, identify the offender, timely and correctly consider the case on the administrative offence and enforce the ruling adopted as its result. In accordance with Part 2 of Article 27.2 of the CAO RF, escorting must in all cases be performed within the shortest time possible, in particular when several persons are being escorted simultaneously.

Administrative detention of a person may be dictated by the following circumstances: the actions of the person show that he/she may renew unlawful actions; there are reasonable suspicions that he/she may evade appearance in a court session; he/she does not have a determined place of residence; it is necessary to perform certain procedural actions, stipulated in the CAO RF and requiring personal participation, in her/his regard; it is necessary to preserve evidence for the full, comprehensive and objective consideration of the case on the administrative offence.

Actions (failure to act) of officials pertaining to the use of provisional measures in a case on an administrative offence may be challenged by the person subjected to such measures, by her/his statutory representative or by a prosecutor before a court of general jurisdiction under the rules of Chapter 22 of the CAJP RF.

41. In accordance with the requirements of Part 3 of Article 25.1 of the CAO RF, if a person in whose regard proceedings are conducted in a case on an administrative offence, which may result in administrative arrest, does not appear at the consideration of the case, or if an official that used the provisional measure in the form of administrative detention failed to ensure the appearance of that person in

the court session, the administrative offence report may be returned to the body, official that drew it up, along with the other materials of the case. Herewith, such returning is admissible exclusively at the stage of preparation of the case on an administrative offence for consideration (Item 4 of Part 1 of Article 29.4 of the CAO RF).

42. By general rule, cases on administrative offences stipulated in Articles 5.38 and 20.2 of the CAO RF are subject to open consideration. A court session may be held *in camera*, if there is a possibility of divulgence of a state secret or another secret protected by law, or when this is dictated by the interests of security of persons participating in the proceedings in a case on an administrative offence, security of their family members and other close persons, as well as the interests of protection of honour and dignity of the aforementioned persons (Part 1 of Article 24.3 of the CAO RF).

Persons participating in the proceedings in a case on an administrative offence and citizens attending the open consideration of a case on an administrative offence have the right to record the course of consideration of the case in written form, as well as with means of audio recording. Taking of photos, video recording, broadcasting of the open consideration of the case via radio, TV and the Internet is allowed with consent of the judge and in the manner stipulated by the judge (Parts 3, 4 of Article 24.3 of the CAO RF).

Chief Justice of the Supreme Court of  
the Russian Federation

V.M. Lebedev

Secretary of the Plenary Session, Judge of  
the Supreme Court of the Russian Federation

V.V. Momotov

# **ANNEX 1**

## **Translation of the Law on Public Events (as of 1 June 2020)**

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RUSSIAN FEDERATION

FEDERAL LAW

### **On Assemblies, Rallies, Demonstrations, Marches and Picketing**

19 June 2004

No. 54

Adopted by the State Duma on 4 June 2004

Approved by the Federation Council on 9 June 2004

This Federal Law is aimed at ensuring the realisation of the right of citizens of the Russian Federation to gather peacefully, without weapons, to hold assemblies, rallies, demonstrations, marches and picketing, as stipulated in the Constitution of the Russian Federation.

#### **Chapter 1. General Provisions**

Article 1. Legislation of the Russian Federation on Assemblies, Rallies, Demonstrations, Marches and Picketing

1. The legislation of the Russian Federation on assemblies, rallies, demonstrations, marches and picketing is based on the provisions of the Constitution of the Russian Federation, the universal principles and norms of international law, international treaties of the Russian Federation and comprises this Federal Law and other legislative acts of the Russian Federation pertaining to ensuring the right to hold assemblies, rallies, demonstrations, marches and picketing. Where so stipulated in this Federal Law, normative legal acts regarding the ensuring of conditions for holding assemblies, rallies, demonstrations, marches and picketing are issued by the President of the Russian Federation, the Government of the Russian Federation, adopted and issued by public authorities of constituent entities of the Russian Federation.

2. The holding of assemblies, rallies, demonstrations, marches and picketing for the purposes of election campaigning, campaigning on issues of a referendum is regulated by this Federal Law and the legislation of the Russian Federation on elections and referendums. The holding of religious rites and ceremonies is regulated by Federal Law No. 125 of 26 September 1997 “On Freedom of Conscience and on Religious Associations”.

Article 2. Basic Notions

The following basic notions are used for the purposes of this Federal Law:

1) public event [*публичное мероприятие*] – an open, peaceful, universally accessible action, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations of these forms, realised upon the initiative of citizens of the Russian Federation, of political parties, other public or religious associations, in particular with the use of transport vehicles. The aim of a public event is to freely express and form opinions, put forward demands on various issues of political, economical, social and cultural life of the country and on foreign policy issues, or, in case of a meeting of a deputy of a legislative (representative) public authority, of a deputy of a representative body of a municipal entity with the voters, to inform the voters about the activities of the deputy;

2) assembly [*собрание*]– joint attendance of a specially designated or equipped location by citizens for the purpose of collective discussion of any socially significant issues;

3) rally [*митинг*] – mass attendance of a determined location by citizens for public expression of the public opinion regarding the current problems, primarily those of socially-political nature;

4) demonstration [*демонстрация*] – organised public expression of public sentiments by a group of citizens with the use of placards, banners and other visual campaign materials during movement, in particular on transport vehicles;

5) march [*шествие*] – mass passage of citizens along a pre-determined route with the aim of attracting attention to any problems;

