



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

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On Judicial Practice in Cases on Laundering of Criminally Acquired Monetary Funds or Other Property, and on Acquiring and Dealing in Property Known to Be Criminally Gained (as amended by Plenary Ruling No. 1 of 26 February 2019)

Laundering of criminally gained monetary funds or other property creates the basis of the shadow economy, damages the economic safety and financial stability of the state, complicates the solution and investigation of crimes, makes it possible for criminal groups (organizations) to finance and perform their illegal activities, in particular terrorist activities.

Striving to elaborate effective measures to prevent transnational laundering of criminally gained monetary funds or other property, the international community has adopted a number of documents, among which are the United Nations Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988, against Transnational Organized Crime of 15 November 2000, against Corruption of 31 October 2003, Council of Europe Conventions on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990, Criminal Law Convention on Corruption of 27 January 1999 and on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2015. The international community uses the standards against money laundering elaborated by the Financial Action Task Force (FATF).

In the Russian Federation, the legal basis for countering the illegal turnover of proceeds from crime are the Constitution of the Russian Federation, the universal principles and norms of international law, international treaties of the Russian Federation, Federal Law No. 115 of 7 August 2001 “On Countering the Laundering of Proceeds from Crime and the Financing of Terrorism” and other normative legal acts.

In order to provide criminal law framework to counter the laundering of criminally gained monetary funds or other property, in the interests of performing international obligations, the Criminal Code of the Russian Federation [hereinafter – the CrC RF] stipulates criminal liability for the laundering of monetary funds or other property, known to have been criminally acquired by other persons; for laundering of monetary funds or other property, acquired by a person as a result of its crime; and for knowingly acquiring or dealing in criminally gained property.

With regard to issues encountered by the courts in consideration of criminal cases on crimes stipulated in Articles [174](#), [174.1](#) and [175](#) of the CrC RF, as well as in order to establish uniform judicial practice, 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 clarifications:

1. It is brought to the attention of the courts that the subject matter of crimes stipulated in Articles 174 and 174.1 of the CrC RF is not only monetary funds or other property, the illegal acquisition of which is an element of a particular crime (e.g. theft, acceptance of a bribe), but also monetary funds or other property received as material remuneration for a committed crime (e.g. a contract killing) or as payment for dealing in items, the circulation of which in the civil turnover is limited.

Herewith, monetary funds should be understood as cash monetary funds in the currency of the Russian Federation or in foreign currency, as well as cashless monetary funds, in particular electronic monetary funds; other property should be understood as movable and real property, property rights, certificated and non-certificated securities, as well as property obtained as a result of processing of criminally acquired property or as a result of a crime (e.g. a real property object built with criminally acquired construction materials).

Proceeding from Article 1 of Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005 and taking into account FATF Recommendation No. 15, the subject matter of crimes stipulated in Articles 174 and 174.1 of the CrC RF may in particular be monetary funds transformed from virtual assets (cryptocurrencies) acquired as a result of a crime.

Whether an act stipulated in Articles 174 and 174.1 of the CrC RF has significant or especially significant amount is determined based on the actual cost of the property that is the subject matter of said crimes, at the moment when financial operations or transactions with it began (and if several financial operations or transactions were performed – at the moment when the first one of them was performed). If there is no information about the actual cost of the property, it may be established based on the conclusion of a specialist or expert.

If the subject matter of a crime is monetary funds in foreign currency, the issue whether an act stipulated in Articles 174 and 174.1 of the CrC RF has significant or especially significant amount is determined based on the official rate of the corresponding currency, established by the Bank of Russia pursuant to Article 53 of Federal Law No. 86 of 10 July 2002 “On the Central Bank of the Russian Federation (Bank of Russia)” at the moment when financial operations or transactions with the aforementioned currency began.

