

Criminal and Administrative Law Amid Sanctions

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Key Criminal Law Changes in the Russian Federation

On 4 March 2022, Federal Law No. 32-FZ “On Amendments to the Criminal Code of the Russian Federation and Articles 31 and 151 of the Code of Criminal Procedure of the Russian Federation” introduced liability for the following socially dangerous acts under the Criminal Code of the Russian Federation:

- For publication of misleading information on the use of the Russian Armed Forces (Article 207³ of the Criminal Code of the Russian Federation);
- For public actions aimed at discrediting the use of the Russian Armed Forces to protect the interests of the Russian Federation and its nationals (Article 280³ of the Criminal Code of the Russian Federation);
- Calls for sanctions against Russia, its nationals and corporations (Article 284² of the Criminal Code of the Russian Federation).

These elements of crime were introduced to prevent unfair information warfare, biased criticism of the Russian army and sanctions against Russia and its nationals.

1) Based on the disposition of key elements of crime, a person may be prosecuted under Art. 207³ of the Criminal Code of the Russian Federation, if, under the guise of reliable messages, they publish misleading information on the use of the Russian Armed Forces to protect the interests of the Russian Federation, its nationals and maintain international peace and security.

Thus, the rule will be applied to initially misleading publications, if the person publishing the information initially knew that it is misleading, deliberately shaped it as reliable and announced it to a group of people or general public, i.e. publicly.

The maximum penalty for key elements of crime under this Article is imprisonment for up to 3 years.

There are also aggravations and special aggravations of the crime in question providing for up to 10 and 15 years in prison, respectively.

2) Based on the disposition of key elements of crime, a person may be prosecuted under Art. 208³ of the Criminal Code of the Russian Federation, if they commit public actions aimed at discrediting the use of the Russian Armed Forces to protect the interests of the Russian Federation and its nationals, maintain international peace and security, including public calls to prevent the use of the Russian Armed Forces for these purposes.

A person may only be prosecuted, if they repeatedly commit such actions within a year (an administrative prejudice applies), i.e. after they have been penalised under the administrative laws (Article 20.3.3 of the Code of Administrative Offenses of the Russian Federation).



Thus, this rule will be applied in case of wrongdoings aimed at undermining the authority, image of and trust in the use of the Russian Armed Forces to protect the interests of the Russian Federation and its nationals and in case of public calls to prevent the use of the Russian Armed Forces for these purposes.

The maximum penalty for key elements of crime under this Article is imprisonment for up to 3 years.

There are also aggravations of the crime in question providing for a maximum penalty of up to 5 years in prison. However, there's no requirements for administrative prejudice under Part 2 of this Article.

3) Based on the disposition of key elements of crime, a person may be prosecuted under Art. 284² of the Criminal Code of the Russian Federation, if they call for restrictive actions in the form of introduction or extension of political or economic sanctions against the Russian Federation, its nationals or corporations by a foreign state, state association and/or union and/or national (international) institution of a foreign state or state association.

A person may only be prosecuted, if they repeatedly commit such actions within a year (an administrative prejudice applies), i.e. after they have been penalised under the administrative laws (Article 20.3.4 of the Code of Administrative Offenses of the Russian Federation).

Thus, this crime is reduced to sending proposals to impose sanctions against Russia or its nationals to a foreign entity, institution or association.

The maximum penalty for key elements of crime under this Article is imprisonment for up to 3 years.

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Administrative Law

New Articles¹

Article 20.3.3 of the Code of Administrative Offenses (Discrediting the Russian Armed Forces)

Part 1. Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its nationals, maintain international peace and security, including public calls to prevent the use of the Armed Forces of the Russian Federation for these purposes, if such actions have no signs of a crime.

Penalties:

- RUB 30,000 to RUB 50,000 for individuals;
- RUB 100,000 to RUB 200,000 for officials;
- RUB 300,000 to RUB 500,000 for corporations.

Part 2. The same actions accompanied by calls to hold unauthorised public events and creating a threat to the life and/or health of nationals or property, a threat of civil disorders and/or public security threats, or a threat to interfere with or stop operations of life support facilities, transport or social infrastructure, credit institutions, power, industry or communication facilities, if such actions have no signs of a crime.

Penalties:

- RUB 50,000 to RUB 100,000 for individuals;
- RUB 200,000 to RUB 300,000 for officials;
- RUB 500,000 to RUB 1,000,000 for corporations.

Article 20.3.4 of the Code of Administrative Offenses (Calls for Sanctions)

Calls by Russian nationals and/or corporations for restrictive actions in the form of introduction or extension of political or economic sanctions against the Russian Federation, its nationals or corporations by a foreign state, state association and/or union and/or national (international) institution of a foreign state or state association, if such actions have no signs of a crime.

Penalties:

- RUB 30,000 to RUB 50,000 for individuals;
- RUB 100,000 to RUB 200,000 for officials;
- RUB 300,000 to RUB 500,000 for corporations.

¹ Federal Law No. 31-FZ dated 4 March 2022



Application of New Articles

Public actions under Article 20.3.3 of the Code of Administrative Offenses mean statements in social media and in the streets, including the use of text and images on posters, clothes or other items allowing to provide information to general public.

Examples of actions by nationals treated as discrediting the use of the Russian Armed Forces:²

She demonstrated a poster of "Peace to Ukraine, freedom to Russia!"	In a public place, he was wearing a jacket with the "No war" wording	He demonstrated a poster of "Citizens, the Fatherland is in danger! Our tanks are in foreign land!"	He shouted the "No war" slogan
He demonstrated a poster of "While we are silent, we allow murders in Ukraine. No war"	He demonstrated a sheet of paper with the "No war" wording	He posted an online video titled "No war, Putin is not Russia"	She demonstrated a poster of "Stop the military operation"

Calls for sanctions under Article 20.3.4 of the Code of Administrative Offenses mean proposals, requests, demands to foreign states.

Recommendations

1. Immediately remove any social media publications that may be regarded as discrediting the Russian Armed Forces and calls for sanctions against Russia, Russian nationals or corporations.
2. Do not post such publications and comments in the future, including by reposting from other pages;
3. Do not send such information in direct messages in social media and instant messengers;
4. Do not participate in unauthorised actions or single-person protests, especially by demonstrating the above calls and/or negative attitude to the actions of the Russian Armed Forces.

² According to media reports and individual court orders in the public domain



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