6) picketing [*пикетирование*] – a form of public expression of opinions performed without movement and use of sound amplifying technical devices by stationing one or several citizens using placards, banners and other visual campaign materials, as well as prefabricated fast-assembly structures, outside the picketed facility;

7) public event notification – a document used to provide the executive body of a constituent entity of the Russian Federation or a local self-government body with information about the holding of a public event in the manner stipulated in this Federal Law for the purpose of ensuring safety and law and order during the event;

8) rules of procedure of the public event – a document containing a timetable (hour-by-hour plan) of the main stages of the public event, indicating the persons responsible for realising each stage, and if the public event is to be held with the use of transport vehicles – information regarding the use of transport vehicles;

9) territories directly adjacent to buildings and other facilities – land plots, the borders of which are determined by decisions of executive bodies of a constituent entity of the Russian Federation or of local self-government bodies in accordance with normative legal acts regulating relations in the sphere of land management, land use and urban development.

### Article 3. Principles of Holding Public Events

Public events are held based on the following principles:

- 1) legality – the observation of provisions of the Constitution of the Russian Federation, of this Federal Law, of other legislative acts of the Russian Federation;
- 2) voluntary nature of participation in the public event.

## **Chapter 2. Organisation and Holding of a Public Event**

### Article 4. Organisation of a Public Event

The organisation of a public event includes:

- 1) informing the potential participants of the public event and submitting the public event notification to the corresponding executive body of a constituent entity of the Russian Federation or a local self-government body;
- 2) preliminary campaigning;
- 3) production and distribution of visual campaign materials;
- 4) other actions that do not contradict the legislation of the Russian Federation, performed for the purposes of preparing and holding the public event.

### Article 5. Public Event Organiser

1. The following may be a public event organiser: one or several citizens of the Russian Federation (for demonstrations, marches and picketing – a citizen of the Russian Federation, who has reached the age of 18; for assemblies and rallies – the age of 16), political parties, other public and religious associations, their regional branches and other structural units undertaking the obligation to organise and hold a public event.

2. The following may not be public event organiser:

- 1) a person declared to be legally incapable or having limited legal capacity by a court, as well as a person kept in confinement by virtue of a court sentence;
  - 1.1) a person with unexpunged conviction for a premeditated crime against the foundations of the constitutional system and the security of the state or a crime against public safety and public order, or a person that has been held administratively liable two or more times for administrative offences stipulated in Articles 5.38, 19.3, 20.1–20.3,

20.18, 20.29 of the Code of the Russian Federation on Administrative Offences during a period within which that person was regarded as subjected to administrative punishment;

2) a political party, another public association and religious association, their regional branches and other structural units, the activities of which have been suspended or prohibited, or which have been liquidated in the manner stipulated in law.

3. The public event organiser has the right:

1) to hold rallies, demonstrations, marches and picketing at the locations and at the time indicated in the public event notification or changed as a result of mutual approval with the executive body of a constituent entity of the Russian Federation or a local self-government body; to hold assemblies at a specially designated or equipped location allowing to ensure the safety of citizens during the assembly;

2) to engage in preliminary campaigning in support of the aims of the public event through mass media, by distributing flyers, producing placards, banners, slogans, and using other forms that do not contradict the legislation of the Russian Federation;

3) to authorise certain participants of the public event to perform managerial functions regarding the organisation and holding of the event;

4) to organise the gathering of voluntary donations, signatures in support of resolutions, demands and other petitions of citizens;

5) to use sound amplifying technical devices (audio, video and other equipment), with the level of sound corresponding to the standards and norms established in the Russian Federation, during assemblies, rallies, demonstrations and marches;

6) to request the authorised representative of the internal affairs body to remove persons not fulfilling the lawful requests of the public event organiser from the public event venue.

4. The public event organiser is obliged:

1) to submit a public event notification to the executive body of a constituent entity of the Russian Federation or a local self-government body in the manner stipulated in Article 7 of this Federal Law;

2) no later than three days before the public event (except in cases of assembly and picketing by a single participant), to inform, in written form, the executive body of a constituent entity of the Russian Federation or a local self-government body about the acceptance (refusal to accept) of its proposal to change the venue and (or) time of the public event indicated in the public event notification;

3) to ensure compliance with the conditions for holding the public event indicated in the public event notification or changed as a result of mutual approval with the executive body of a constituent entity of the Russian Federation or a local self-government body;

4) to request the public event participants to respect the public order and comply with the rules of procedure of the public event, cease any violations of the law;

5) to ensure, within its competence, the public order and the safety of citizens during the public event and, where so stipulated in this Federal Law, to perform this duty jointly with the authorised representative of the executive body of the constituent entity of the Russian Federation or of the local self-government body and the authorised representative of the internal affairs body, fulfilling all their lawful requests in so doing;

6) to halt or terminate the public event in case of perpetration of unlawful actions by its participants;

7) to ensure compliance with the maximum capacity of the territory (premises) at the public event venue, stipulated by the executive body of the constituent entity of the Russian Federation or by the local self-government body;

7.1) to take measures aimed at preventing the excess of the number of public event participants indicated in the public event notification, if such excess creates a danger to the public order and (or) public safety, the safety of the public event participants or of other persons, or a danger of damage to property;

8) to ensure the integrity of plantations, premises, buildings, structures, constructions, equipment, furniture, appliances and of other property at the public event venue;