2. If the circulation of criminally acquired property (property acquired as a result of a crime) is limited in civil turnover, and the liability for its illegal turnover is stipulated in one of the Articles of the Special Part of the Criminal Code of the Russian Federation (in particular, in Articles 186, 191, 220, 222, 222.1, 228.1 of the CrC RF), the performance of a transaction with it for the purpose of disguising possession, use and disposal as lawful should be qualified only under the corresponding Article as acquisition or dealing in weapons, ammunition, narcotic drugs, etc., without cumulation with Articles 174 and 174.1 of the CrC RF. Further performance of financial operations and transactions with monetary funds received as a result of transformation of such property (e.g. with monetary funds acquired as a result of sale of a narcotic drug) for the aforementioned purpose forms the objective element (*actus reus*) of crimes stipulated in Article 174 or Article 174.1 of the CrC RF.

3. When monetary funds or other property, acquired criminally (as a result of a crime) and lacking individual specific features, are mixed with homogenous lawfully acquired property (e.g. when monetary funds are placed into a bank account from

different sources), the further performance of financial operations or transactions with such property should be qualified under Article 174 or Article 174.1 of the CrC RF in the amount corresponding to the sum of monetary funds or value of other property, acquired criminally (as a result of a crime).

4. By implication of law, when a court considering a criminal case based on Article 174 or Article 174.1 of the CrC RF concludes that the property, the possession, use or disposal of which the guilty person strives to disguise as lawful, was acquired criminally, this conclusion, in addition to other materials of the criminal case, may be based on the following:

- a judgement of conviction in a case on a particular crime, stipulated in one of the Articles of the Special Part of the Criminal Code of the Russian Federation (on the predicate offence);
- a decree of a preliminary investigation body or a court ruling regarding the termination of a criminal case (criminal prosecution) for commission of the predicate offence due to death of the person subject to criminal liability; due to the fact that the person has not reached the age of criminal liability; due to expiration of the statute of limitations for criminal prosecution; where Item 6 of Part 1 of Article 24 of the CrPC RF [Criminal Procedure Code of the Russian Federation] applies; due to reconciliation of the parties; pursuant to an act of amnesty; due to active repentance; as well as based on the grounds stipulated in Article 25.1 or Article 28.1 of the CrPC RF, where the materials of the criminal case contain evidence indicating that the predicate offence took place, the elements of crime existed, and where the preliminary investigation body and the court evaluated them accordingly;
- a decree of a preliminary investigation body to stay the inquiry or preliminary investigation due to non-establishment of the person subject to being drawn as the accused for the predicate offence, where the materials of the criminal case contain evidence indicating that the predicate offence took place, the elements of crime existed, and where the preliminary investigation body evaluated them accordingly.

5. It is brought to the attention of the courts that the descriptive part and the statement of reasons of the court decision in cases, in which a person is accused of committing crimes stipulated in Article 174 or Article 174.1 of the CrC RF, should mention the evidence, on which the court bases its conclusion that the monetary funds or other property were acquired criminally (as a result of a crime), and also that there is an aim to disguise the possession, use and disposal of such monetary funds or other property as lawful.

6. For the purposes of Articles 174 and 174.1 of the CrC RF, financial operations may be understood as any operations with monetary funds (cash and cashless settlements, teller transactions, transfer or change of monetary funds, exchange of one currency into another, etc.).

Transactions as an element of the aforementioned crimes may include actions aimed at establishment, alteration or termination of civil rights and duties, as well as at giving the appearance of creation or transfer of civil rights and duties.

Herewith, by implication of law, the guilty person knows that said financial operations and transactions disguise the connection between the laundered property and its criminal source of origin (the predicate offence).

7. Liability under Article 174 or Article 174.1 of the CrC RF is entailed even if only one financial operation or transaction is performed with monetary funds or other property, acquired criminally (as a result of a crime), if it is established that such an act was performed with the aim of disguising the possession, use and disposal of said monetary funds or other property as lawful (e.g. conclusion of a contract of sale of a real property object, the criminal acquisition of which is disguised by documents regarding the title to such an object, known to be forged).