9) to bring to the notice of the public event participants the request of the authorised representative of the executive body of the constituent entity of the Russian Federation or of the local self-government body regarding the halt or termination of the public event;

10) to bear a distinguishing mark of the public event organiser. Persons authorised by the organiser must also bear distinguishing marks. A deputy of a legislative (representative) public authority, a deputy of a representative body of a municipal entity may not bear a distinguishing mark of the public event organiser, if he/she has a deputy's badge;

11) to request the public event participants not to conceal their faces, in particular not to use masks, means of disguise, other items specially intended to make them more difficult to identify. Persons not complying with the lawful requests of the public event organiser may be removed from the public event venue;

12) if the public event organiser decides not to hold the public event, it is obliged to take measures aimed at informing the citizens and to inform the executive body of the constituent entity of the Russian Federation or the local self-government body, to which

the public event notification was earlier submitted, about this decision, no later than one day before the event.

5. The public event organiser has no right to hold the event, if the public event notification was not submitted in due time, or if following a reasoned proposal of the executive body of a constituent entity of the Russian Federation or of the local self-government body the change of its venue and (or) time was not mutually approved.

6. If the public event organiser fails to fulfil the duties stipulated in Part 4 of this Article, it bears civil liability for the damages caused by the public event participants. Restitution of damages is effected within the framework of civil judicial proceedings.

## Article 6. Public Event Participants

1. Citizens, members of political parties, members and participants of other public and religious associations voluntarily participating in the public event are recognised as public event participants.

2. The public event participants have the right:

1) to participate in the discussion and adoption of decisions, in other collective actions corresponding to the aims of the public event;

2) to use different symbols and other means of public expression of collective or individual opinion, as well as campaign materials not prohibited by the legislation of the Russian Federation, during the public event;

3) to adopt and send resolutions, demands and other addresses of citizens to public authorities and local self-government bodies, public and religious associations, international and other bodies and organisations.

3. During the public event, its participants are obliged:

1) to perform all the lawful requests of the public event organiser, of the persons authorised by the public event organiser, of the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body and of officers of internal affairs bodies (members of the military and officers of the National Guard of the Russian Federation);

2) to respect the public order and the rules of procedure of the public event;

3) if the public event is held with the use of transport vehicles, to observe the transport and traffic safety requirements stipulated in federal laws and other normative legal acts.

#### 4. Public events participants have no right:

- 1) to conceal their faces, in particular to use masks, means of disguise or other items specially intended to make them more difficult to identify;
- 2) to carry weapons, ammunition, piercing or cutting items, other items that may be used as weapons, explosive devices, explosive, poisonous, toxic, flammable substances, substances with pungent odour, fire-hazardous and pyrotechnic substances or devices (except for matches and pocket lighters), items (chemical materials) that may be used to produce pyrotechnic devices or smoke, combustible materials and substances, other substances, items, devices (in particular makeshift ones), the use of which may lead to smoke generation, inflammation; to carry and (or) consume alcoholic and alcohol-containing products, beer and beer-based beverages;
- 3) to be present at the public event venue in a state of intoxication.

5. If a journalist is active at a public event, the grounds for such activities are an identification document issued by the editorial office or another document confirming the identity of the journalist and her/his powers. A journalist present at a public event must have a clearly visible distinguishing mark of a representative of the mass media.

#### Article 7. Public Event Notification

1. A public event notification (except for a public event conducted by a deputy of a legislative (representative) public authority, a deputy of a representative body of a municipal entity for the purpose of informing the voters about her/his activities during a meeting with the voters, as well as an assembly and picketing by a single participant without the use of a prefabricated fast-assembly structure) is submitted by its organiser in written form to the executive body of a constituent entity of the Russian Federation or a local self-government body no earlier than 15 and no later than 10 days before the day of the public event. The notification about a public event held by a deputy of a legislative (representative) public authority, a deputy of a representative body of a municipal entity for the purpose of informing the voters about her/his activities during a meeting with the voters (except for an assembly and picketing by a single participant without the use of a prefabricated fast-assembly structure) is submitted no earlier than 10 and no later than 5 days before the day of the public event. If picketing is performed by a group of persons or by a single participant with the use of a prefabricated fast-assembly structure that obstructs pedestrian and transport traffic, the public event notification may be submitted no later than three days before the event, and if the aforementioned days fall on a Sunday and (or) a public holiday (public holidays) – no later than 4 days before the day of the event. If the term for submission of the public event notification completely falls on public holidays, the notification may be submitted on the last working day preceding the public holidays.

1.1. A notification regarding picketing by a single participant is not necessary, unless that participant plans to use a prefabricated fast-assembly structure. The minimum admissible

distance between persons engaged in such picketing is determined by the law of the constituent entity of the Russian Federation. This minimum distance may not exceed 50 metres. A court considering a concrete civil, administrative or criminal case may in its decision recognise the aggregate of acts of single-participant picketing, united by a single concept and joint organisation, as a single public event.

2. The manner of submission of the public event notification to the executive body of a constituent entity of the Russian Federation or to a local self-government body is stipulated in the corresponding law of the constituent entity of the Russian Federation.

3. The public event notification must indicate:

- 1) the aim of the public event;
- 2) the form of the public event;
- 3) the public event venue (venues), routes of the participants' movement, and if the public event is to be held with the use of transport vehicles – information regarding the use of transport vehicles;
- 4) date, time of commencement and ending of the public event;
- 5) expected number of public event participants;
- 6) forms and methods to be used by the public event organiser in ensuring the public order, in organising medical assistance; indication as to whether it is planned to use sound amplifying technical devices during the public event;
- 7) family name, first name, patronymic or name of the public event organiser, information about its place of residence or stay or about its location, and a telephone number;
- 8) family names, first names and patronymics of persons authorised by the public event organiser to perform managerial functions regarding the organisation and holding of the public event;
- 9) date of submission of the public event notification.

4. In accordance with the principles stated in Article 3 of this Federal Law, the public event notification is signed by the public event organiser and by the persons authorised by the public event organiser to perform managerial functions regarding the organisation and holding of the event.

Article 8. Public Event Venues

1. A public event may be held at any location suitable for the aims of such an event, unless this creates the danger of collapse of buildings and constructions or a different danger to the safety of its participants. Federal laws may specify conditions, under which the holding of public events at particular locations is prohibited or limited.

1.1. The executive bodies of a constituent entity of the Russian Federation determine universal locations, specially designated or equipped for the collective discussion of socially significant issues and expression of public sentiments, as well as for mass attendance of citizens for public expression of the public opinion regarding the current problems, primarily those of socially-political nature (hereinafter – specially designated locations). The manner of use of the specially designated locations, their maximum capacity and the limit on the number of persons participating in public events not requiring notification are stipulated in the law of the constituent entity of the Russian Federation; herewith, the aforementioned limit cannot be less than 100 persons.

1.2. When determining the specially designated locations and stipulating the manner of their use, the authorities must ensure that it is possible for the public events to accomplish their aims, for the public event organisers and participants to use infrastructure facilities, must ensure transport accessibility of the specially designated locations, compliance with sanitary norms and rules, safety of the public event participants and organisers, safety of other persons. If the organisers of several public events submit notifications regarding the holding of events at the specially designated locations at the same time, the priority of use of the locations is determined based on the time of receipt of the corresponding notifications by the executive body of the constituent entity of the Russian Federation or the local self-government body.

2. Locations in which it is prohibited to hold public events include:

- 1) territories directly adjacent to hazardous production facilities and other facilities, the use of which requires compliance with special safety rules;
- 2) viaducts, main railways and railway shelter belts, oil, gas and products pipe lines, high voltage transmission lines;
- 3) territories directly adjacent to residences of the President of the Russian Federation, to buildings occupied by courts, to territories and buildings of institutions administering punishment in the form of deprivation of liberty;
- 4) the border zone, unless there is a special permission of the border protection bodies authorised to issue such a document.

2.1. As a rule, after the executive body of a constituent entity of the Russian Federation determines the specially designated locations in accordance with Part 1.1 of this Article, the public events are held at those locations. The holding of a public event outside a specially designated location is permitted only following the approval of the executive body of a constituent entity of the Russian Federation or of a local self-government body. The executive

body of a constituent entity of the Russian Federation or a local self-government body may refuse to approve the holding of a public event only if there are grounds stipulated in Part 3 of Article 12 of this Federal Law.

2.2. In order to safeguard human and civil rights and freedoms and ensure legality, law and order, public safety, a law of the constituent entity of the Russian Federation may additionally determine locations, at which it is prohibited to hold assemblies, rallies, marches and demonstrations, in particular if the holding of public events at those locations may result in the disruption of functioning of facilities of the vital infrastructure, transport or social infrastructure, communications, obstruct pedestrian and (or) transport traffic or citizens' access to housing premises or to transport or social infrastructure facilities.

3. The manner of holding a public event on the territories of sites that are historic and cultural monuments is determined by the executive body of the corresponding constituent entity of the Russian Federation with due regard to the specific features of such sites and the requirements of this Federal Law.

3.1. The manner of holding a public event at transport infrastructure facilities used for public transportation and not included into the list of locations, where the holding of a public event is prohibited in accordance with Part 2 of this Article, is determined by the law of the corresponding constituent entity of the Russian Federation, with due regard to the requirements of this Federal Law and the transport and traffic safety requirements stipulated in federal laws and other normative legal acts.

4. The manner of holding a public event on the territory of the Moscow Kremlin State Historical and Cultural Museum and Heritage Site, including the Red Square and Alexander Garden, is determined by the President of the Russian Federation.

#### Article 9. Time for Holding the Public Event

A public event may not commence earlier than 7:00 and end later than 22:00 of the current day (local time), with the exception of public events devoted to commemorative dates of Russia, cultural public events.

#### Article 10. Preliminary Campaigning

1. From the moment the venue and (or) time of the public event is approved with the executive body of a constituent entity of the Russian Federation or a local self-government body, the public event organiser and other citizens may freely engage in preliminary campaigning among the citizens, informing them of the venue (venues), time, aims of the public event, as well as providing them with other information pertaining to the preparation and holding of the public event, and may call upon citizens and their associations to participate in the public event.

2. Mass media, oral calls, distribution of flyers, placards and announcements, other forms of campaigning not prohibited by the legislation of the Russian Federation may be used for preliminary campaigning.

3. The forms of preliminary campaigning that are insulting or humiliating for the civil and human dignity are inadmissible.

4. Preliminary campaigning may not take the form of a public event, if the manner of its organisation and holding does not meet the requirements of this Federal Law.

5. If the public event organiser decides not to hold the public event, it must take measures to terminate preliminary campaigning.