8. Crimes stipulated in Articles 174 and 174.1 of the CrC RF, committed by way of financial operations, should be regarded as accomplished from the moment when a person, acting with the aim referred to in said Articles, directly used the criminally acquired monetary funds in order to pay for goods or to change them, or presented (forwarded) instructions to the bank to transfer the monetary funds, etc.

Where the aforementioned crimes were committed by way of a transaction, they should be regarded as accomplished from the moment of actual performance of at least some of the duties or realisation of at least part of the rights by the guilty person, arising with it under the concluded transaction (e.g. from the moment when the guilty person transfers the monetary funds or other property, obtained by it as a result of a crime, to the other party to the contract, independent of whether it has received counter-performance under the transaction).

However, if only the appearance of conclusion of a property transaction is created for the purpose of disguising the possession, use and disposal of monetary funds or other property, acquired criminally (as a result of a crime), as lawful, while in reality the

actual transfer of property under the transaction is not supposed to take place, then the crimes stipulated in Articles 174 and 174.1 of the CrC RF should be regarded as accomplished from the moment when the contract between the guilty person and another person is drawn up (e.g. from the moment when a contract of payment for services is signed, disguising the criminal acquisition of the corresponding monetary funds).

The crime is recognised as accomplished, independent of whether the financial operations or transactions were performed within the framework of an operative-investigative measure, conducted in accordance with Federal Law No. 144 of 12 August 1995 “On Operative-Investigative Activities”.

9. Where a person performs two and more financial operations or transactions with monetary funds or other property acquired as a result of one or several predicate offences, and the circumstances of their performance indicate that there was a single intent of the guilty person to perform said similar actions, this should be regarded as a single continuing crime, subject to qualification under the corresponding parts of Article 174 or Article 174.1 of the CrC RF.

If a person intended to launder monetary funds or other property, acquired criminally (as a result of a crime), in significant or especially significant amount by way of several financial operations or transactions, but for reasons beyond control of that person the actually laundered property did not form that amount, this should be qualified as accomplished laundering of monetary funds or other property in significant or especially significant amount. For example, when a person intended to perform two financial operations for the purpose of laundering monetary funds in significant amount, but was detained after completing one of the operations amounting to a sum lesser than said amount, this should be qualified under Part 2 of Article 174.1 of the CrC RF.

10. Proceeding from paragraph 1 of Article 6 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 8 November 1990 and paragraph 1 of Article 9 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005, the aim of disguising the possession, use and disposal of monetary funds or other property, acquired criminally (as a result of a crime), as an obligatory element of crimes stipulated in Articles 174 and 174.1, should be understood as concealment of the criminal source, location, disposition, movement of property or rights with respect to property. This aim may be established

based on the facts of the case indicating to the nature of financial operations or transactions performed, as well as to other related actions of the guilty person and its accomplices, directed at concealing the fact of criminal acquisition of the property and ensuring the possibility of its free turnover. Such an aim may in particular take the form of:

- acquisition of real property, works of art, luxury items, etc., on condition that the guilty person is aware of and is concealing the criminal origin of the monetary funds, using which such property is acquired;
- transactions of alienation of property, acquired criminally (as a result of a crime), in the absence of real settlement within or economic feasibility of such transactions;
- falsification of grounds, on which rights to monetary funds or other property, acquired criminally (as a result of a crime), are created, in particular of civil law contracts, primary accounting documents, etc.;
- financial operations or transactions resulting in encashment of monetary funds, acquired criminally (as a result of a crime), in particular with the use of settlement accounts of “fly-by-night” companies or accounts of real persons unaware of the criminal origin of the corresponding monetary funds;
- financial operations or transactions with participation of front persons, unaware that the monetary funds and other property used in the corresponding transactions were acquired criminally (as a result of a crime);
- foreign financial operations or transactions with monetary funds and other property, acquired criminally (as a result of a crime), performed with participation of counterparts registered in offshore zones;
- financial operations or transactions with the use of electronic payment means, in particular those owned by persons unaware of the criminal origin of the electronic monetary funds.