#### Article 11. Material-Technical and Organisational Support of a Public Event

1. The material and technical support of a public event is performed by its organiser and participants at own expense, as well as with the use of funds and property gathered and (or) provided for holding the public event, unless otherwise stipulated in federal laws, acts of the Government of the Russian Federation, laws of a constituent entity of the Russian Federation.

2. The powers of the public event participants engaged in material and technical support of the public event must be certified in written form by the event organiser.

#### Article 12. Duties of the Executive Body of a Constituent Entity of the Russian Federation and of a Local Self-Government Body

1. After receiving a public event notification, the executive body of a constituent entity of the Russian Federation or a local self-government body is obliged:

1) to acknowledge receipt of the public event notification by providing the corresponding documents, thereby indicating the date and time of receipt;

2) within three days from the day of receipt of the public event notification (if a notification regarding picketing by a group of persons is submitted less than five days before the day of the event – on the day of its receipt), to bring to the notice of the public event organiser the reasoned proposal to change the venue and (or) time of the public event, as well as a proposal for the public event organiser to remedy the inconsistencies between the aims, forms and other conditions for holding the public event indicated in the notification and the requirements of this Federal Law;

3) depending on the form of the public event and the number of its participants, to appoint its authorised representative to assist the public event organiser in holding the public event in accordance with this Federal Law. The authorised representative is

appointed by virtue of a written order timely forwarded to the public event organiser and to the internal affairs body, so that cooperation may be organised, aimed at ensuring the public safety of the public event participants and of other persons;

4) to bring the information regarding the stipulated capacity of the territory (premises) at the public event venue to the notice of the public event organiser;

5) to ensure, within the framework of its competence, jointly with the public event organiser and the authorised representative of the internal affairs body, the public order and safety of citizens during the public event, as well as emergency medical assistance, where necessary;

6) to provide information about the issues that caused the public event to the public authorities and local self-government bodies, to which such issues are addressed;

7) upon receipt of information that the public event is planned to be held at traffic routes and at places of permanent or temporary stay of persons under state protection, specified in Federal Law No. 57 of 27 May 1996 "On State Protection", to timely inform the corresponding state protection bodies in this regard.

2. If information contained in the text of the public event notification and other data give reasons to suggest that the aims and forms of the planned public event are inconsistent with the provisions of the Constitution of the Russian Federation and (or) violate prohibitions stipulated in the legislation of the Russian Federation on administrative offences or in the criminal legislation of the Russian Federation, the executive body of a constituent entity of the Russian Federation or the local self-government body immediately brings to the notice of the public event organiser a written reasoned warning, stating that in case of the aforementioned inconsistencies and (or) violations during such an event the organiser, as well as other public event participants, may be held liable in the stipulated manner.

3. The executive body of a constituent entity of the Russian Federation or a local self-government body refuses to approve the holding of a public event only if the notification is submitted by a person that may not be a public event organiser in accordance with this Federal Law, or if the public event notification indicates a location in which it is prohibited to hold public events in accordance with this Federal Law or a law of the constituent entity of the Russian Federation.

#### Article 13. Rights and Duties of the Authorised Representative of the Executive Body of a Constituent Entity of the Russian Federation or of a Local Self-Government Body

1. The authorised representative of the executive body of a constituent entity of the Russian Federation or of a local self-government body has the right:

- 1) to request the public event organiser to observe the manner of its organisation and holding;

- 2) to make a decision to halt or terminate the public event in the manner and on the grounds stipulated in this Federal Law.

2. The authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body is obliged:

- 1) to attend the public event;

- 2) to assist the public event organiser in holding the event;

- 3) to ensure, jointly with the public event organiser and the authorised representative of the internal affairs body, the public order and safety of citizens, as well as legality during the event.

#### Article 14. Rights and Duties of the Authorised Representative of the Internal Affairs Body

1. At the suggestion of the executive body of a constituent entity of the Russian Federation or of a local self-government body, the head of the internal affairs body providing services on the territory (premises) on which it is planned to hold the public event is obliged to appoint an authorised representative of the internal affairs body for the purposes of assisting the public event organiser in ensuring public order and the safety of citizens. The representative is appointed by virtue of a written order of the head of the internal affairs body.

2. The authorised representative of the internal affairs body has the right:

- 1) to request that the public event organiser announces that access of citizens to the public event is terminated and to terminate the access of citizens on her/his own, in case of excess of capacity of the territory (premises);

- 2) to request the public event organiser and participants to observe the manner of its organisation and holding;

- 3) at the request of the public event organiser, to remove citizens not fulfilling the lawful requests of the public event organiser from the venue.

3. The authorised representative of the internal affairs body is obliged:

- 1) to assist, within her/his competence, in holding the public event;

- 2) to ensure, jointly with the public event organiser and the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-

government body, the public order and safety of citizens, as well as legality during the event.

#### Article 15. Grounds and Manner for Halting a Public Event

1. If law and order are violated during the public event at the fault of its participants, and this violation does not result in danger to the lives and health of the participants, the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body may request the public event organiser to remedy this violation on its own or together with the authorised representative of the internal affairs body.

2. If the organiser fails to perform the request to remedy the violation indicated in Part 1 of this Article, the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body may halt the public event for the time determined by her/him for remedying the violation. If the violation is remedied, the public event may continue upon mutual approval of the organiser and the corresponding authorised representative.

3. If the violation is not remedied upon the expiration of the time determined by the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body, the public event is terminated in the manner stipulated in Article 17 of this Federal Law.

#### Article 16. Grounds for Termination of a Public Event

The following are the grounds for termination of a public event:

- 1) a real danger to the lives and health of citizens, as well as to the property of natural and legal persons is created;
- 2) the public event participants perpetrate unlawful actions, and the public event organiser intentionally violates the requirements of this Federal Law regarding the manner of holding of a public event;
- 3) the public event organiser fails to fulfil the duties stipulated in Part 4 of Article 5 of this Federal Law.

#### Article 17. Termination of a Public Event

1. If a decision is made to terminate the public event, the authorised representative of the executive body of a constituent entity of the Russian Federation or of the local self-government body:

1) instructs the public event organiser to terminate the public event, providing the reasons for such termination, and formalizes these instructions in written form within 24 hours, handing them to the organiser;

2) determines the time, within which the instructions to terminate the public event must be carried out;

3) where the public event organiser fails to carry out the instructions to terminate the public event, directly addresses the public event participants and determines additional time for the instructions on termination of the public event to be carried out.

2. If the instructions on termination of the public event are not carried out, police officers (members of the military and officers of the National Guard of the Russian Federation) take the necessary measures to terminate the public event, thereby acting in accordance with the legislation of the Russian Federation.

3. A public event is not terminated in accordance with Part 1 of this Article in case of mass disorder, riots, arsons and in other situations that require emergency action. In such cases, the public event is terminated in accordance with the legislation of the Russian Federation.

4. If certain public event participants fail to fulfil the lawful requests of police officers (members of the military and officers of the National Guard of the Russian Federation) or disobey (resist) them, this entails the liability of such participants, stipulated in the legislation of the Russian Federation.

### **Chapter 3. Guarantees of Realisation of the Right to Hold Public Events by Citizens**

#### **Article 18. Ensuring the Conditions for Holding a Public Event**

1. The public event organiser, officials and other citizens have no right to prevent the public event participants from expressing their opinion in a way that does not violate the public order or the rules of procedure of the public event.

2. Public authorities or local self-government bodies, to whom the issues that caused the public event are addressed, are obliged to consider these issues on their merits, adopt the necessary decisions in their regard in the manner stipulated in the legislation of the Russian Federation and to inform the public event organiser about the adopted decisions.

3. The maintenance of public order, regulation of traffic, sanitary and medical services provided for the purpose of holding the public event are provided free of charge.

Article 19. Challenge of Decisions and Actions (Failure to Act) Violating the Right of Citizens to Hold Public Events

Decisions and actions (failure to act) of public authorities, local self-government bodies, public associations, officials that violate the citizens' right to hold public events may be appealed against in court in the manner stipulated in the legislation of the Russian Federation.

President of the Russian Federation  
V. Putin

Moscow, the Kremlin  
June 19, 2004  
Federal Law No. 54

## ANNEX 2

### **Translation of applicable articles of the Code of the Russian Federation on Administrative Offences (CAO RF) and of the Criminal Code of the Russian Federation (CrC RF) (as of 1 June 2020)**

#### CAO RF

Article 5.38. Violation of Legislation on Assemblies, Rallies, Demonstrations, Marches and Picketing

Impediment to organisation or impediment to holding of an assembly, rally, demonstration, march or picketing held in accordance with the legislation of the Russian Federation, or impediment to participation therein and, likewise, coercion to participation therein - is punished by an administrative fine in the amount of 10 000 to 20 000 rubles for citizens; 30 000 to 50 000 rubles for officials.

Article 19.3. Failure to Obey the Lawful Instructions of a Police Officer, Member of the Military, Officer of a Body of the Federal Security Service, State Protection Service, of a Body Engaged in Federal State Control (Oversight) in the Sphere of Migration, of a Body or Institution of the Penitentiary System or of an Officer of the National Guard of the Russian Federation

1. Failure to obey the lawful instructions or request of a police officer, member of the military, or of an officer of a body or institution of the penitentiary system, or of the National Guard of the Russian Federation, made in performance of their duties of protecting the public order and ensuring the public safety, as well as obstruction of performance of their official duties, - is punished by an administrative fine in the amount of 500 to 1000 rubles or by administrative arrest for a term up to 15 days.

1.1. Failure to obey the lawful instructions or request of an official of the internal affairs bodies authorised to perform functions of control and oversight in the sphere of migration, made in performance of her/his official duties, or obstruction of performance of her/his official duties - is punished by an administrative fine in the amount of 500 to 1000 rubles or by administrative arrest for a term up to 15 days.

2. Failure of a citizen (except for a convicted person serving a punishment in the form of deprivation of liberty in a penitentiary institution, as well as a person suspected or accused of a crime and remanded in custody in other institutions) to obey the lawful instructions or request of an officer of a body or institution of the penitentiary system, of a member of the military or of another person, made in performance of their duties of ensuring safety and protection of those institutions, maintenance of the stipulated regime inside them, guarding and conveying the convicted (suspected, accused) persons -

is punished by an administrative fine in the amount of 500 to 1000 rubles or by administrative arrest for a term up to 15 days.

### *3. Abrogated*

4. Failure to obey the lawful instructions or request of an officer of bodies of the federal security service, made in performance of official duties, as well as obstruction of performance of her/his official duties, -

is punished by an administrative fine in the amount of 500 to 1000 rubles or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 1 000 to 3 000 rubles for officials; 10 000 to 50 000 rubles for legal persons.