The performance of the aforementioned financial operations or transactions cannot by itself predetermine the court’s conclusions as to whether the person is guilty of laundering monetary funds or other property, acquired criminally (as a result of a crime). In each particular situation it is necessary to establish, taking all the facts of the case into account, that the person knowingly performed a financial operation or a transaction with the aim of disguising possession, use and disposal of said monetary funds or other property as lawful.

11. If the monetary funds or other property, acquired criminally (as a result of a crime), are disposed of for the purposes of private consumption (procurement of food

products, essential goods, receipt of domestic services, etc.), this does not indicate that the intent is directed at laundering.

Depending on the concrete facts of the case, the performance of such actions may be qualified under Article 175 of the CrC RF or be covered by an Article of the Special Part of the Criminal Code of the Russian Federation stipulating liability for the predicate offence.

12. Where a state registrar (or a person, whose official duties include performance of operations pertaining to registration of rights to securities) uses her/his official powers in performance of legally significant actions necessary for performance of a financial operation or a transaction that is known to her/him to be directed at laundering of monetary funds or other property, as well as where a notary uses her/his official powers to certify a transaction that is known to her/him to be directed at laundering of monetary funds or other property, this is qualified as acting as an accessory under Part 5 of Article 33 of the CrC RF and under Article 174 or, correspondingly, Article 174.1 of the CrC RF, and, where there are grounds for that, under Articles 170, 185.2, 202* of the CrC RF, correspondingly.

13. Where persons are used for commission of crimes stipulated in Articles 174 and 174.1 of the CrC RF, who are unaware of the criminal origin of monetary funds or other property, the persons actually controlling the corresponding financial operations and transactions and directing the actions of the aforementioned persons must be recognised as perpetrators of those crimes.

14. In case of joint laundering of monetary funds or other property, acquired criminally (as a result of a crime), the person participating in performance of such a transaction, who has previously directly acquired said property as a result of its crime, is liable under Article 174.1 of the CrC RF, and the person, who has not acquired that property as a result of the predicate offence, is liable under Article 174 of the CrC RF.

For example, if a person concluded a contract of sale for the purpose of laundering property that it acquired as a result of its crime, and the buyer, being aware of said fact, acquired that property in order to disguise possession, use or disposal of the

* *Translator's note:* The above listed Articles stipulate liability for the following crimes: Registration of illegal transactions with real property, Violation of manner of registration of rights to securities, Abuse of office by private notaries and auditors.

property as lawful, the buyer's actions should be qualified under the corresponding Part of Article 174 of the CrC RF, and the actions of the seller – under the corresponding Part of Article 174.1 of the CrC RF.

15. Apart from one or several persons, who have acquired the laundered monetary funds or other property as a result of a crime, an organised group (Item “a” of Part 4 of Article 174.1 of the CrC RF) may include persons lacking the features of a special subject of the crime stipulated in Article 174.1 of the CrC RF. If the aforementioned crime is recognised as performed by an organised group, the actions of all its members participating in preparation or commission of that crime are subject to qualification under Item “a” of Part 4 of Article 174.1 of the CrC RF without reference to Article 33 of the CrC RF, independent of whether they acted as perpetrators, organisers, instigators or accessories.

16. In contrast to the crime of laundering of money or other property (Article 174 of the CrC RF), acquisition of or dealing in property known to be criminally gained, not promised in advance (Article 175 of the CrC RF), is performed without the aim of disguising the possession, use and disposal of such property as lawful. Acquisition or dealing in property within the context of Article 175 of the CrC RF should be understood as any form of compensatory or non-compensatory receipt or transfer of property known to be criminally gained.

17. Acquisition or dealing in property known to be criminally gained may be recognised as accompliceship in a crime (e.g. in larceny), if these actions were promised to the perpetrator of such a crime before or during its perpetration, or gave reasons to the perpetrator of the crime to expect such cooperation on other grounds (e.g. due to their systematic performance).