5. Failure to obey the lawful instructions or request of an officer of bodies of the state protection service, made in performance of official duties of state protection and (or) maintaining the public order, or obstruction of performance of her/his official duties -

is punished by an administrative fine in the amount of 500 to 1000 rubles or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 1 000 to 3 000 rubles for officials; 10 000 to 50 000 rubles for legal persons.

6. Repeated perpetration of the administrative offence stipulated in Part 1, 4 or 5 of this Article, where perpetrated by an organiser or participant of an assembly, rally, demonstration, march or picketing in connection to the holding of that event, -

is punished by an administrative fine in the amount of 5 000 rubles or by administrative arrest for a term up to 30 days for citizens; by an administrative fine in the amount of 10 000 to 20 000 rubles for officials; 50 000 to 100 000 rubles for legal persons.

Note: Provisions of Part 4 of this Article do not apply to citizens, if prophylactic measures are taken in their regard in accordance with Federal Law “On the Federal Security Service”.

### Article 20.2. Violation of the Stipulated Manner of Organising or Holding an Assembly, Rally, Demonstration, March or Picketing

1. Violation of the stipulated manner of organising or holding an assembly, rally, demonstration, march or picketing by a public event organiser, except where Parts 2–4 of this Article apply, -

is punished by an administrative fine in the amount of 10 000 to 20 000 rubles or by obligatory works for a term up to 40 hours for citizens; by an administrative fine in the amount of 15 000 to 30 000 rubles for officials; 50 000 to 100 000 rubles for legal persons.

1.1. Enticement of an underage person into participation in an unauthorised assembly, rally, demonstration, march or picketing, unless this action contains a criminal offence, -

is punished by an administrative fine in the amount of 30 000 to 50 000 rubles, or by obligatory works for a term of 20 to 100 hours, or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 50 000 to 100 000 rubles for officials; 250 000 to 500 000 rubles for legal persons.

2. Organising or holding a public event without submitting a public event notification in the stipulated manner, except where Part 7 of this Article applies, -  
is punished by an administrative fine in the amount of 20 000 to 30 000 rubles, or by obligatory works for a term up to 50 hours, or by administrative arrest for a term up to 10 days for citizens; by an administrative fine in the amount of 20 000 to 40 000 rubles for officials; 70 000 to 200 000 rubles for legal persons.

3. Actions (failure to act) stipulated in Parts 1 and 2 of this Article, where they result in creation of obstacles to the functioning of facilities of the vital infrastructure, transport or social infrastructure facilities, communication facilities, pedestrian and (or) transport traffic, or to citizens' access to housing premises, transport or social infrastructure facilities, or in excess of the maximum capacity of the territory (premises) -  
are punished by an administrative fine in the amount of 30 000 to 50 000 rubles, or by obligatory works for a term up to 100 hours, or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 50 000 to 100 000 rubles for officials; 250 000 to 500 000 rubles for legal persons.

4. Actions (failure to act) stipulated in Parts 1 and 2 of this Article, where they result in harm to the health of a person or damage to property, unless these actions (failure to act) contain a criminal offence, -  
are punished by an administrative fine in the amount of 100 000 to 300 000 rubles, or by obligatory works for a term up to 200 hours, or by administrative arrest for a term up to 20 days for citizens; by an administrative fine in the amount of 200 000 to 600 000 rubles for officials; 400 000 to 1 000 000 rubles for legal persons.

5. Violation of the stipulated manner of holding an assembly, rally, demonstration, march or picketing by a public event participant, except where Part 6 of this Article applies, -  
is punished by an administrative fine in the amount of 10 000 to 20 000 rubles or by obligatory works for a term up to 40 hours.

6. Actions (failure to act) stipulated in Part 5 of this Article, if they result in harm to the health of a person or damage to property, unless these actions (failure to act) contain a criminal offence, -  
are punished by an administrative fine in the amount of 150 000 to 300 000 rubles, or by obligatory works for a term up to 200 hours, or by administrative arrest for a term up to 15 days.

6.1. Participation in an unauthorised assembly, rally, demonstration, march or picketing that results in creation of obstacles to the functioning of facilities of the vital infrastructure, transport or social infrastructure facilities, communication facilities, pedestrian and (or) transport traffic, or to citizens' access to housing premises, transport or social infrastructure facilities -  
is punished by an administrative fine in the amount of 10 000 to 20 000 rubles, or by obligatory works for a term up to 100 hours, or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 50 000 to 100 000 rubles for officials; 200 000 to 300 000 rubles for legal persons.

7. Organisation or holding of an unauthorised assembly, rally, demonstration, march or picketing in the direct vicinity of a nuclear plant, radiation source or a place of storage of nuclear materials and radioactive substances, or active participation in such public events, where such acts made it more difficult for the workers of said plant, source or storage to perform their official duties or created a danger to the safety of the population and the environment, -  
is punished by an administrative fine in the amount of 150 000 to 300 000 rubles or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 200 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons.

8. Repeated perpetration of an administrative offence stipulated in Parts 1–6.1 of this Article, unless this action contains a criminal offence, -  
is punished by an administrative fine in the amount of 150 000 to 300 000 rubles, or by obligatory works for a term of 40 to 200 hours, or by administrative arrest for a term up to 30 days for citizens; by an administrative fine in the amount of 200 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons.