18. By implication of law, in order for an act to be qualified under Item “b” of Part 2 of Article 175 of the CrC RF, it is not required for the cost of oil and oil products, as well as of an automobile, known to be criminally gained, to reach a significant amount, i.e. a sum exceeding 2 250 000 rubles (Note to Article 170.2 of the CrC RF).

19. When qualifying an act under Article 174 or Article 175 of the CrC RF, the court needs to establish that the guilty person knew about the criminal origin of the property, with which it performed financial operations and other transactions, as well as which it acquired and dealt in. Herewith, by implication of law, a person may be unaware about the concrete facts of the predicate offence.

20. It is brought to the attention of the courts that it is necessary to resolve the issue of confiscation of property in regard of persons found guilty of crimes stipulated in Article 174 or Article 174.1 of the CrC RF in accordance with the rules of Articles 104.1–104.3 of the CrC RF.

21. The courts should discover the circumstances contributing to perpetration of crimes stipulated in Articles 174, 174.1 and 175 of the CrC RF, to violation of rights and freedoms of citizens, as well as other violations of law occurring during preliminary investigation or during consideration of criminal cases by lower courts. In accordance with Part 4 of Article 29 of the CrPC RF, the court should bring the attention of the corresponding organisations and officials to the discovered facts of violation of law by adopting special court decrees or rulings.

22. Due to adoption this Ruling:

- Ruling of the Plenary Session of the Supreme Court of the USSR No. 11 of 31 July 1962 “On Judicial Practice in Cases regarding Concealment of Crimes, Acquisition and Dealing in Property Known to be Stolen, Not Promised in Advance” is regarded as not subject to application in the Russian Federation;
- the following amendments are introduced into the Ruling of the Plenary Session of the Supreme Court of the Russian Federation No. 23 of 18 November 2004 “On Judicial Practice in Cases on Illegal Entrepreneurship and Laundering of Criminally Acquired Monetary Funds and Other Property”:
 - 1) the words “and Laundering of Criminally Acquired Monetary Funds and Other Property” are excluded from the name;
 - 2) in the preamble, the words “in Articles 171, 174 and 174.1 of the CrC RF” are replaced by words “in Article 171 of the CrC RF”;
 - 3) Items 19 – 27 are abrogated.

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

Translation of Articles of the Criminal Code of the Russian Federation referred to in the text of the Ruling (as of 1 August 2020)

Article 33. Types of Accomplices of Crime

1. In addition to the perpetrator [*исполнитель*], the accomplices of a crime [*соучастники преступления*] are the organiser [*организатор*], the instigator [*подстрекатель*] and the accessory [*пособник*].

2. The perpetrator is a person that directly committed the crime or directly participated in its commission together with other persons (co-perpetrators), and also a person that committed the crime by using other persons, who are not subject to criminal liability due to age, insanity or other circumstances stipulated in this Code.

3. The organiser is a person that organised the commission of the crime or managed its commission, and also a person that created an organised group or a criminal community (criminal organisation) or managed them.

4. The instigator is a person that induced another person into committing the crime through suasion, bribery, threat or in another manner.

5. The accessory is a person that assisted in the commission of the crime by advice, directions, provision of information, means or instruments of the crime or by removing the obstacles to it, as well as a person that promised in advance to conceal the criminal, the means or instruments of the crime, the traces of the crime or the criminally acquired items, as well as a person that promised in advance to purchase or deal in such items.

Article 174. Laundering of Monetary Funds or Other Property, Criminally Acquired by Other Persons

1. Performance of financial operations and other transactions with monetary funds or other property, known to be criminally acquired by other persons, for the purpose of disguising the possession, use and disposal of said monetary funds or other property as lawful - is punished by a fine in the amount up to 120 000 rubles or in the amount of salary or other income of the convicted person for a period up to 1 year.

2. The same act, perpetrated in significant amount, - is punished by a fine in the amount up to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 2 years; or by compulsory works for a term up to 2 years; or by deprivation of liberty for a term up to 2 years, with or without a fine in the amount up

to 50 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 months.