#### Article 20.2.1. *Abrogated*

#### Article 20.2.2 Organisation of Simultaneous Mass Presence and (or) Movement of Citizens in Public Places, Resulting in Disturbance of Public Order

1. Organisation of simultaneous mass attendance and (or) movement of citizens in public places that is not a public event, public calls for simultaneous mass attendance and (or) movement of citizens in public places or participation in simultaneous mass attendance and (or) movement of citizens in public places, if the simultaneous mass attendance and (or) movement of citizens in public places resulted in disturbance of the public order or violation of sanitary norms and rules, disrupted the functioning or infringed the safety of facilities of the vital infrastructure or communications, or damaged plantations, or obstructed pedestrian or transport traffic or the access of citizens to housing premises or transport or social infrastructure facilities, except where Parts 2 and 3 of this Article apply, -  
are punished by an administrative fine in the amount of 10 000 to 20 000 rubles, or by obligatory works for a term up to 100 hours, or by administrative arrest for a term up to 15 days for citizens; by an administrative fine in the amount of 50 000 to 100 000 rubles for officials; 250 000 to 500 000 rubles for legal persons.

2. Actions stipulated in Part 1 of this Article, if they result in harm to the health of a person or damage to property, unless these actions contain a criminal offence, -  
are punished by an administrative fine in the amount of 150 000 to 300 000 rubles, or by obligatory works for a term up to 200 hours, or by administrative arrest for a term up to 20 days for citizens; by an administrative fine in the amount of 300 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons.

3. Actions (failure to act), stipulated in Part 1 of this Article, performed on territories directly adjacent to hazardous production facilities or other facilities, the use of which requires compliance with special safety rules; on viaducts, main railways and shelter belts of railways, oil, gas and products pipe lines, high voltage transmission lines; in the border zone, unless there was a special permission of the authorised border protection bodies; or on territories directly adjacent to residences of the President of the Russian Federation, to buildings occupied by courts, to territories and buildings of institutions administering punishment in the form of deprivation of liberty -

are punished by an administrative fine in the amount of 150 000 to 300 000 rubles, or by obligatory works for a term up to 200 hours, or by administrative arrest for a term up to 20 days for citizens; by an administrative fine in the amount of 300 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons.

4. Repeated perpetration of the administrative offence stipulated in Part 1 or 2 of this Article - is punished by an administrative fine in the amount of 150 000 to 300 000 rubles, or by obligatory works for a term up to 200 hours, or by administrative arrest for a term up to 30 days for citizens; by an administrative fine in the amount of 300 000 to 600 000 rubles for officials; 500 000 to 1 000 000 rubles for legal persons.

Note: For the purposes of this Article, the organiser of simultaneous mass attendance and (or) movement of citizens in public places is the person that actually performed the managerial functions in organising or holding the simultaneous mass attendance and (or) movement of citizens in public places that was not a public event.

Article 20.2.3. Failure of the Public Event Organiser to Perform the Duty of Informing the Citizens, Executive Body of a Constituent Entity of the Russian Federation or Local Self-Government Body of Its Decision Not to Hold the Public Event or Submission of a Public Event Notification without the Aim of Holding It

If a public event organiser fails to perform the duty of informing the citizens of its decision not to hold the public event or the duty to submit a notification about such a decision to the executive body of a constituent entity of the Russian Federation or a local self-government body, fails to submit such a notification timely or submits a public event notification without the aim of holding a public event, these acts -

are punished by an administrative fine in the amount of 5 000 to 20 000 rubles for citizens, 10 000 to 30 000 rubles for officials, 20 000 to 100 000 rubles for legal persons.

Article 20.18. Blocking of Transport Communications

Organisation of, as well as active participation in the blocking of transport communications, except where Part 3 of Article 20.2 and Article 20.2.2 of this Code apply, -

is punished by an administrative fine in the amount of 50 000 to 100 000 rubles or by obligatory works for a term up to 100 hours for citizens; by an administrative fine in the amount of 150 000 to 300 000 rubles for officials; 250 000 to 500 000 rubles for legal persons.

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#### CrC RF

#### Article 149. Impediment to Holding of an Assembly, Rally, Demonstration, March, Picketing or of Participation Therein

Unlawful impediment to holding of an assembly, rally, demonstration, march, picketing, or unlawful impediment to participation therein, or coercion to participation therein, where such an act is perpetrated with the use of violence or threats of violence, or by an official with the use of powers vested in her/him by virtue of her/his office, -

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

#### Article 212.1. Repeated Violation of the Stipulated Manner of Organising or Holding an Assembly, Rally, Demonstration, March or Picketing

Violation of the stipulated manner of organising or holding an assembly, rally, demonstration, march or picketing, where committed repeatedly, -

is punished by a fine in the amount of 600 000 to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a term of 2 to 3 years, or by obligatory works for a term up to 480 hours, or by corrective works for a term of 1 to 2 years, or by compulsory labour for a term up to 5 years, or by deprivation of liberty for the same term.

Note: The violation of the stipulated manner of organising or holding an assembly, rally, demonstration, march or picketing is regarded as committed repeatedly, if the person has earlier been held administratively liable for administrative offences stipulated in Article 20.2 of the Code of the Russian Federation on Administrative Offences more than twice during a period of 180 days.

## **DISCLAIMER**

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

Translated by George Borisov, counsellor of the International Cooperation Department of the Supreme Court of the Russian Federation