3. Acts stipulated in Part 1 or 2 of this Article, where perpetrated:

a) by a group of persons by prior conspiracy;

b) with the use of powers vested in a person by virtue of her/his office, -

are punished by compulsory labour for a term up to 3 years, with or without restriction of liberty for a term up to 2 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 5 years, with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years, with or without restriction of liberty for a term up to 2 years and with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years.

4. Acts stipulated in Part 1 or 3 of this Article, where perpetrated:

a) by an organised group;

b) in especially significant amount, -

are punished by compulsory labour for a term up to 5 years, with or without restriction of liberty for a term up to 2 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 7 years, with or without a fine in the amount up to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period up to 5 years, with or without restriction of liberty for a term up to 2 years, with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years.

Note:

For the purposes of this Article and of Article 174.1 of this Code, financial operations and other transactions with monetary funds or other property, performed in significant amount, are understood as financial operations and other transactions with monetary funds or other property performed for a sum exceeding 1 500 000 rubles, and performed in especially significant amount – exceeding 6 000 000 rubles.

Article 174.1. Laundering of Monetary Funds or Other Property, Acquired by a Person as a Result of Its Crime

1. Performance of financial operations and other transactions with monetary funds or other property acquired by a person as a result of commission of a crime by that person, for the purpose of disguising the possession, use and disposal of said monetary funds or other property as lawful - is punished by a fine in the amount up to 120 000 rubles or in the amount of salary or other income of the convicted person for a period up to 1 year.

2. The same act, perpetrated in significant amount, -

is punished by a fine in the amount up to 200 000 rubles or in the amount of salary or other income of the convicted person for a period of 1 to 2 years, or by compulsory labour for a term up to 2 years, or by deprivation of liberty for a term up to 2 years with or without a fine in the amount up

to 50 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 months.

3. Acts stipulated in Part 1 or 2 of this Article, where perpetrated:

a) by a group of persons by prior conspiracy;

b) with the use of powers vested in a person by virtue of her/his office, -

are punished by compulsory labour for a term up to 3 years, with or without restriction of liberty for a term up to 2 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 5 years, with or without a fine in the amount up to 500 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 years, with or without restriction of liberty for a term up to 2 years and with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 3 years.

4. Acts stipulated in Part 1 or 3 of this Article, where perpetrated:

a) by an organised group;

b) in especially significant amount, -

are punished by compulsory labour for a term up to 5 years, with or without restriction of liberty for a term up to 2 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 7 years, with or without a fine in the amount up to 1 000 000 rubles or in the amount of salary or other income of the convicted person for a period up to 5 years, with or without restriction of liberty for a term up to 2 years and with or without deprivation of right to hold a certain office or engage in certain activities for a term up to 5 years.

Article 175. Acquisition of or Dealing in Property Known to Be Criminally Gained

1. Acquisition of or dealing in property known to be criminally gained, where not promised in advance, -

is punished by a fine in the amount up to 40 000 rubles or in the amount of salary or other income of the convicted person for a period up to 3 months, or by obligatory works for a term up to 480 hours, or by corrective works for a term up to 2 years, or by compulsory labour for a term up to 2 years, or by deprivation of liberty for the same term.

2. The same acts, where perpetrated:

a) by a group of persons by prior conspiracy;

b) in regard of oil and oil products, of an automobile or other property in significant amount, -

c) *abrogated*

are punished by restriction of liberty for a term up to 3 years, or by compulsory labour for a term up to 5 years, or by arrest for a term up to 6 months, or by deprivation of liberty for a term up to 5 years accompanied by a fine in the amount up to 80 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months.

3. Acts stipulated in Part 1 or 2 of this Article, where perpetrated by an organised group or with the use of powers vested in a person by virtue of her/his office, -
are punished by compulsory labour for a term up to 5 years, with or without restriction of liberty for a term up to 2 years; or by deprivation of liberty for a term up to 7 years, accompanied by a fine in the amount up to 80 000 rubles or in the amount of salary or other income of the convicted person for a period up to 6 months, with or without restriction of liberty for a term up to 2 years.

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